



# HOUSING ELEMENT AND FAIR SHARE PLAN

**Jefferson Township, Morris County**

**June 23, 2025**

**Prepared by:**



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## **2025 Housing Element and Fair Share Plan**

### **Jefferson Township Morris County, New Jersey**


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**JUNE 23, 2025**

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## Contents

1. Introduction .....	4
1.1 Community Overview.....	4
1.2 Relationship to Other Plans .....	6
Jefferson Township Master Plan .....	6
State Development and Redevelopment Plan.....	6
Highlands Regional Master Plan .....	7
County Comprehensive Plan .....	7
Surrounding Municipalities' Master Plans.....	8
1.3 History of Affordable Housing.....	9
Overview.....	9
Jefferson Township .....	10
1.4 Purpose and Goals .....	13
1.5 Contents of the Plan .....	13
2. Demographics.....	14
2.1 Population.....	14
Population Change, 1990-2020.....	14
Age .....	15
Households.....	16
Income.....	17
2.2 Employment.....	18
Workforce .....	18
Commuting Characteristics .....	19
Employment by Industry.....	20
3. Housing Characteristics .....	21
3.1 Inventory of Housing Stock .....	21
Housing Occupancy and Tenure .....	21
Vacancy Status .....	22
Units In Structure .....	23
Year Structure Built .....	23
3.2 Costs and Value.....	24
Selected Monthly Owner Costs.....	24
Value.....	24
3.3 Housing Units Capable of Being Rehabilitated .....	25

## 2025 Housing Element and Fair Share Plan

Jefferson Township  
Morris County, New Jersey

3.4 Projection of Housing Stock .....	25
Housing Units Certified .....	25
Planning and Zoning Board Approvals .....	25
Lands Available for New Construction and Redevelopment .....	26
Multigenerational Housing.....	29
4. Fair Share Plan .....	30
4.1 Plan Purpose and Goals .....	30
4.2 Determination of Housing Need .....	30
Prior Round Obligation (1987-1999) and Third Round Prospective Need Obligation.....	30
Fourth Round Obligation (2025-2035).....	30
4.3 Lands Available for New Construction and Redevelopment .....	30
Highlands Build-Out Analysis .....	30
Lack of Water and Sewer .....	31
4.4 Proposed Mechanisms .....	32
Rehabilitation Program .....	33
Group Home/Supportive Housing Program .....	33
Municipally Sponsored/100% Affordable .....	33

**APPENDICES**

APPENDIX A- RESOLUTIONS

APPENDIX B- ORDINANCES

APPENDIX C- SPENDING PLAN

APPENDIX D – HIGHLANDS BUILDOUT

APPENDIX E – MARKETING PLAN

## 1. Introduction

### 1.1 Community Overview

Jefferson Township is located in northern Morris County along the Interstate 80 corridor. Of Morris County's 39 municipalities, Jefferson Township is the third-largest in area with a total of 43.11 acres and the eighth-largest in population (20,538, per the U.S. 2020 Decennial Census). The Township is the sixth-densest municipality in Morris County. There are several unincorporated lake and/or residential communities throughout the Township, including Lake Hopatcong in the south, Lake Swannanoa in the east, the Lower Berkshire Valley in the south, and Oak Ridge and Newfoundland in the north.

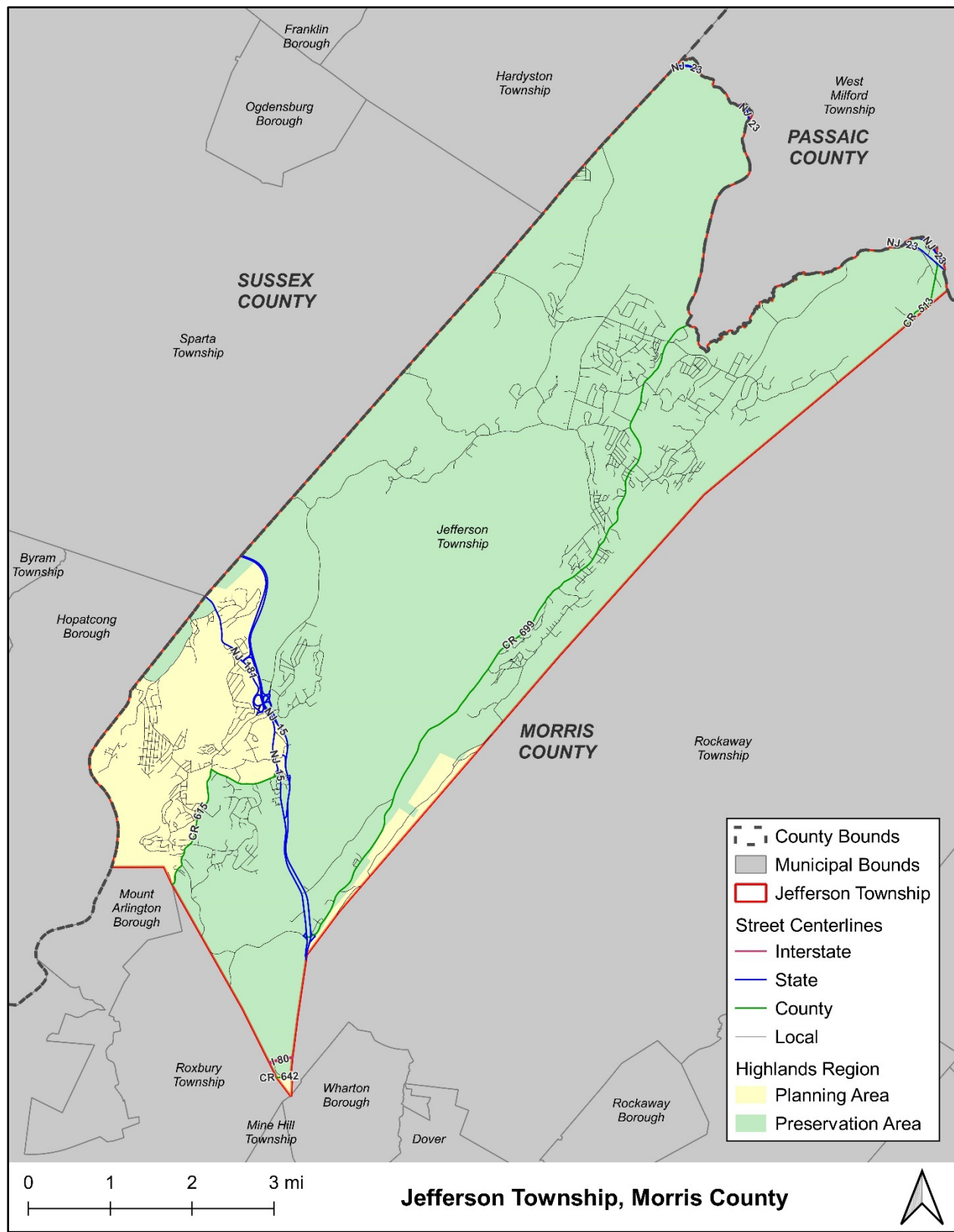
Jefferson Township shares its western border with Hopatcong Borough, Sparta Township, and Hardyston Township in Sussex County; its northern border with West Milford Township in Passaic County; and its south and east borders with Mount Arlington Borough, Wharton Borough, and Rockaway Township in Morris County.

The Township is located within the Highlands Region with 87.9 percent of its area within the Preservation Area and the remaining 12.1 percent in the Planning Area. Preservation Area conformance was approved by the Highlands Council on April 17, 2014, and Planning Area conformance is proposed for approval on June 19, 2025. Additionally, the Township is located within several New Jersey State Development and Redevelopment Plan (SDRP) Planning Areas. The area surrounding Lake Hopatcong, which is within the Highlands Planning Area, is also within the SDRP Planning Area 5 (PA 5), the Environmentally Sensitive Planning Area. There is also a small area along the eastern municipal border that falls under the Military Planning Area, as it is a part of the Picatinny Arsenal.

2025 Housing Element and Fair Share Plan

Jefferson Township  
Morris County, New Jersey

**Figure 1. Context Map**



## 1.2 Relationship to Other Plans

### *Jefferson Township Master Plan*

The most recent comprehensive Master Plan Update was prepared in 1991, with Reexamination Reports prepared in 1998, 2000, 2001, 2003, and 2023. The following goals and objectives, which are of particular relevance to this Housing Element and Fair Share Plan, are as follows:

1. To recognize areas of environmental sensitivity, including wetland areas, stream corridors, rock outcrops, aquifer recharge areas, steep slopes, lakes, ponds, rivers, and significant vegetated areas and endangered wildlife and vegetation, and to preserve these critical resources through implementing appropriate planning and zoning policies.
2. To encourage development of housing types that will provide housing for various income levels and household needs, including low- and moderate-income housing and senior citizen housing, while at the same time respecting the environmental sensitivity of the land and its carrying capacity.
3. To continue to improve and upgrade the Township's housing stock, especially where substantial conversion of seasonal homes for year-round use has occurred, through the strict enforcement of the Township code.

These goals and objectives were first identified in the 1991 Master Plan and reaffirmed in subsequent Reexamination reports.

### *State Development and Redevelopment Plan*

At the time of the preparation of this Housing Element and Fair Share Plan (HEFSP), the update to the New Jersey State Development and Redevelopment Plan (SDRP) is expected to be completed in late 2025. The last update to the SDRP was adopted in 2001 and identified several goals and objectives for housing, specifically as they relate to PA 5, the Environmentally Sensitive Planning Area. These goals, objectives, and policies, which in part guide the preparation of this HEFSP, are as follows:

1. **Housing:** Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general – and in particular affordable, senior citizen, special needs and family housing – is developed with access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.
2. **Natural Resource Conservation:** Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open space land that protects natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetland systems, natural landscapes of exceptional value, critical slope areas, scenic vistas and other significant environmentally sensitive features.
3. **Redevelopment:** Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a

range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.

4. **Public Facilities and Services:** Phase and program for construction as part of a dedicated capital improvement budget or as part of a public/private development agreement the extension or establishment of public facilities and services, particularly wastewater systems, to establish adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of environmentally sensitive features and other open spaces; to protect public investments in open space preservation programs; and to minimize conflicts between Centers and the Environs. Encourage private investments and facilitate public/private partnerships to provide adequate facilities and services, particularly wastewater systems, in Centers. Make community wastewater treatment a feasible and cost-effective alternative.
5. **Intergovernmental Coordination:** Coordinate efforts of state agencies, county and municipal governments to ensure that state and local policies and programs support environmental protection by examining the effects of financial institution lending practices, government regulation, taxation and other governmental policies and programs.

Jefferson Township strives to ensure the implementation of this HEFSP is consistent with the above-mentioned policies and objectives while respecting existing community characteristics and natural resources.

### *Highlands Regional Master Plan*

The Highlands Regional Master Plan was adopted in 2008 in response to the Highlands Water Policy and Planning Protection Act (N.J.S.A. 13:20-1 et seq.) of 2004. This RMP has been updated several times, in 2018, 2019, and 2024. The vast majority of the Township is situated within the Preservation Area, where conformance with the RMP is mandatory, and the rest falls within the Planning Area, where conformance is optional. As of June 19, 2025, the Township is proposed to be fully conforming in both the Preservation and Planning Areas.

The Highlands Council adopted, “RMP Addendum 2024-3: Highlands Affordable Housing Guidelines” on July 18, 2024, which established standards for identifying locations for affordable housing and availability of land and resources in the region. This guidance was used as part of the preparation of this HEFSP. This HEFSP also supports the RMP’s Housing and Community Facilities Goal 60: “Market rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social, and environmental considerations and constraints.”

### *County Comprehensive Plan*

The Morris County Master Plan was updated in December 2020 to include a new Land Use Element. This HEFSP is consistent with the following goals and policy objectives outlined in the 2020 County Land Use Element:

1. The creation of balanced and diverse economic and housing opportunities;
2. The efficient use of land and resources;
3. The protection of natural, historic, agricultural, and scenic resources;
4. Development that proceeds only after careful analysis of environmental conditions;



5. Promote revitalization and redevelopment;
6. Support the creation of diverse housing types; and
7. Encourage higher density and mixed-use developments in downtown areas.

### *Surrounding Municipalities' Master Plans*

#### Mount Arlington Borough, Morris County

Under one (1) mile of Jefferson Township's southern border is shared with Mount Arlington Borough and the municipalities are connected via Howard Boulevard (County Route 615). Most of this border is naturally created by Lake Hopatcong. Mount Arlington last prepared a Reexamination Report of its 1999 Master Plan and is not significantly impacted by this HEFSP.

#### Roxbury Township, Morris County

Just under three (3) miles of Jefferson Township's southern border is shared with Roxbury Township. Roxbury's 2000 Master Plan was last reexamined in 2017. Several local roads connect these municipalities, including Minnisink Road and Berkshire Valley Road. Interstate 80 and West Dewey Avenue (County Route 642), which both briefly traverse through Jefferson, also provide access to Roxbury. This HEFSP does not significantly impact Roxbury's Master Plan.

#### Rockaway Township, Morris County

Jefferson Township's entire eastern municipal border (approximately 13 miles) is shared with Rockaway Township in Morris County. State Route 23 in the south and Green Pond Road (County Route 513) in the north connect Jefferson Township and Rockaway Township, along with several other local roads in between. Interstate 80 also traverses Rockaway Township. Rockaway Township last adopted a Reexamination Report of its Master Plan in November of 2019 and this HEFSP does not significantly impact that plan.

#### West Milford Township, Passaic County

Jefferson Township shares its northern border with the Township of West Milford in Passaic County. State Route 23 winds through both of these municipalities in this area, and the Oak Ridge Reservoir functions as a natural border between them. Route 23 serves as a prominent commercial area in both Jefferson and West Milford. Given that the Highlands Preservation Area encompasses this section of both municipalities, strategic land use planning of this area is vital. West Milford adopted a comprehensive 2025 Master Plan Update, including a new Land Use Element and Climate Change Hazard Vulnerability Assessment. The recommendations set forth in this HEFSP does not negatively impact West Milford, its planning efforts, or its Master Plan.

#### Hardyston Township, Sussex County

Approximately 2.5 miles of Jefferson Township's western border is shared with Hardyston Township in Sussex County. Holland Mountain Road and State Route 23 link the two municipalities. Hardyston's 2003 Master Plan was last amended in 2016 and noted the significance of the Route 23 South Gateway as a significant entrance to the municipality; this HEFSP does not significantly impact this or other notable features of Hardyston.

#### Sparta Township, Sussex County

Jefferson Township shares approximately six (6) miles of its western border with Sparta Township in Sussex County. State Route 23 links the two municipalities, along with several other local roads including Ridge Road and Sparta Mountain Road. Sparta Township is currently updating its Master Plan, but most recently adopted a comprehensive update in 1984 and subsequent periodic

Reexamination Reports. This HEFSP does not have a significant impact on issues identified within Sparta's 2020 Reexamination Report.

#### Hopatcong Borough, Sussex County

Jefferson Township shares just under four (4) miles of its western border with Hopatcong Borough in Sussex County. Lake Hopatcong acts as a border between these two municipalities and there are several local roads that connect the municipalities. This HEFSP does not significantly impact the Borough or its Master Plan, which was last reexamined in 2014.

## 1.3 History of Affordable Housing

### Overview

The New Jersey Supreme Court, in Mount Laurel I (1975) and Mount Laurel II (1983) required all New Jersey municipalities to take affirmative actions toward providing their "fair share" of the region's need for affordable housing for low- and moderate-income people. In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act ("FHA") in 1985. This act created the Council on Affordable Housing ("COAH") to assess the statewide need for affordable housing, allocate that need on a municipal fair share basis, and review and approve municipal housing plans aimed at implementing the local fair share obligation. Subsequently, the New Jersey Municipal Land Use Law ("MLUL") was amended to require a housing element as a mandatory element of the municipal master plan. According to the MLUL, "a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing (52: 27D-310)."

COAH adopted its Third Round Rules in December 2004. On January 25, 2007, the Appellate Division issued a decision on an appeal of COAH's Third Round regulations. COAH was precluded from issuing Third Round Substantive Certifications until new rules for the Third Round were revised and adopted. Subsequent to the Appellate Division ruling, the Highlands Council adopted the Highlands Regional Master Plan ("RMP") on July 17, 2008. The RMP provides the basis to determine the capacity of the Highlands Region to accommodate appropriate economic growth while ensuring the sustainability of the resources in the region. On September 5, 2008, Governor Corzine issued Executive Order 114, which addressed implementation of the Highlands Regional Master Plan (RMP) and the need for coordination between the Highlands Council and the Council on Affordable Housing (COAH). On November 12, 2008, COAH granted an extension from the December 31, 2008 petition deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction, based on certain conditions.

On October 8, 2010, the Appellate Division invalidated COAH's Rules in In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010). The decision stated, among other things, that growth share methodology was invalid, and directed COAH to adopt rules utilizing methodologies similar to those used in the First and Second Round Rules. On September 26, 2013 the Supreme Court affirmed the Appellate Division's 2010 decision and remanded COAH to undertake new rulemaking based on COAH's prior round rules and methodologies. COAH failed to formally adopt amended Third Round Rules.

In a 2015 decision known as Mount Laurel IV, the New Jersey Supreme Court divested COAH of jurisdiction of affordable housing, resulting in the process being left to the trial court system. This ruling dissolved the substantive certification process, turning instead to a judicial determination wherein a municipality files for a declaratory judgment action to certify that their Housing Element

and Fair Share Plan has satisfied their Third Round obligation. At the same time, the Court appointed “Mount Laurel” judges for each of the State’s judicial vicinages.

In 2024, New Jersey Legislature passed into law amendments to the Fair Housing Act (N.J.S.A. 52:27D-304.1 et seq. via NJ A4/S50) (“Amended FHA” or “P.L. 2024, c.2”) that abolished and replaced COAH with the Affordable Housing Dispute Resolution Program (“the Program”), and set forth new methodology for the calculations of a municipality’s affordable housing obligations for the Fourth Round and beyond. Subsequent to the adoption of the Amended FHA, the Highlands Council adopted an amendment to the RMP<sup>1</sup> governing the potential location of affordable housing and availability of land and resources in the region.

### *Jefferson Township*

Jefferson Township is in Affordable Housing Region 2, which includes Essex, Morris, Union, and Warren Counties. The Township adopted a Housing Element and Fair Share Plan (HEFSP) on February 14, 2000, and the most recent HEFSP was adopted on March 27, 2023. The 2000 HEFSP addressed the Township’s cumulative 1987-1999 affordable housing obligations. On October 26, 2005, the Township received a request for additional information from COAH. On January 19, 2005, the Township of Jefferson submitted a resolution to COAH committing to petition for third round substantive certification.

During the prior round, a settlement agreement between Jefferson Township and Bi-County Development of Jefferson Associates was reached in 1997 whereby Bi-County would construct the Township’s required new construction (69 units) and contribute \$620,000 for the rehabilitation of the Township’s 62-unit rehabilitation obligation. The Settlement Agreement was accepted by the Honorable Reginald Stanton and an Order Granting Judgment of Repose was issued and granted for six years. The Bi-County project was not constructed prior to the effective date of the Highlands Act on August 10, 2004, when the property was placed into the Highlands Preservation Area and was no longer developable.

The Township did not immediately file a declaratory judgment in response to the Mount Laurel IV ruling, however, with some potential development and infill opportunities, chose to prepare a HEFSP in 2023. On September 13, 2023 and in accordance with Mount Laurel IV, the Township filed a Mount Laurel declaratory judgment action with the Superior Court of New Jersey (“Court”) entitled, In the Matter of the Petition of the Township of Jefferson, Morris County. This action sought a judicial declaration that the Township is in compliance with its constitutional obligations under the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 (“FHA” or “Fair Housing Act”) and Mount Laurel jurisprudence and that its Housing Element and Fair Share Plan satisfies its fair share of the regional need for affordable housing.

On October 8, 2024, a Fairness and Final Compliance hearing was held and the Township was granted the judicial equivalent of substantive certification through July 1, 2025. The Settlement Agreement dated August 15, 2024, between the Township of Jefferson and Fair Share Housing Center (FSHC) was accepted by the Honorable Stephen C. Hansbury, J.S.C., on October 18, 2024. This Settlement Agreement set forth the Township’s affordable housing obligations as follows:

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<sup>1</sup> New Jersey Highlands Water Protection and Planning Council, RMP Addendum 2024-3: Highlands Affordable Housing Guidelines, adopted via Resolution 2024-24 on July 18, 2024.

## 2025 Housing Element and Fair Share Plan

Jefferson Township  
Morris County, New Jersey**Table 1. Prior and Third Round Obligations**

Rehabilitation/Present Need Obligation (pursuant to Mercer County Decision <sup>2</sup> )	70
Prior Round Prospective Need Obligation (pursuant to <u>N.J.A.C. 5:93</u> )	69
Third Round (1999-2025) Prospective Need Obligation (pursuant to Mercer County Decision)	291

The Rehabilitation/Present Need Obligation (70 units) was addressed through the Township Rehabilitation Program funded through the Affordable Housing Trust Fund. The Prior Round Obligation (69 units) was addressed through a combination of senior housing, group homes, and the construction of a single-family home. The Township was entitled to an adjustment of its Third Round Prospective Need Obligation due to the lack of developable vacant land, wherein a Realistic Development Potential (“RDP”) was calculated at 95 units. This RDP was addressed through the implementation of several group homes, a Redevelopment Plan, a market-to-affordable home, and senior citizen housing. Jefferson’s Unmet Need Obligation (95-unit RDP subtracted from the 291-unit obligation) is 196 units. This Unmet Need is addressed through an overlay zone, a Township-wide set-aside ordinance, and a development fee ordinance.

On October 18, 2024, the Department of Community Affairs (“DCA”) prepared and submitted a non-binding report (“DCA Report”)<sup>3</sup> on the Fourth Round affordable housing fair share obligations for all municipalities within the State of New Jersey. The DCA indicated that Jefferson Township’s Fourth Round Present Need/Rehabilitation Obligation was 52 units and the Prospective Need is 274 units. The FHA, as amended by P.L. 2024, c.2, (“Amended FHA”) explicitly stated the DCA’s numbers are non-binding. In response, Jefferson Township’s staff and professionals conducted a site-by-site analysis to confirm the developability of lands identified as such by the DCA. This resulted in a decrease of lands which are “vacant and developable” and a subsequent decrease to the Prospective Need Obligation to 129 units.

On January 15, 2025, pursuant to P.L.2024, c.2, the Township Council adopted Resolution #25-63, committing to its fair share obligation for the Fourth Round (2025-2035). This Resolution set forth a rehabilitation/present need obligation of 52 units (no change from the DCA Report) and a prospective need obligation of 129 units (145 units fewer than the DCA number). Following objections to the Township’s refined prospective need filed by the Fair Share Housing Center and the New Jersey Builders’ Association, and a subsequent settlement conference, the Township entered into a Settlement Agreement that resulted in the following Fourth Round obligations:

**Table 2. Fourth Round Obligations**

Fourth Round Rehabilitation/Present Need Obligation (pursuant to the DCA Report)	52
Fourth Round (2025-2023) Prospective Need Obligation (pursuant to Settlement with Fair Share Housing Center <sup>4</sup> )	207

<sup>2</sup> David N. Kinsey, PhD, PP, FAICP, New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology, May 2016.

<sup>3</sup> NJ DCA, Affordable Housing Obligations for 2025-2035 (Fourth Round): Methodology and Background, October 2024.

<sup>4</sup> Superior Court of New Jersey, Law Division – Civil Part, Morris County, Docket No. MRS-L-129-25, “In the Matter of the Declaratory Judgment Action of the Township of Jefferson, Morris County Pursuant to P.L. 2024, Chapter 2 (N.J.S.A. 52:27D-304.1, et seq.).”

**Timeline of Affordable Housing**

<b>February 14, 2000</b>	Jefferson Township adopts Housing Element and Fair Share Plan addressing the Township's obligations for the years 1987 through 1999
<b>June 26, 2000</b>	Jefferson Township adopts a resolution petitioning COAH for substantive certification
<b>August 10, 2004</b>	Highlands Water Protection and Planning Act becomes effective, greatly diminishing the Township's availability to provide realistic opportunities for new development of affordable housing
<b>December 2004</b>	COAH adopts Third Round Rules
<b>January 19, 2005</b>	Jefferson Township submits a resolution to COAH committing to petition for Third Round substantive certification
<b>October 26, 2005</b>	Jefferson Township receives request for more information from COAH
<b>January 25, 2007</b>	Appellate Division issued a decision requiring COAH revise Third Round Rules
<b>July 17, 2008</b>	Highlands Regional Master Plan adopted by the Highlands Council
<b>September 5, 2008</b>	Governor Corzine issues Executive Order 114, addressing the need for coordination between the Highlands Council and COAH
<b>November 12, 2008</b>	COAH grants extension to December 31, 2008 deadline to December 8, 2009 for any Highlands municipality
<b>October 8, 2010</b>	Appellate Division invalidates COAH's Rules – growth share methodology is invalid; COAH must adopt rules utilizing methodologies similar to those used in the First and Second Round Rules
<b>September 26, 2013</b>	Supreme Court affirms October 2010 decision, remands COAH to undertake new rulemaking based on Prior Round Rules and Methodologies
<b>March 10, 2015</b>	Supreme Court divests COAH of jurisdiction of affordable housing and municipalities must file declaratory judgment actions with the Court by July 8, 2015
<b>March 20, 2024</b>	Governor Murphy signs Bill A4/S50 (P.L. 2024, c.2), which sets forth the rules for the Fourth Round of affordable housing in New Jersey and creates the Affordable Housing Dispute Resolution Program
<b>July 18, 2024</b>	Highlands Council adopts Resolution 2024-24 implementing "RMP Addendum 2024-3: Highlands Affordable Housing Guidelines"
<b>October 18, 2024</b>	The NJ Department of Community Affairs publishes non-binding present and prospective need obligations
<b>January 15, 2025</b>	Jefferson Township Council adopts Resolution #25-63 adopting its Fourth Round Obligations
<b>April 29, 2025</b>	Jefferson Township reaches a Settlement Agreement with FSHC, and the Township's Fourth Round obligations are set forth by Superior Court of New Jersey Docket No. MRS-L-129-25



## 1.4 Purpose and Goals

The purpose of this Housing Element and Fair Share Plan is to provide a realistic opportunity to address the housing needs of Jefferson residents across all income levels. This plan proposes multiple opportunities to develop a variety of housing types to meet these needs, which can be integrated into the existing land use pattern and character of the Township. This Plan has been prepared to meet the requirements of the Municipal Land Use Law (MLUL), Fair Housing Act (FHA), the New Jersey State Development and Redevelopment Plan (SDRP), Bill A4/S50 (P.L. 2024, c.2), and Administrative Directive #14-24.

This Housing Element and Fair Share Plan supports the goals of the Township's 2003 Master Plan Reexamination, which affirmed the following goals from the 1991 Master Plan Land Use Element:

1. To encourage development of housing types that will provide housing for various income levels and senior citizen housing, while at the same time respecting the environmental sensitivity of the land and its carrying capacity.
2. To continue to improve and upgrade the Township's housing stock, especially where the substantial conversion of seasonal homes for year-round use has occurred, through the strict enforcement of the Township code.

## 1.5 Contents of the Plan

Municipal Land Use Law and the Fair Housing Act, and Administrative Directive #14-24 require that the Housing Element and Fair Share Plan include the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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

7. A detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the Plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection;
8. The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis;
9. Documentation of the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrating that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided;
10. An analysis of how the HEFSP complies with or will comply with all terms of the executed settlement agreement;
11. An appendix that includes all of the adopted ordinances and resolutions needed to implement the HEFSP.

## 2. Demographics

### 2.1 Population

#### *Population Change, 1990-2020*

In 1990, Jefferson Township had a population of 17,285, which saw an increase to 19,717 in 2000. There was another increase in growth into 2010, though the increase was smaller (an increase of 7% between 2000 and 2010, versus an increase of 11% between 1990 and 2000). This increase is similar to that of the growth in Morris County and New Jersey; but between 2010 and 2020, when the County and State continued to increase in population, Jefferson experienced a decrease of 3 percent of its population. This indicates that the Township population is plateauing and future large and/or rapid increases in population are unlikely. One reason for this is that the Township is nearing development build-out capacity, particularly due to Highlands Council development restrictions and environmental constraints.

**Table 3. Population Change, 1990 - 2020**

	1990	% Change	2000	% Change	2010	% Change	2020
Jefferson Township	17,825	+11%	19,717	+7%	21,314	-3%	20,538
Morris County	421,361	+12%	470,212	+5%	492,276	+3%	509,285
New Jersey	7,730,188	+9%	8,414,347	+4%	8,791,894	+6%	9,288,994

Sources::

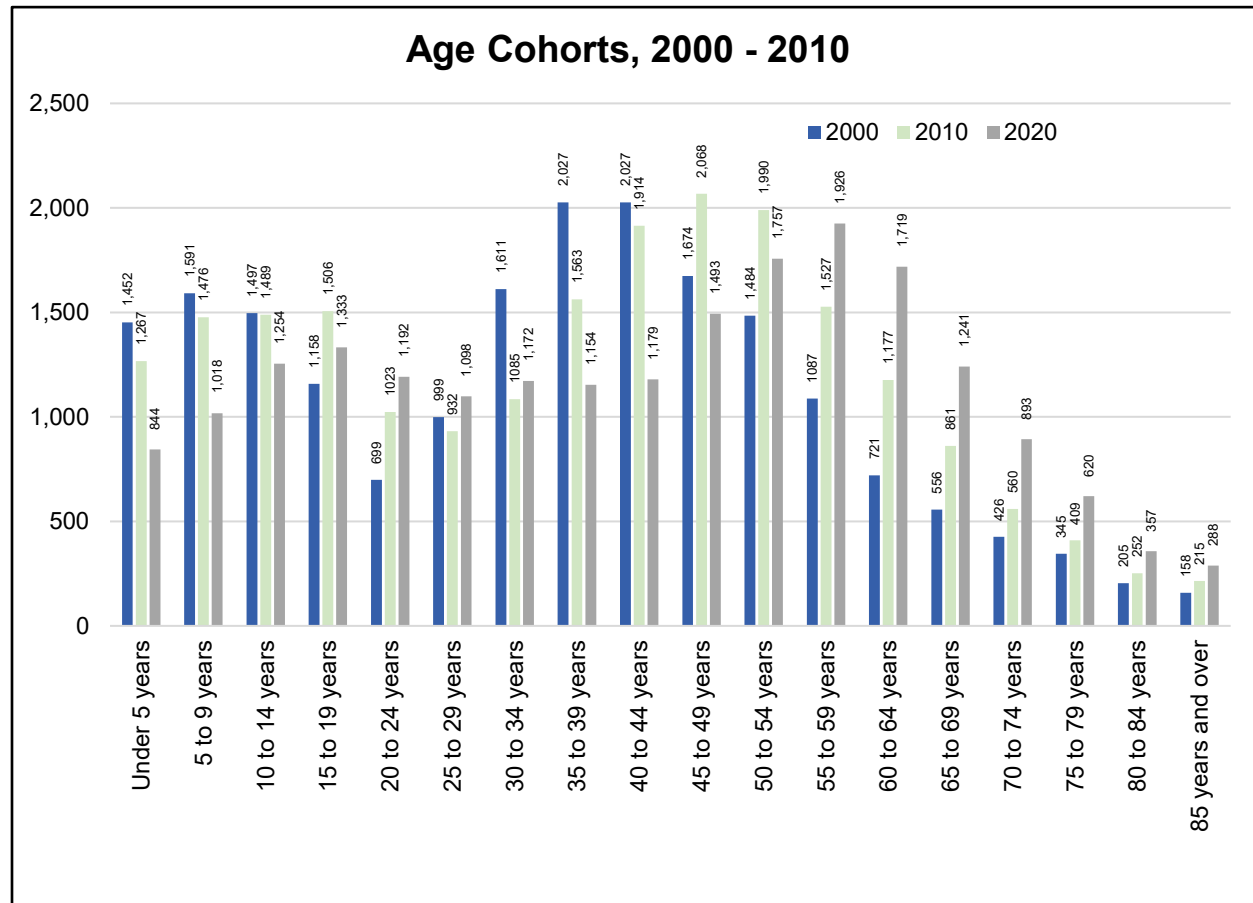
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U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. Decennial Census, *Profile of General Population and Housing Characteristics, Table DP1*.

### Age

In 2020, Jefferson Township's largest age cohort consisted of those between the ages of 55 to 59 years. This is nearly twice the size of this age cohort in 2000. As illustrated in **Figure 2**, Jefferson Township is seeing an increase in its older population and a decrease in the younger population. For example, the number of those under 5 years old was 1,452 in 2000; this decreased to 844 in 2020. The Township must balance the needs of its growing elderly population along with attracting younger generations to promote a healthy and sustainable age distribution. Regarding the housing supply, the Township should keep in mind older residents looking to downsize or move into senior assisted living facilities in the region.

**Figure 2. Age Cohorts, 2000-2020**





## 2025 Housing Element and Fair Share Plan

Jefferson Township  
Morris County, New Jersey*Households*

Between 2000 and 2020, the U.S. Decennial Census reported an increase in the number of occupied housing units, where 7,131 were reported in 2000 and 7,840 were reported in 2020. Generally, the number of one- and two-person households increased over the last two decades, but 3- and 4-or-more-person households have fluctuated a bit more. Most recently, four-or-more-person households saw a decrease in the number of occupied households between 2010 and 2020. These changes suggest a growing preference for independent living, which may be attributed to an aging population, younger individuals delaying marriage, or lifestyle choices favoring autonomy.

When compared with Morris County and the State of New Jersey, similar patterns emerge, primarily a steady increase in one- and two-person households and a relative decline in larger households. These trends have important implications for local planning in Mount Arlington, particularly housing policy. Future development may need to emphasize smaller housing units, senior living options, and community amenities that support both independent living and aging in place.

*Table 4. Household Size, 2000 – 2020*

Household Size	2000	%	2010	%	2020	%
<b>Total Occupied Housing Units (Jefferson Township)</b>	<b>7,131</b>	<b>100%</b>	<b>7,830</b>	<b>100%</b>	<b>7,840</b>	<b>100%</b>
1-person household	1,316	13.6%	1,620	16.2%	1,758	17.6%
2-person household	2,319	23.2%	2,483	24.8%	2,649	26.5%
3-person household	1,341	13.4%	1,430	14.3%	1,390	14.0%
4-or-more-person household	2,155	21.6%	2,297	23.0%	2,043	20.4%
<b>Total Households (Morris County)</b>	<b>169,711</b>	<b>100%</b>	<b>180,534</b>	<b>100%</b>	<b>188,496</b>	<b>100%</b>
1-person household	36,545	21.5%	42,424	23.5%	44,379	23.5%
2-person household	53,865	31.7%	55,285	30.6%	58,173	30.9%
3-person household	29,913	17.6%	31,085	17.2%	33,159	17.6%
4-or-more-person household	49,388	29.1%	51,740	28.7%	52,785	28.0%
<b>Total Households (New Jersey)</b>	<b>3,064,645</b>	<b>100%</b>	<b>3,214,360</b>	<b>100%</b>	<b>3,426,102</b>	<b>100%</b>
1-person household	751,353	24.5%	811,221	25.2%	876,661	25.6%
2-person household	927,354	30.3%	957,682	29.8%	1,026,368	30.0%
3-person household	531,987	17.4%	558,029	17.4%	592,617	17.3%
4-or-more-person household	853,951	27.9%	887,428	27.6%	930,456	27.2%

## Sources:

U.S. Census Bureau. (2000). HOUSEHOLD SIZE. *Decennial Census, DEC Summary File 1, Table H016*.U.S. Census Bureau. (2010). HOUSEHOLD SIZE. *Decennial Census, DEC Summary File 1, Table H13*.U.S. Census Bureau. (2020). HOUSEHOLD SIZE. *Decennial Census, Demographic and Housing Characteristics, Table H9*.

### Income

The median income for households in Jefferson Township in 2020, according to the 2020 ACS, was \$109,880. Most (25.4%) households earned between \$100,000 and \$149,000. Since 1999, the Township has seen more households earning incomes greater than \$150,000, indicating significant economic achievement among residents.

The median household income in Jefferson Township rose from \$68,837 in 1999 to \$109,880 in 2020, a nearly 60% increase when adjusted for inflation. This growth, while substantial, still slightly lags behind Morris County's median income of \$117,298 in 2020, though it remains well above the State's median of \$85,245. The increasing share of households in higher income brackets suggests the Township is becoming more affluent overall, possibly due to rising property values, a higher concentration of professional residents, or an influx of higher-earning households.

Overall, the income trends reflect economic growth and increasing prosperity within Jefferson Township. As the Township continues to attract more affluent households, future policy and planning efforts may need to consider strategies to maintain housing affordability and socioeconomic diversity.

**Table 5. Income in the Past 12 Months, 2000 - 2020**

Household Income	Percent of Households		
	1999	2010	2020
Total Households	7,158	7,638	8,338
Less than \$10,000	2.3%	1.3%	4.3%
\$10,000 to \$14,999	2.1%	1.4%	3.4%
\$15,000 to \$24,999	5.4%	3.7%	2.7%
\$25,000 to \$34,999	6.8%	3.7%	4.7%
\$35,000 to \$49,999	13.7%	10.7%	9.3%
\$50,000 to \$74,999	24.9%	17.8%	9.6%
\$75,000 to \$99,000	19.4%	16.4%	11.0%
\$100,000 to \$149,999	17.5%	26.9%	25.4%
\$150,000 to \$199,999	4.2%	11.0%	16.2%
\$200,000 or more	3.6%	7.2%	13.5%
<b>Jefferson Township Median household income</b>	<b>\$68,837</b>	<b>\$92,095</b>	<b>\$109,880</b>
Morris County Median Household Income	\$77,340	\$91,469	\$117,298
New Jersey Median Household Income	\$55,146	\$67,681	\$85,245

Sources:

U.S. Census Bureau. (2000). PROFILE OF SELECTED ECONOMIC CHARACTERISTICS: 2000. Decennial Census, *DEC Summary File 4 Demographic Profile, Table DP3*.

U.S. Census Bureau. (2010). INCOME IN THE PAST 12 MONTHS (IN 2010 INFLATION-ADJUSTED DOLLARS). American Community Survey, *ACS 5-Year Estimates Subject Tables, Table S1901*.

U.S. Census Bureau. (2020). INCOME IN THE PAST 12 MONTHS (IN 2020 INFLATION-ADJUSTED DOLLARS). American Community Survey, *ACS 5-Year Estimates Subject Tables, Table S1901*.

## 2.2 Employment

### Workforce

The employment data for Jefferson Township in 2020 reflects a strong labor market and high participation among working-age residents. In 2020, the ACS reported that Jefferson Township had a population aged 16 and older of 17,292. Of this number, 11,813 were in the labor force,<sup>5</sup> with 403 individuals reported as unemployed, resulting in an overall unemployment rate of 3.4 percent for the Township. This is lower than both the Morris County rate (4.9%) and the New Jersey State average (5.8%).

No individuals in Jefferson Township reported active service in the Armed Forces in 2020, and approximately 31.7% of residents 16 and older were not participating in the labor force. This segment likely includes retirees, students, stay-at-home caregivers, or others not seeking employment. The Township's low unemployment rate and high employment share suggest a relatively stable and prosperous local economy, with strong job accessibility and minimal joblessness. These figures reinforce previous findings regarding rising household incomes and growing affluence in the community.

Given the aging population identified in earlier data, the portion of residents not in the labor force may increase in future years as more individuals reach retirement age. As such, local policymakers may wish to retain a strong workforce while also supporting aging residents who are existing the labor market.

**Table 6. Employment Status, 2020**

Employment Status	Estimate	%
Population 16 years and older	17,292	100%
In labor force	11,813	68.3%
Civilian labor force	11,813	68.3%
Employed	11,410	66.0%
Unemployed	403	2.3%
Armed Forces	0	0.0%
Not in labor force	5,479	31.7%
<b>Unemployment rate (Jefferson Township)</b>	<b>3.4%</b>	
Unemployment rate (Morris County)	4.9%	
Unemployment rate (State)	5.8%	

Source:  
U.S. Census Bureau. (2020). SELECTED ECONOMIC CHARACTERISTICS. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP03.*

<sup>5</sup> According to the United States Census Bureau Glossary, "The labor force includes all people classified in the civilian labor force, plus members of the U.S. Armed Forces (people on active duty with the United States Army, Air Force, Navy, Marine Corps, or Coast Guard). The civilian labor force consists of people classified as employed or unemployed."

### Commuting Characteristics

Most of the Township's employed population worked within New Jersey (94.7%), according to the 2020 ACS. Of those that worked within the state, 56.9 percent worked in Morris County. The 2020 ACS reported that 5.3 percent of Jefferson Township residents worked outside of New Jersey. Additionally, 83.5 percent of Jefferson Township workers were employed outside of their place of residence.

In 2020, commuting patterns in the Township reflected a high dependency on person vehicles, with limited use of alternative transportation modes. When commuting to work, the vast majority (90.3%) of workers took a car, truck, or van and 85.0 percent of those who did, drove alone. The ACS reported that in 2020, 6.4 percent of Township workers worked from home. Of those who commuted to work, most (18.2%) left after 9:00 a.m. and most (19.5%) had a commute time between 45 to 59 minutes. About the same number (19.3%) traveled more than 60 minutes to work. The mean travel time for all workers in 2020 was 36.3 minutes. The largest share of workers (19.5%) had a commute of 45 to 59 minutes, followed by 19.3% with commute times of an hour or more. These extended travel times suggest a portion of the population commutes to more distant employment hubs, likely in more urbanized parts of the region.

Overall, the commuting data for Jefferson Township underscores a car-dependent community with moderate-to-long commute durations. These patterns may warrant future consideration for expanded local employment opportunities, improved transportation infrastructure, or alternative commuting options such as ride-share programs or enhanced public transit access.

**Table 7. Commuting Characteristics, 2020**

<b>Commuting Characteristics</b>	
Workers 16 years and over	11,136
Means of transportation to work	%
Car, truck, or van	90.3%
Drove alone	85.0%
Carpooled	5.4%
Public transportation (excluding taxicab)	1.8%
Walked	0.7%
Bicycle	0.0%
Taxicab, motorcycle, or other means	0.8%
Worked from home	6.4%
Workers 16 years and over who did not work from home	10,422
Time of departure to go to work	%
12:00 a.m. to 4:59 a.m.	3.3%
5:00 a.m. to 5:29 a.m.	4.0%
5:30 a.m. to 5:59 a.m.	6.2%
6:00 a.m. to 6:29 a.m.	9.8%
6:30 a.m. to 6:59 a.m.	12.8%
7:00 a.m. to 7:29 a.m.	18.0%
7:30 a.m. to 7:59 a.m.	13.5%
8:00 a.m. to 8:29 a.m.	10.1%
8:30 a.m. to 8:59 a.m.	4.0%
9:00 a.m. to 11:59 a.m.	18.2%
Travel time to work	%
Less than 10 minutes	8.6%
10 to 14 minutes	8.2%
15 to 19 minutes	5.9%
20 to 24 minutes	8.7%
25 to 29 minutes	4.3%
30 to 34 minutes	14.4%
35 to 44 minutes	11.2%
45 to 59 minutes	19.5%
60 or more minutes	19.3%
Mean Travel time to work (minutes)	36.3%

Source:  
U.S. Census Bureau. (2020). COMMUTING CHARACTERISTICS BY SEX. American Community Survey, ACS 5-Year Estimates Subject Tables, Table S0801.

*Employment by Industry*

Of Jefferson Township's 11,410 residents who were employed in 2020, most (24.4%) work within educational services, and health care and social assistance, underscoring the prominence of stable, institutional jobs such as teaching, nursing, and medical support roles within or near the Township. Many (12.7%) work within the professional, scientific, and management, and administrative and waste management services sector, suggesting a strong presence of white-collar and technical occupations, possibly influenced by proximity to employment hubs in Morris County or surrounding urban centers. Retail trade (9.4%); manufacturing (9.2%); arts, entertainment, and recreation, and accommodation and food services (8.4%); and construction (8.2%) all employed a similar number of Township workers. The ACS reported that there were no workers within the agriculture, forestry, fishing and hunting, and mining sector in 2020.

These figures indicate that Jefferson Township's workforce is primarily engaged in stable, service-based, and professional fields, with a modest representation of industrial and construction jobs. The absence of agricultural employment reflects the Township's suburban, non-rural character. This diversified employment base provides a degree of economic resilience, while also suggesting that continued investment in health care, education, and professional sectors may align well with local workforce strengths.

*Table 8. Industries of Employment, 2020*

Industry	Estimate	%
Educational services, and health care and social assistance	2,781	24.4%
Professional, scientific, and management, and administrative and waste management services	1,454	12.7%
Retail trade	1,072	9.4%
Manufacturing	1,053	9.2%
Arts, entertainment, and recreation, and accommodation and food services	954	8.4%
Construction	935	8.2%
Finance and insurance, and real estate and rental leasing	879	7.7%
Public administration	558	4.9%
Transportation and warehousing, and utilities	537	4.7%
Information	421	3.7%
Other services, except public administration	407	3.6%
Wholesale trade	359	3.1%
Agriculture, forestry, fishing and hunting, and mining	0	0.0%

Source:

U.S. Census Bureau. (2020). SELECTED ECONOMIC CHARACTERISTICS. *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP03.*

### 3. Housing Characteristics

#### 3.1 Inventory of Housing Stock

##### *Housing Occupancy and Tenure*

In 2020, the Decennial Census reported a total of 8,566 housing units. Of this number, 7,840 (91.5%) were occupied. This is slightly lower than the occupancy rate observed in Morris County (95.3%) and about the same as the rate observed in New Jersey (91.1%). More specifically, 85.4 percent of the Township units were owner-occupied, with the remaining 14.6 percent being renter-occupied. This indicates a community where homeownership is the dominant form of tenure, where rental housing still plays a smaller role in the Township. Morris County and the State have significantly higher renter-occupied rates of 26.5% and 35.3%, respectively.

The homeowner vacancy rate was 1.6 percent and the rental vacancy rate was 4.7 percent. The homeowner vacancy rate is slightly higher than that of Morris County (1.2%) and New Jersey (1.5%). The rental vacancy rate is lower than that of Morris County (5.5%) and New Jersey (5.7%).

Overall, the data reflect a stable housing market in Jefferson Township with a strong base of owner-occupied units and a minimal to moderate rental market. Future development efforts may benefit from balancing homeownership opportunities with diversified rental options to maintain housing accessibility and affordability for a range of household types.

**Table 9. Housing Occupancy and Tenure, 2020**

Housing Occupancy and Tenure	Estimate	%
<b>Jefferson Township</b>		
Total housing units	8,566	100%
<b>Occupied housing units</b>	<b>7,840</b>	<b>91.5%</b>
Owner-occupied	6,699	85.4%
Renter-occupied	1,141	14.6%
<b>Vacant housing units</b>	<b>726</b>	<b>8.5%</b>
Homeowner vacancy rate (%)	1.6	
Rental vacancy rate (%)	4.7	
<b>Morris County</b>		
Total housing units	197,722	100%
<b>Occupied housing units</b>	<b>188,496</b>	<b>95.3%</b>
Owner-occupied	136,144	68.9%
Renter-occupied	52,352	26.5%
<b>Vacant housing units</b>	<b>9,226</b>	<b>4.7%</b>
Homeowner vacancy rate (%)	1.2	
Rental vacancy rate (%)	5.5	
<b>New Jersey</b>		
Total housing units	3,761,229	100%
<b>Occupied housing units</b>	<b>3,426,102</b>	<b>91.1%</b>
Owner-occupied	2,098,500	55.8%
Renter-occupied	1,327,602	35.3%
<b>Vacant housing units</b>	<b>335,127</b>	<b>8.9%</b>
Homeowner vacancy rate (%)	1.5	
Rental vacancy rate (%)	5.7	

Source:  
United States Census Bureau, 2020 Decennial Census, *Profile of General Population and Housing Characteristics, DP1*.

### Vacancy Status

Of the 726 vacant housing units reported in the 2020 Decennial Census, most (4.4%) were categorized as “for seasonal, recreational, or occasional use.” The high number of seasonal or recreational units suggests a sizable portion of Jefferson Township’s housing stock may serve as second homes, vacation properties, or weekend retreats, reflecting the Township’s appeal as a leisure destination or part-time residence. The next highest category is “other vacant.” This category includes a variety of situations,<sup>6</sup> as follows:

1. The owner does not want to rent or sell;
2. The owner is elderly and living in a nursing home or with family members;
3. The unit is being held for the settlement of an estate;
4. The unit is being renovated; or
5. The unit is being foreclosed.

There were 106 properties actively for sale, rather than for rent, that were vacant in 2020. Properties that were actively for rent totaled 57 units, or under one percent of the total vacant housing units. These figures indicate some level of turnover and market activity, consistent with a health housing market. Overall, Jefferson Township’s vacancy profile reflects a mix of long-term residential housing and transient or seasonal occupancy patterns.

**Table 10. Vacancy Status, 2020**

Vacancy Status	Estimate	%
Total vacant units	726	8.5%
For rent	57	0.7%
Rented, not occupied	15	0.2%
For sale only	106	1.2%
Sold, not occupied	27	0.3%
For seasonal, recreational, or occasional use	373	4.4%
Other vacant	148	1.7%

Source:

U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *Decennial Census, DEC*  
*Demographic Profile, Table DP1.*

<sup>6</sup> Kresin, M. “Other” Vacant Housing Units: An Analysis from the Current Population Survey/Housing Vacancy Survey.” U.S. Census Bureau, Social, Economic, and Housing Statistics Division. Retrieved from <https://www.census.gov/housing/hvs/files/qtr113/PAA-poster.pdf>



### Units In Structure

Jefferson Township is primarily single-family detached housing units; these structures comprise 88.8 percent of the Township's housing stock. This reflects the Township's suburban character and preference for single-family housing. The next largest group consists of one-unit attached structures (2.6%), followed by structures that have 20 or more units (2.4%).

The ACS also provided a breakdown of the number of bedrooms in each unit. In 2020, most (39.9%) units contained three (3) bedrooms, with 26.1 percent containing four (4) bedrooms and 21.1 percent containing two (2) bedrooms. Additionally, 0.7 percent of all housing units were 1-bedroom units, and 4.7 percent of all units had 5 bedrooms or more.

The dominance of detached housing suggests a community focused on homeownership and privacy. Future planning may consider diversifying housing options to accommodate evolving demographic and economic needs.

**Table 11. Units In Structure, 2020**

Units In Structure	Count	%
Total housing units	9,173	100%
1-unit, detached	8,146	88.8%
1-unit, attached	235	2.6%
2-units	92	1.0%
3 or 4 units	84	0.9%
5 to 9 units	212	2.3%
10 to 19 units	71	0.8%
20 or more units	222	2.4%
Mobile home	104	1.1%
Boat, RV, van, etc.	7	0.1%

Source:

U.S. Census Bureau. (2020). UNITS IN STRUCTURE. American Community Survey, ACS 5-Year Estimates Data Profiles, Table B25024.

### Year Structure Built

The 2020 ACS reported that the decade between 1950 and 1959 saw the largest number of housing units built (1,688, or 18.4%, of the total housing stock) than any other decade in Jefferson Township. Between 1990 and 1999, 16.4 percent of the Township's housing stock was constructed. 8.4 percent of the Township's housing stock was constructed in 1939 or earlier.

Only 0.9 percent of the Township housing stock was built 2014 or later and only 1.2 percent was built between 2010 and 2013. This suggests that Jefferson Township's housing stock is on the older side, especially compared to nearby municipalities such as Mount Arlington Borough, which has 10.9 percent of its housing stock built 2014 or later. Community planning efforts may benefit from balancing the preservation and updating of older homes with the integration of newer housing types that meet evolving demographic and housing market needs.

**Table 1. Year Structure Built**

Year Structure Built	Count	%
Built 2014 or later	86	0.9%
Built 2010 to 2013	114	1.2%
Built 2000 to 2009	1,260	13.7%
Built 1990 to 1999	1,501	16.4%
Built 1980 to 1989	1,108	12.1%
Built 1970 to 1979	603	6.6%
Built 1960 to 1969	1,426	15.5%
Built 1950 to 1959	1,688	18.4%
Built 1940 to 1949	613	6.7%
Built 1939 or earlier	774	8.4%

Source:

U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.



### 3.2 Costs and Value

There are numerous methods by which to view the value of Jefferson Township's housing stock. The ACS provided counts for the following items: Selected Monthly Owner Costs (SMOC), the values of owner-occupied and renter-occupied units, and mortgage characteristics.

#### Selected Monthly Owner Costs

SMOC is a figure which consists of all costs associated with homeownership.<sup>7</sup> In 2020, the ACS reported that that median SMOC for housing units with a mortgage in Jefferson Township was \$2,521. This value is less than that of Morris County (\$2,916), but slightly greater than that of New Jersey (\$2,476). For those units without a mortgage, the median SMOC was \$1,046. This value is less than that of Morris County (\$1,191) and New Jersey (\$1,062). Most (32.3%) owners of housing units with a mortgage had a SMOC of over \$3,000, and most (57.6%) owners of units without mortgages had ownership-related expenses of more than \$1,000 per month. For renter-occupied units, of which there were 910, occupants were paying a median of \$1,449 per month. In 2020, 31.5 percent of renters paid between \$1,500 and \$1,999 per month.

**Table 2. Selected Monthly Owner Costs (SMOC), 2020**

SMOC	Count	%
Housing units with a mortgage	5,114	100%
Less than \$500	42	0.8%
\$500 to \$999	58	1.1%
\$1,000 to \$1,499	443	8.7%
\$1,500 to \$1,999	1,030	20.1%
\$2,000 to \$2,499	944	18.5%
\$2,500 to \$2,999	944	18.5%
\$3,000 or more	1,653	32.3%
Median	\$2,521	
Housing units without a mortgage	2,253	100%
Less than \$250	6	0.3%
\$250 to \$399	30	1.3%
\$400 to \$599	110	4.9%
\$600 to \$799	234	10.4%
\$800 to \$999	575	25.5%
\$1,000 or more	1,298	57.6%
Median	\$1,046	

Source:

U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.

#### Value

The ACS reported a median value of owner-occupied housing units as \$354,300 (Table 14). Over half (51.4%) of the owner-occupied units in the Township had a value of between \$300,000 to \$499,999. Only a small share of owner-occupied homes (3.8%) were valued below \$149,999.

These values reveal a moderately high-cost ownership market, but one that is still within reach for middle- to upper-middle income Township households. Nonetheless, the Township housing market is largely inaccessible to low-income residents, as is the case throughout Morris County.

**Table 14. Value of Occupied Units, 2020**

Value of Occupied Units	Count	%
Owner-occupied units	7,367	100%
Less than \$50,000	116	1.6%
\$50,000 to \$99,000	94	1.3%
\$100,000 to \$149,999	66	0.9%
\$150,000 to \$199,999	351	4.8%
\$200,000 to \$299,999	1,713	23.3%
\$300,000 to \$499,999	3,790	51.4%
\$500,000 to \$999,999	1,174	15.9%
\$1,000,000 or more	63	0.9%
Median	\$354,300	

Source:

U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.

<sup>7</sup> According to the United States Census Bureau Glossary, "Selected monthly owner costs are calculated from the sum of payment for mortgages, real estate taxes, various insurances, utilities, fuels, mobile home costs, and condominium fees. Listing the items separately improves accuracy and provides additional detail."

### 3.3 Housing Units Capable of Being Rehabilitated

The ACS estimated that in 2020, there were 22 occupied housing units that lacked complete kitchen facilities and 30 housing units with no telephone service available. Comparatively, Morris County has 0.3% of occupied housing units that lack complete plumbing facilities, 0.7% that lack complete kitchen facilities, and 0.7% with no telephone service available. These values are greater than those of Jefferson Township, indicating that the Township maintains a relatively well-serviced and functionally complete housing environment. The absence of basic facility deficiencies points to effective local housing standards and maintenance among both property owners and landlords.

**Table 3. Housing In Need of Rehabilitation, 2020**

Facilities	Count	%
Occupied housing units	8,338	100%
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	22	0.3%
No telephone service available	30	0.4%

Source:

United States Census Bureau, 2020 American Community Survey, 5-Year Estimates. *Data Profiles, Table DP04.*

### 3.4 Projection of Housing Stock

#### *Housing Units Certified*

Since 2004, there have been 550 housing units that have received certificates of occupancy, according to the New Jersey Department of Community Affairs (DCA) Construction Report. Of these certifications, 85.5 percent were issued for one- or two-family homes, 14.4 percent were issued to multifamily units, and 0.2 percent were issued to units in mixed-use developments. Overall, the Township has seen a plateauing of housing units certified in recent years, with the exception of unique redevelopment areas, as described below.

**Table 4. Housing Units Certified, 2004 - 2024**

	1&2 Family	Multi	Mixed-use	Total
<b>2004</b>	117	28	0	145
<b>2005</b>	123	51	1	175
<b>2006</b>	69	0	0	69
<b>2007</b>	37	0	0	37
<b>2008</b>	19	0	0	19
<b>2009</b>	18	0	0	18
<b>2010</b>	12	0	0	12
<b>2011</b>	3	0	0	3
<b>2012</b>	9	0	0	9
<b>2013</b>	6	0	0	6
<b>2014</b>	5	0	0	5
<b>2015</b>	7	0	0	7
<b>2016</b>	13	0	0	13
<b>2017</b>	5	0	0	5
<b>2018</b>	13	0	0	13
<b>2019</b>	1	0	0	1
<b>2020</b>	1	0	0	1
<b>2021</b>	5	0	0	5
<b>2022</b>	5	0	0	5
<b>2023</b>	1	0	0	1
<b>Sept 2024 YTD</b>	1	0	0	1
<b>Total</b>	<b>470</b>	<b>79</b>	<b>1</b>	<b>550</b>

Source:

New Jersey Department of Community Affairs, *Housing Units Certified, 2000 - 2024*

#### *Planning and Zoning Board Approvals*

The Joint Land Use Board of Jefferson Township approved several residential projects in 2023 and 2024 that may not yet be reflected in the DCA's certificate of occupancy reporting. A 75-unit development was approved within the Hellers Lane Redevelopment Area; this project consists of luxury rental units. There were several smaller projects that resulted in one (1) new single-family residence and one (1) new duplex.

***Lands Available for New Construction and Redevelopment***

The potential for large-scale new development in the Township is restricted by a lack of developable land due to most of the Township being in the Highlands Preservation Area. In the small area of the Township within the Planning Area, developable lots are largely built out, and there is a lack of sewer and water infrastructure to support new development.

Therefore, due to Jefferson's largely built-out nature and lack of sewer infrastructure, Township efforts should be focused on identifying key opportunities for Highlands Redevelopment Area Designations and seeking Highland Exemptions and Waivers. The Township has worked with the Highlands Council on identifying lots that can be used for a possible Highlands Redevelopment Area Designation. The Township is eligible for a durational adjustment for a portion of its 289-unit Third Round obligation pursuant to N.J.A.C. 5:93-4.3. There is limited realistic potential for addressing the Township's Third Round obligation at sites within the sewer service area until public utilities are made available. The Township agrees to reserve water and sewer capacity, when it becomes available, for low and moderate-income housing.

The municipality should also continue to support the rehabilitation of the existing housing stock for affordable housing opportunities by continuing its participation in using Community Block Grants and other funding sources to achieve this.

Looking at historic trends combined with the limited availability of developable land in the Township, it is unlikely that there will be any large increases in the number of new housing units within the Township, and most new housing units will be created under the Highlands Area of Designation, Highlands Exemptions, and redevelopment of existing sites.

***Utility Constraints***

The Municipal Land Use Law requires that a Housing Element include consideration of the lands that are most appropriate for the construction of low and moderate-income housing. As part of Highlands Plan Conformance, Jefferson Township completed a Municipal Build-Out Report in 2010. This report included a Limiting Factor Analysis to examine three categories of constraints to consider on developable land: Land Based Capacity (potential developable lands), Resource Based Capacity (Septic System Yield and Net Water Availability), and Utility Based Capacity (public water and wastewater). The results of this analysis are identified in the table below.

***Table 17. Municipal Build-out Results, 2020***

<b>Municipal Build-out Results with Resource and Utility Constraints</b>			
	<b>Preservation Area</b>	<b>Planning Area</b>	<b>Total</b>
Residential Units – Sewered	0	2	2
Septic System Yield	2	9	11
Total Residential Units	2	11	13
Non-Residential Jobs - Sewered	0	19	19

Source:

NJ Highlands Water Protection and Planning Council, *Jefferson Township Municipal Build-Out Report, February 2010*.

*Residential Zones*

The development of future housing stock is influenced by many factors, including the availability of necessary infrastructure, such as sewer and water, zoning regulations, and environmental resource constraints.

Jefferson is located primarily within the Highlands Preservation Area under the Highlands Water Protection and Planning Act. Similarly, the New Jersey State Development and Redevelopment Plan identifies some of the Township as Planning Area 5, Environmentally Sensitive Planning Area. The Township is also identified as having areas that have existing communities that are constrained and areas of protection. Of the Township's 27,372 acres, 11,179 (41%) are comprised of Local, County, State, or nonprofit open space. Due to the high environmental constraints in the Township, new construction is not a possibility without a Highlands Exemption or waivers such as a Highlands Redevelopment Area Designation. Additionally, the Township has sewer infrastructure constraints.

*RC Rural Conservation District*

One of the purposes of the RC District is to provide a regulatory mechanism through which appropriate development can occur, considering the exceptional, unique, irreplaceable and delicately balanced physical and biologically acting and interacting natural environment. This zone permits single-family detached dwellings at a density of one (1) unit per five (5) acres and the Township strongly encourages cluster development, which is a conditional permitted use.

*R-40 Single-Family Residence Zone*

The R-40 Zone serves as a transition between the C Conservation Zone and the existing developed centers of the Township. Permitted principal uses include single-family detached dwellings and community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries. The maximum permitted density of development is one (1) unit per one (1) acre. Cluster development that meets this maximum density is encouraged.

*R-30 Single-Family Residence Zone*

The R-30 Zone is designed to encompass the major developed areas of the Township located within existing developed centers, and allows for residential development at similar densities. Permitted principal uses include single-family detached dwellings and community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries. Cluster development is permitted and encouraged, provided that it meets the maximum permitted density for this zone, which is one (1) unit per 30,000 square feet.

*R-10 Multifamily Residence Zone*

This zone is designed to allow for multifamily residences in proximity to major roads and provides for additional housing-type alternatives to meet the needs of all segments of the community. Permitted principal uses include multifamily residences, townhouse residences, and community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries. For multifamily residences, the maximum allowable gross density is 10 units per acre and the maximum number of units per building is 16. Townhouse residences are allowed up to four (4) units per acre.

*C-1 Neighborhood Business Zone and C-2 Highway Business Zone*

The C-1 Zone is designed to provide for areas conveniently located adjacent to existing and proposed developed areas to provide businesses which meet the day-to-day needs of the residents. The C-2 Zone is designed to provide for large-scale commercial uses generally located along major roadways to provide convenient access for the community. On October 6, 2021, the Township Council adopted Ordinance #21-23, which allows for the conditional use of apartment units above commercial uses within both the C-1 and C-2 Zones. Studio units, one-bedroom units, and two-bedroom units are permitted.

*SR-1 Special Regulation Zone*

The SR-1 Zone was established in accordance with the Final Stipulation and Consent Order filed December 4, 1995, Superior Court of New Jersey, Law Division, Morris County, Docket No. MRS-L-753-90 PW. Permitted principal uses in this zone include single-family detached dwellings and community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries. The development standards for this district shall be in accordance with those standards provided in the Final Stipulation and Consent Order entered by the United States District Court and the New Jersey Superior Court Law Division in 1995.

*SR-2 Special Regulation Zone*

This zone was established in accordance with the agreement among the Bi-County of Jefferson and the Township of Jefferson dated September 29, 1995. This site was created to satisfy the Township's Mount Laurel obligation of 131 low- and moderate-income housing units, comprised of 32 senior citizen units and 37 new construction units, to be designated low- and moderate-income housing in satisfaction of the Township's regional need allocation. This site would also yield 62 rehabilitation units to be rehabilitated pursuant to N.J.A.C. 5:93-5.2 in satisfaction of the Township's indigenous need allocation. Development of this zone shall be in accordance with a general development plan (GDP). Permitted uses in this zone include single-family detached dwellings, zero lot line one- or two-family dwelling units or patio homes, townhouse residences, low-rise multifamily (condominium or garden apartment) dwelling units, and community residences for the developmentally disabled, community shelters for victims of domestic violence, and community residences for persons with head injuries.

*Cluster Development Option*

The purpose of the Cluster Development Option is to provide standards pursuant to N.J.S.A. 40:55D-1 et seq., which encourage and promote flexibility, variety and environmental soundness in the layout and design of residential development throughout the RC, R-40 and R-30 Zones. Only those types of residential uses and structures specifically permitted in the zone for the proposed development shall be permitted for use with the cluster option.

*AH Affordable Housing Zone*

The purpose of the AH Affordable Housing Zone is to establish those land use provisions necessary to satisfy the low- and moderate-income housing obligation of Jefferson Township and to effectuate the settlement approved by the Court in the Bi-County of Jefferson v. Township of Jefferson Mount Laurel litigation (Superior Court, Law Division, Docket No. W-032628-88), authorizing the construction of up to 567 market housing units and 69 low- and moderate-income housing units within the zone. This chapter creates the

Affordable Housing Zone (hereinafter “AH Zone”), the substantive terms of which are governed by the court-approved settlement. This section permits the developer in the AH Zone to obtain expedited approvals pursuant to the standards of the settlement for either a general development plan or a site plan and/or subdivision application for market units and low- and moderate-income units. This zone wasn’t constructed as prior to development it was placed in the Highlands Preservation Area.

### *Multigenerational Housing*

P.L. 2021, c. 273 established the Multigenerational Family Housing Continuity Commission (the Commission) and assigned the Commission the responsibility of preparing and adopting, “...recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas” (N.J.S.A. 52:27D-329.20f[1]). Municipalities are now required to provide an analysis of the extent to which local ordinances advance or detract from these recommendations. At the time this Housing Element and Fair Share Plan is being prepared, no such recommendations have been published by the Commission. Jefferson Township should evaluate methods for providing multigenerational housing in existing single family zones.



## 4. Fair Share Plan

### 4.1 Plan Purpose and Goals

This Fair Share Plan describes the specific ways in which Jefferson Township will meet its Fourth Round affordable housing obligations, and is compliant with the Fair Housing Act (FHA), Fourth Round regulations (“Amended FHA”), and Affordable Housing Dispute Resolution Program Directive #14-24. The overall goal of this Fair Share Plan is to provide a framework for the Township to provide for its fair share of the present and prospective regional need for low- and moderate-income housing for the period of 2025 through 2035.

### 4.2 Determination of Housing Need

#### *Prior Round Obligation (1987-1999) and Third Round Prospective Need Obligation*

Rounds 1 and 2 of affordable housing in New Jersey are known collectively as the Prior Round. The Prior Round Obligation was the municipal new construction obligation from 1987 through 1999. Jefferson Township had a Prior Round obligation of 69 units. The Township’s Third Round prospective need obligation was 291 units, resulting in a cumulative fair share obligation of 360 units. Jefferson Township addressed all of these units in its Third Round plan.

#### *Fourth Round Obligation (2025-2035)*

Jefferson Township reached a settlement agreement with the Fair Share Housing Center on March 27, 2025, regarding the Township’s Fourth Round obligations. Pursuant to this agreement, the Township has a Fourth Round prospective need obligation of **207 units** and a rehabilitation need of **70 units**. In the Third Round, 196 units were durationally adjusted and must be addressed moving forward, as well.

### 4.3 Lands Available for New Construction and Redevelopment

#### *Highlands Build-Out Analysis*

As part of the amendments to the Fair Housing Act (FHA) signed into law on March 20, 2024, the law now requires that conforming municipalities include in their Housing Element “consideration of the most recent Highlands Municipal Build Out report.” On April 18, 2024, the Highlands Council adopted, after public comment, an amendment to the Highlands Regional Master Plan (RMP) entitled Highlands Affordable Housing RMP Amendment. The amendment provides standards based on the RMP and the FHA as to where it is appropriate to locate affordable housing based on the Goals, Policies and Objectives of the RMP. Policy 607 of the RMP requires that conforming municipalities implement both the resource protection requirements of the RMP along with providing for a realistic opportunity for a fair share of its region’s needs for housing for low- and moderate-income households. Proposed affordable housing developments in conforming municipalities must therefore be consistent with the RMP Land Use Capability Zone designations while providing for the protection of individual resource protections. The Highlands Build-Out Update 2024 provides guidance as to how municipalities can complete a Highlands Municipal Build-Out, addressing land, sewer, and water capacity issues in the context of Highlands conforming municipalities. The Highlands region, by the terms of the Highlands Act and the Highlands RMP, is an area of the state designated for limited growth, both in terms of overall scale of new development and the portions of the region that are suitable for development. Long-term management of the region for the protection of its vital resources requires that all future development, including affordable housing, be appropriate in scale, location, and design to ensure that those resources will be available for future generations of New Jersey’s residents and businesses.

Jefferson Township conducted the build-out analysis update using the Highlands Build-Out Tool. The summary of findings is attached to this Plan. Jefferson Township is nearly 90 percent Highlands Preservation Area, with any potentially developable areas limited to a small area of land along the Route 15 corridor and near Lake Hopatcong. Upon municipal review of the Highlands Build-Out initial analysis, there were no lots found to be developable. This means that the Township has no development capacity under Highlands' restrictions to develop additional housing at a scale and density that could qualify for inclusionary zoning standards. As a result, there is no vacant developable land in the Township and Jefferson Township's Realistic Development Potential is zero (0). In order to address creation of units if any higher density developments are approved, the Township has a mandatory set-aside ordinance at Section 192-3B.

### *Lack of Water and Sewer*

The Highlands Built-Out Analysis demonstrates that the Township does not have any unrestricted land. Additionally, the Township does not have any sewer capacity to support inclusionary development and, as such, is entitled to a durational adjustment in accordance with N.J.A.C. 5:93-4.3. Due to the Township's status of conforming in both the Highlands Preservation and Planning Areas, and the lack of developable land, it is unlikely that sewer service will become available during the Fourth Round period.

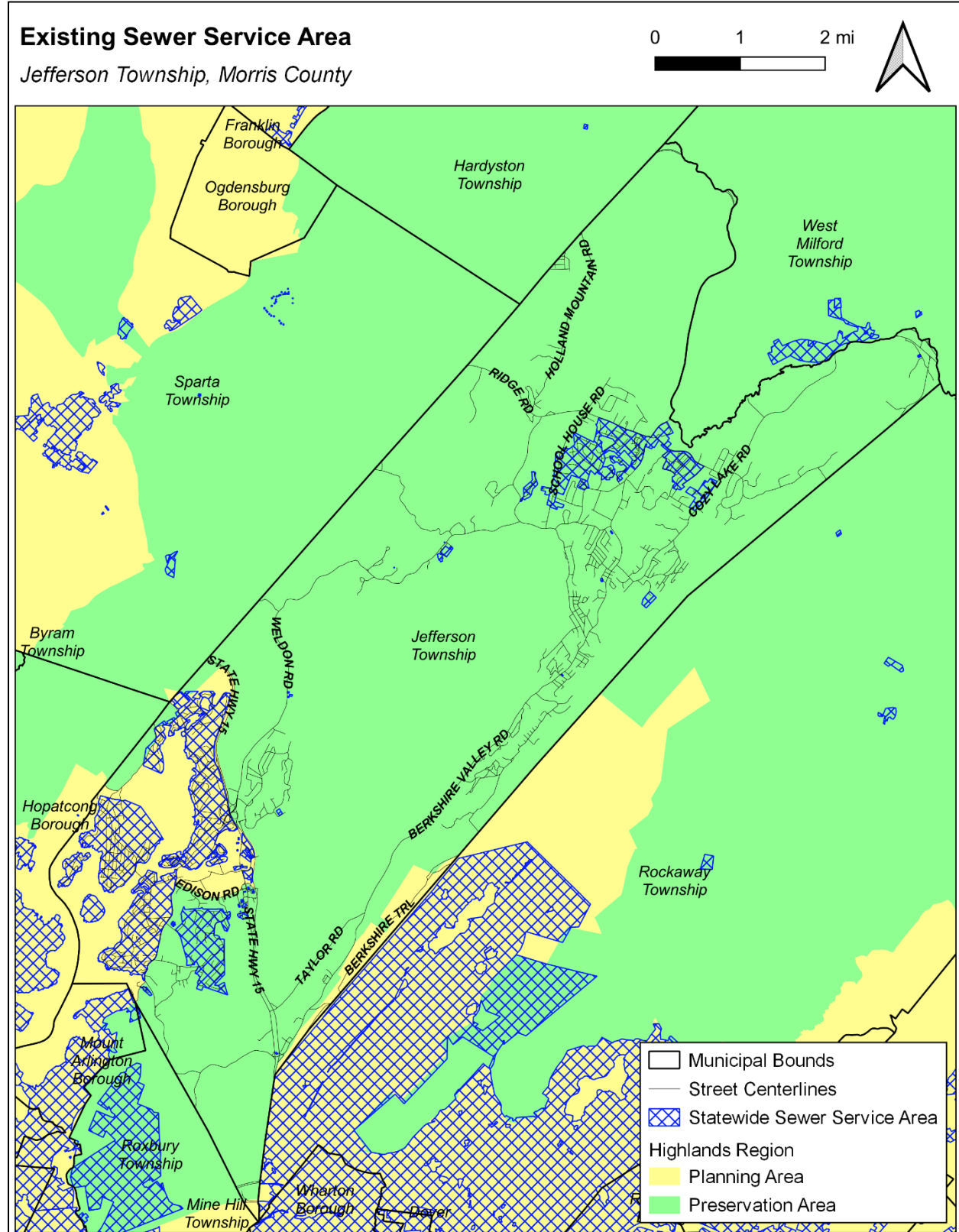
Additionally, Highlands' regulations prevent development of multi-family inclusionary housing without existing sewer capacity. The Highlands Act authorized DEP to prepare special rules applying to the Preservation Area, which were adopted November 1, 2006 (N.J.A.C. 7:38-1.1 et seq.). Under these rules, all "major Highlands' development" must obtain a Highlands Preservation Area Approval ("HPAA"), N.J.A.C. 7:38-1.1(f). All residential development that requires an environmental or water permit or disturbs more than one acre of land is considered "major", N.J.A.C. 7:38-1.4. These rules also set very low septic densities, which greatly hinder the ability to zone for inclusionary development, as the Township lacks public sewer. N.J.A.C. 7:38-3.4(b). Septic densities range from 1 per 25 acres to 1 per 88 acres, depending on whether the tract is forested or not. Additionally, these rules place limits on impervious surfaces (N.J.A.C. 7:38-3.5), open water buffer areas (N.J.A.C. 7:38-3.6), flood hazard areas (N.J.A.C. 7:38-3.7), lands with steep slopes (N.J.A.C. 7:38-3.8), and forested areas (N.J.A.C. 7:38-3.9).

For the durationally adjusted units from Round Three, and the unmet need and durationally adjusted units from Round Four, Jefferson Township agrees to comply with N.J.A.C. 5:93-4.3 as follows:

1. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address durationally adjusted Third Round units and the Fourth Round unmet need shall be deferred until adequate water and sewer is made available. The Township shall reserve and set aside new sewer capacity, if and when it becomes available, for low- and moderate-income housing on a priority basis. Municipal officials shall not oppose any applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity.
2. The Township determined that, due to Highlands' regulations, there are no additional tracts within the Township where zoning for inclusionary development is currently appropriate. However, the Township will continue programs to provide affordable housing through a rehabilitation program, group home/supportive housing program, and a municipally sponsored/100% affordable/ market to affordable program. Additionally, the Township will consider Highlands Redevelopment Areas and potentially Highlands Centers. If those are approved, the Township will identify locations to address some unmet need.



**Figure 3. Existing Sewer Service Area.** Data Source: NJDEP, 2024 Statewide Sewer Service Area



## 4.4 Proposed Mechanisms

### *Rehabilitation Program*

The purpose of a rehabilitation program is to renovate deficient housing units that are occupied by low- and moderate-income households. The units must be rehabilitated and any housing deficiencies must be corrected and comply with the New Jersey State Housing Code. The municipal rehabilitation investment for hard costs shall average at least \$10,000 per unit and include the rehabilitation of a major system. Municipalities shall provide sufficient dollars to fund no less than half of the municipal rehabilitation component by the mid-point of substantive certification. Financing of rehabilitation programs will be structured to encourage rehabilitation and continued occupancy. Low interest rates and forgivable loans are encouraged. Leveraging of private financing is also encouraged if the result is low-interest loans that encourage rehabilitation. For owner-occupied units, the controls on affordability shall be for a minimum of 10 years and may be in the form of a lien recorded with the county clerk. For rental units, the controls on affordability shall be for a minimum of 10 years and in the form of a deed restriction and may also include a lien, each recorded with the County Clerk.

Jefferson Township proposes to continue the rehabilitation of units to rehabilitate the 52 Present Need units assigned in the Fourth Round. The Township will continue to seek Community Development Block Grant funding through the New Jersey Department of Community Affairs Small Cities Program and other funding sources, including the Morris County Rehabilitation Program, whose programs provide funds for economic development, housing rehabilitation, community revitalization and public facilities designated to benefit people of low- and moderate-income or to address recent local needs for which no other source of funding is available.

### *Group Home/Supportive Housing Program*

The Township proposes to contribute towards group home projects as opportunities arise, with a goal of completing 10 credits. The Township plans to partner with supportive and special needs housing providers, such as Habitat for Humanity, to create these units. The program will be funded by the Township's Affordable Housing Trust Fund.

### *Municipally Sponsored/100% Affordable /Market to Affordable*

The Township proposes a municipally-sponsored 100% affordable program/Market to Affordable Program. This program will include a review of municipally owned properties that are suitable for single family residential development. The Township will partner with a non-profit affordable housing partner, such as Habitat for Humanity, to donate Township-owned land for the construction of affordable family for sale units. Additionally, the Township will assist Habitat for Humanity to renovate existing residences for a Market to Affordable Program to provide family for sale units. The goal of the program is to provide for up to 10 units; however, opportunities will be addressed as they arise.

## 2025 Housing Element and Fair Share Plan

Jefferson Township  
Morris County, New Jersey**Table 17. Municipal Build-out Results, 2020****Summary of Fourth Round Fair Share Plan - Jefferson Township, Morris County**

<b>Mechanism</b>	<b>Type</b>	<b>Completed Units</b>	<b>Proposed Units</b>	<b>Bonus Credits</b>	<b>Total Credits</b>
<b>Prior Round Obligation – 69 Units</b>					
The Chase at Jefferson Block 513, Lot 2.02	Age-restricted	15 34 carryover			15
Alpha Development Block 513, Lot 21	Supportive/ Special Needs	4		4	8
Center for Humanistic Change of NJ	Supportive/ Special Needs	5		5	10
Dept. of Persons with Disabilities Diocese of Paterson	Supportive/ Special Needs	24		8	32
Habitat for Humanity Homes	Single-family For-Sale	4			4
<b>Total Prior Round Credits</b>					<b>69</b>
<b>Credits to Carryover</b>					<b>34</b>
<b>Remaining Prior Round Need</b>					<b>0</b>
<b>Third Round Present Need/Rehabilitation Share – 70 Units</b>					
Municipal Rehabilitation Program	Rehabilitation	70	70		70
<b>Third Round Prospective Need Obligation – 291 Units</b>					
The Chase at Jefferson (Carryover)	Age-restricted	34			34
Heller's Lane Redevelopment Plan (AHO Zone) Block 273.03, Lot 1	Inclusionary Zoning		33		33
AVIDD Community Services, Inc. Block 250.03, Lot 116	Supportive/ Special Needs	4		4	8
Habitat for Humanity Home Block 298, Lot 2	Market-to-affordable	1			1
Group Home Block 265, Lot 7.13	Supportive/ Special Needs	4		4	8
<b>Total Proposed</b>					<b>95</b>
<b>Durational Adjustment</b>					<b>196</b>
<b>RDP</b>					<b>95</b>
<b>Total Third Round Prospective Need</b>					<b>291</b>
<b>Excess Credits from Prior Round</b>					<b>0</b>
<b>Fourth Round Present Need/Rehabilitation Share – 52 Units</b>					
Municipal Rehabilitation Program	Rehabilitation		52		52
<b>Total Rehabilitation Units Proposed</b>					<b>52</b>
<b>Fourth Round Prospective Need Obligation – 207 Units</b>					
Municipally-Sponsored/ 100% Affordable/Market to Affordable	Market-to-Affordable Single-family New Construction		10		*
Group Homes	Supportive/ Special Needs		10		*
<b>Third Round Durational Adjustment</b>					<b>196</b>
<b>Fourth Round Highlands Build-Out Analysis RDP</b>					<b>0</b>
<b>Fourth Round Durational Adjustment</b>					<b>207</b>
<b>Fourth Round RDP</b>					<b>0</b>
<b>Fourth Round Distribution of Units</b>					
<b>Maximum Senior Units – 30%</b>					<b>62</b>
<b>Minimum Family Housing – 50%</b>					<b>104</b>
<b>Minimum Rental Units – 25%</b>					<b>52</b>
<b>Minimum Family Rental – 50% of Rental</b>					<b>26</b>
<b>Maximum Bonus Credits – 25%</b>					<b>52</b>

\* To be completed as opportunities arise.

## Appendix A – Resolutions

Resolution # \_\_\_\_\_

**RESOLUTION ADOPTING  
HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended various provisions of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. ("Amended FHA")); and

**WHEREAS**, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

**WHEREAS**, the Amended FHA requires, among other things, that municipalities prepare and adopt a Housing Element & Fair Share Plan on or before June 30, 2025;

**WHEREAS**, as a result of the passage of the Amended FHA, the Board has determined to adopt a Fourth Round Housing Element & Fair Share Plan for the Township of Jefferson; and

**WHEREAS**, the Township Planner has prepared a Housing Element & Fair Share Plan which has been reviewed by the Board; and

**WHEREAS**, the Land Use Board of the Township of Jefferson held a public hearing on the Housing Element & Fair Share Plan on June 23, 2025, for which the required public notice was duly provided pursuant to N.J.S.A. 40:55D-13; and

**WHEREAS**, the Board has determined that the Housing Element & Fair Share Plan is consistent with the goals and objectives of the municipal Master Plan and the implementation of same is in the public interest and promotes the general welfare; and

**WHEREAS**, by this Resolution, the Board hereby approves the Fourth Round Housing Element and Fair Share Plan.

**NOW THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Township of Jefferson, Morris County, New Jersey, that the Board hereby adopts the 2025 Fourth Round Housing Element & Fair Share Plan for the Township of Jefferson, dated June 23, 2025, prepared by J. Caldwell & Associates, LLC, which is attached hereto and incorporated herein. The Board Secretary is hereby directed to send a copy of the Housing Element & Fair Share Plan, and this Resolution, to the Morris County Planning Board.



Dr. Clifford Williams, Land Use Board Chair

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township of Jefferson Land Use Board at a meeting held on June 23, 2025.



Stephanie McCormack, Land Use Board Secretary



**TOWNSHIP OF JEFFERSON  
COUNTY OF MORRIS, NJ**

**RESOLUTION #25-63**

**“RESOLUTION OF THE TOWNSHIP OF JEFFERSON, COUNTY OF MORRIS,  
ADOPTING AN AFFORDABLE HOUSING OBLIGATION FOR THE FOURTH ROUND”**

**WHEREAS**, the New Jersey Legislature passed into law amendments to the Affordable Housing Act, N.J.S.A. 52:27D-304.1 et seq. via NJ A4/S50 (“Amended FHA”); and

**WHEREAS**, pursuant thereto, the New Jersey Department of Community Affairs (“DCA”) prepared and submitted a non-binding report on the fourth round affordable housing fair share obligations for all municipalities within the State of New Jersey in October of 2024; and

**WHEREAS**, the regulations require that municipalities must decide whether to accept its affordable housing fair share obligations promulgated by DCA by resolution adopted on or before January 31, 2025 or risk losing its immunity from exclusionary zoning litigation; and

**WHEREAS**, the Township of Jefferson has received its DCA fair share housing obligation for the fourth round, which indicates that the Township has a present need of 52 affordable housing units and a prospective need of 274 affordable housing units; and

**WHEREAS**, the Amended FHA provides that the DCA numbers are non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of fourth round affordable housing obligations; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.3, a municipality's average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor, and shall be averaged to yield the municipality's average allocation factor; and

**WHEREAS**, the DCA has released Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

**WHEREAS**, Jefferson Township employees and professionals have reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

**WHEREAS**, based on the foregoing, Jefferson Township relies on the DCA calculations of Jefferson Township's fair share obligations as modified herein to account for Jefferson Township's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and the Township seeks to commit to provide its fair share of affordable housing, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

**WHEREAS**, the Township's employees and professionals have reviewed the land capacity factor and prospective need obligation determined by the DCA and have recommend that the Township adopt a resolution indicating a fourth round affordable housing obligation with a present need of 52 units and prospective need obligation of 129 affordable housing units based on finding a reduced land capacity factor which reduced the Township's average allocation factor; and

**WHEREAS**, the Township reserves the right to durational adjustments, vacant land adjustments and other adjustments that may be permitted now or in the future based upon relevant law and regulations, which may revise the Township's fourth round affordable housing obligation.

**WHEREAS**, Jefferson Township reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**WHEREAS**, Jefferson Township also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in the event that a third party challenges the calculations provided for in this Resolution, Jefferson Township reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

**WHEREAS**, in light of the above, Jefferson Township's Council finds that it is in the best interest of the Township to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

**RESOLUTION #25-63**  
**PAGE TWO**

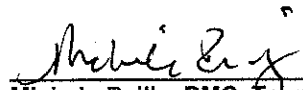
**WHEREAS**, in accordance with AOC Directive #14-24 dated December 13, 2024, the Jefferson Township Council finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of the Township to direct the filing of an action in the form of a declaratory judgment complaint within 48 hours after adoption of the within resolution of fair share obligations, or by February 3, 2025, whichever is sooner;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Jefferson, in the County of Morris, and State of New Jersey, as follows:

1. The Township hereby adopts a fourth round fair share housing obligation with a present need of 52 units and prospective need obligation of 129 affordable housing units; and
2. The Township reserves the right to durational adjustments, vacant land adjustments and other adjustments that may be permitted now or in the future based upon relevant law and regulations, which may revise the Township's fourth round affordable housing obligation; and
3. The Township attorney's office shall file a declaratory judgment action in Morris County within 48 hours of adoption of this resolution, attaching this resolution.

NAME	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Garruto			X			
Schultz			X			
Senatore		X	X			
Kalish	X		X			
Birmingham			X			

**CERTIFICATION:** I, Michele Reilly, Clerk of the Township of Jefferson, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Jefferson Township Council at a meeting held on January 15, 2025.

  
 Michele Reilly, RMC, Township Clerk

**PREPARED BY THE COURT:**

**IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF JEFFERSON  
TOWNSHIP OF MORRIS  
COUNTY PURSUANT TO P.L.  
2024, CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
MORRIS COUNTY  
DOCKET NO. MRS-L-129-25

Civil Action

Mt. Laurel Program

**DECISION AND ORDER ON FAIR  
SHARE OBLIGATION**

**THIS MATTER**, having come before the Affordable Housing Dispute Resolution Program pursuant to a challenge/s filed by NJ BUILDERS ASSOC. and FAIRSHARE HOUSING CENTER, an interested party/parties disputing the determination of present and prospective fair share obligation established by JEFFERSON TOWNSHIP, on January 15, 2025, and;

The Program, having considered the submissions of counsel representing the JEFFERSON TOWNSHIP, as well as any submissions filed thereto by interested party/parties NJ BUILDERS ASSOC., FAIRSHARE HOUSING CENTER, hereby

recommends an ORDER as follows:

☐ The challenge/s is/are summarily dismissed for failure to:



☐ state with particularity how the municipal calculation fails to comply with Sections 6 and 7 of N.J.S.A. 52:27D-301, et al.

☐ include the challenger's own calculation of the fair share obligations in compliance with sections 6 and 7 of N.J.S.A. 52:27D-301 et al.

And the matter is hereby directed to the vicinage Mount Laurel judge for review and entry of an order as to the municipality's determination of its fair share obligation.

☐ The challenge/s filed by \_\_\_\_\_ is/are rejected, and the Program hereby affirms the determination of \_\_\_\_\_ municipality.

☐ The challenge is deemed valid as the Program finds the municipality did not comply with the requirements of Sections 6 and 7 of N.J.S.A. 52:27D-301, et al.

☐ The Program thus revokes the immunity of \_\_\_\_\_ (municipality) from exclusionary zoning litigation.

☐ \_\_\_\_\_ (municipality) shall adjust its determination of present and prospective need obligation as follows:

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☐ Following the settlement conference [or session] conducted before the Program on March 18, 2025, JEFFERSON TOWNSHIP and the FAIRSHARE HOUSING CENTER and NJ BUILDERS ASSOC.\*

mutually agreed to settle and resolve the issues in dispute over the allocated fair share obligation upon the following terms and conditions (the "Settlement"):

See attached.

And, JEFFERSON TOWNSHIP may retain immunity from exclusionary zoning litigation. The authorized representatives of each party confirmed their acceptance of the foregoing terms and conditions to the Program's satisfaction.

The Program hereby recommends approval of the Settlement.


☐ **Terms & Conditions of Settlement/Statement of Reasons:**

The agreed upon present need of 52 units, prospective need of 207 units is within the range of possible outcomes if fully litigated and is fair to the interests of lower income households.

\* New Jersey Builders Association did not consent or object to the settlement.

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\_\_\_\_\_  
**The Program:**

By:

  
\_\_\_\_\_  
**STEPHEN C. HASTY, J.B.C.**  
Hon. **RETIRED TIA ON RECALL**, J.S.C. (Ret.)

Dated: March 31, 2025

**Mount Laurel Judge:**

The Program's decision is ☐ accepted for the reasons set forth by the Program, ☐  
accepted for the reasons set forth below, ☐ rejected, ☐ accepted/rejected in part.

**Findings of fact and conclusions of law (Rule 1:7-4(a)):**

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**By:**

\_\_\_\_\_  
**Hon.** \_\_\_\_\_, **J.S.C.**

Dated: \_\_\_\_\_

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE  
RESOLUTION PROGRAM

IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF JEFFERSON, DOCKET  
NO. MRS-L-000129-25

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2., into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act (the "Amended Act");

**WHEREAS**, the Amended Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act;

**WHEREAS**, the DCA released this report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024;

**WHEREAS**, the DCA report concluded that Jefferson Township ("Jefferson" or the "Township") fair share obligations for the Fourth Round included a Present Need of 52 units and a Prospective Need of 274 units;

**WHEREAS**, the Township having filed its resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 16, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, et seq, and the timeframes set forth in Directive #14-24;

**WHEREAS**, the Township's resolution proposed to set Jefferson's affordable housing obligations for the Fourth Round to include a Present Need of 52 units and a Prospective Need of 129 units;



**WHEREAS**, in accordance with the timeframes set forth in the Amended Act and the Directive, FSHC filed a timely objection to Jefferson's resolution on February 28, 2025;

**WHEREAS**, FSHC's objection contended that Jefferson had improperly calculated its Prospective Need obligations and should be required to utilize the calculation prepared by FSHC in its February 28, 2025 report, setting the Prospective Need obligation at 322;

**WHEREAS**, Jefferson disputes the contentions raised in FSHC's objection;

**WHEREAS**, within the Affordable Housing Dispute Resolution Program ("Program") established pursuant to N.J.S.A. 52:27D-313.2, the parties have engaged in the mediation process provided by the Program and conferred and reached an accord setting forth Jefferson's Fourth Round Prospective Need obligations, subject to the approval of the governing body at a public meeting, without either party admitting the validity of the others' claims;

**WHEREAS**, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that 207 units is within the range of possibilities of outcomes for Jefferson's Fourth Round Prospective Need;

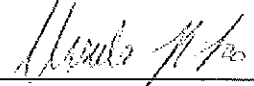
**WHEREAS**, resolving the Fourth Round Prospective Need at this juncture and allowing Jefferson to move forward with preparing its Fourth Round HEFSP is important to the interests of lower-income households; and

**WHEREAS**, the Township and FSHC thus agree to present this mediation agreement to the Program and consent to the Mediation Agreement, subject to the approval of the governing body at a public meeting, upon the approval by the Program, setting forth Jefferson's Fourth Round obligations and binding the Township to utilize these obligations and foreclosing FSHC from further challenge to said obligations.

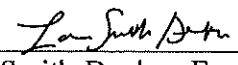
THEREFORE, the Township and FSHC agree:

1. Jefferson's Fourth Round fair share obligations shall be set forth as follows:
  - Present Need – 52 units
  - Prospective Need – 207 units
2. A Fourth Round Fair Share Obligation of 207 units is within the range possible outcomes were the court to fully-adjudicate the Township's Prospective Need.
3. A Fourth Round Fair Share Obligation of 207 units is fair to the interests of lower-income households.
4. The Township and FSHC will jointly present this mediation agreement to the Program, subject to the approval of the governing body at a public meeting, and request approval of this Agreement from the Program and if approved by the Program from the vicinage Mount Laurel judge. If the Program, trial court, or any appellate court reject approval of this Agreement, the Parties reserve their right to return to the *status quo ante*.
5. The Township shall prepare a Fourth Round Housing Element and Fair Share Plan ("HEFSP") utilizing these present and prospective need obligations and submit the HEFSP to the Program by the deadline in the Amended Act of June 30, 2025. FSHC reserves all rights as to its review of the HEFSP pursuant to the Amended Act.

The undersigned have consented to this Mediation Agreement and Laura Smith-Denker, Esq. represents that she is authorized to execute the Agreement on FSHC's behalf, and Ursula H. Leo, Esq. represents that she will recommend that the Agreement be approved by the Jefferson Township governing body, at its next public meeting, on April 2, 2025. This Mediation Agreement shall not be further modified, amended or altered in any way except by a writing signed by both the Township and FSHC.

By:   
Ursula H. Leo, Esq.  
Counsel for the Township of Jefferson

Dated: 3/28/2025

By:   
Laura Smith-Denker, Esq.  
Counsel for Fair Share Housing Center

Dated: 03/27/2025

## Appendix B – Ordinances

**Chapter 192****AFFORDABLE HOUSING**

§ 192-1.	<b>Intent; purpose; applicability.</b>	§ 192-10.	<b>Capital improvements to ownership units.</b>
§ 192-2.	<b>Definitions.</b>		
§ 192-3.	<b>Affordable housing programs.</b>	§ 192-11.	<b>Control periods for restricted rental units.</b>
§ 192-4.	<b>New construction.</b>		
§ 192-5.	<b>Affirmative marketing requirements.</b>	§ 192-12.	<b>Price restrictions for rental units; leases.</b>
§ 192-6.	<b>Occupancy standards.</b>	§ 192-13.	<b>Tenant income eligibility.</b>
§ 192-7.	<b>Control periods for restricted ownership units and enforcement mechanisms.</b>	§ 192-14.	<b>Administration.</b>
		§ 192-15.	<b>Enforcement of affordable housing regulations.</b>
§ 192-7.1.	<b>Price restrictions for restricted ownership units, homeowner associations fees and resale prices.</b>	§ 192-16.	<b>Annual and periodic monitoring of the implementation of the Township's affordable housing plan.</b>
§ 192-8.	<b>Buyer income eligibility.</b>		
§ 192-9.	<b>Limitations on indebtedness secured by ownership unit; subordination.</b>	§ 192-17.	<b>Appeals.</b>

**[HISTORY: Adopted by the Township Council of the Township of Jefferson 12-4-2024 by Ord. No. 24-23. Amendments noted where applicable.]**

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**§ 192-1. Intent; purpose; applicability.**

- A. This chapter is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This chapter is also intended to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Township that results in multifamily residential development of five dwelling units or more produces affordable housing at a set-aside rate of 20%. This chapter shall apply except where inconsistent with applicable law.
- B. The Township of Jefferson Land Use Board shall adopt a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. (hereinafter "Fair Share Plan"). The Fair Share Plan shall subsequently be endorsed by the governing body. The Fair Share Plan shall describe how Jefferson Township shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Township and Fair Share Housing Center ("FSHC") on August 15, 2024 (hereinafter "FSHC Settlement Agreement"), and the Court Order approving same, which was entered by the Court on October 19, 2024, after a properly noticed Fairness Hearing.
- C. The Township of Jefferson shall track the status of the implementation of the Fair Share Plan.

**§ 192-2. Definitions.**

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

**ACCESSORY APARTMENT** — Means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

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

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

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

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

**AFFORDABILITY AVERAGE** — Means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

**AFFORDABLE** — Means, a sales price or rent within the means of a low- or moderate-income household as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

**AFFORDABLE DEVELOPMENT** — Means a housing development, all or a portion of, which consists of restricted units.

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

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

**AFFORDABLE UNIT** — Means a housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Court.

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

**AGENCY** — Means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

**ASSISTED LIVING RESIDENCE** — Means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and



that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

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

**COAH** — Means the New Jersey Council on Affordable Housing.

**DCA** — Means the State of New Jersey Department of Community Affairs.

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

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

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

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

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

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

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

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

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

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

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

**NON-EXEMPT SALE** — Means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of

a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

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

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

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

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

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

**THE DEPARTMENT** — Means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

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

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

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

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

### **§ 192-3. Affordable housing programs.**

The Township of Jefferson will use the following mechanisms to satisfy its affordable housing obligations:

#### **A. A Rehabilitation program.**

- (1) The Township of Jefferson and FSHC have agreed that the Township's remaining need for its rehabilitation obligation is eight units. The Township shall continue to sponsor a local rehabilitation program sufficient to satisfy its present need obligation of eight units and continue to participate in Morris County's Rehabilitation Program. The Township shall establish a rehabilitation program manual. In the event the Township satisfies its rehabilitation obligation, it will continue to implement its rehabilitation program, and any additional units that are rehabilitated may be credited towards any future affordable housing obligations, if permitted by applicable law and regulations. The Township will continue its rehabilitation program to update and renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code

pursuant to N.J.A.C. 5:28. The Township will continue to rehabilitate housing units to improve its housing stock and to continue to provide indigenous need affordable units.

- (2) All rehabilitated rental and owner-occupied units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
- (3) The Township of Jefferson shall dedicate an average of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
- (4) The Township of Jefferson will continue to administer the rehabilitation program in accordance with N.J.A.C. 5:93 et seq.
- (5) Units in a rehabilitation program shall be exempt from N.J.A.C. 5:93-9 and UHAC requirements, but shall be administered in accordance with the following:
  - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.
  - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.
  - (c) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9 or the standards issued by a New Jersey administrative agency with proper authority to issue such standards.
  - (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

**B. Percentage of mandatory set-asides for all future residential developments.**

- (1) If the Township or a Township Land Use Board permits the construction of multifamily or single-family attached residential development that is "approvable" and "developable," as defined at N.J.A.C. 5:93-1.3, the Township or the Township's Land Use Board shall require that 20% of the residential units be set aside for low- and moderate-income households. This requirement shall apply beginning with the effective date of this chapter to any multifamily or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units, whether permitted by a zoning amendment, a variance granted by the Township's Land Use Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. Additionally, any property that is approved for public water and sewer where five or more new residential units can be supported by such utilities, and where an application for five or more new residential units is submitted to the Land Use Board for approval, the Township's Land Use Board shall add the proposal to the Township's Housing Element and Fair Share Plan and require that 20% of the residential units be set aside for low- and moderate-income households. Nothing in this paragraph precludes the Township or the Township's Land Use Board from imposing an affordable housing set-aside in a development not required to have

a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law. This requirement does not apply to any sites or specific zones otherwise identified in the Township's Settlement Agreement with FSHC, August 15, 2024, or in the Township's Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

- (2) Furthermore, this section shall not apply to developments containing four or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five or more.
- C. Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement:

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

- D. Fractional units. If 15% or 20% of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.

Example: an 8-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide two on-site affordable units.

- E. Integration of affordable units. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market rate units.
- F. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- G. Common elements and facilities. In inclusionary development, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.
- H. Alternative living arrangements.
- (1) The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
- Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- (2) With the exception of units established with capital funding through a twenty-year operating

contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

- (3) The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

#### **§ 192-4. New construction.**

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

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

- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units the extra unit shall be a low-income unit.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units. If there is only one affordable unit it must be a low-income unit.
- (3) Thirteen percent of all affordable units in the Township, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of July 1, 2008, shall be designated as very-low-income households at 30% of the median income, with at least 50% of all very-low-income units being available to families. Very-low-income units shall be considered low-income units for the purposes of evaluating compliance with the required low/moderate income unit splits, bedroom distribution, and phasing requirements of this chapter.
- (4) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
  - (b) At least 20% of all low- and moderate-income units shall be three-bedroom units;
  - (c) At least 30% of all low- and moderate-income units shall be two-bedroom units;
  - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (5) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

##### **B. Accessibility requirements:**

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor;
  - (b) An adaptable kitchen on the first floor;
  - (c) An interior accessible route of travel on the first floor;
  - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
  - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor;
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township of Jefferson has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
    - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - [2] To this end, the builder of restricted units shall deposit funds within the Township's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
    - [3] The funds deposited under Subsection B(2)(g)[2] above shall be used by the Township of Jefferson for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township.
    - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund and appropriately earmarked.
    - [6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Maximum rents and sales prices.

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the regional income limits published by HUD which includes the regional weighted average of uncapped Section 8 income limits and using



calculation procedures approved by the Court. Income limits for all units that are part of the Township's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the UHAC pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Township annually within 30 days of the publication of determinations of median income by the Department of Housing and Urban Development ("HUD") as follows:

- (a) Regional income limits shall be established for the region that the Township is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- (b) The income limits are the result of applying the percentages set forth in Subsection C(1)(a) above to HUD's determination of median income for the fiscal year 2019, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3) shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to Subsection C(1)(a) above over the previous year's income limits, and applying the same percentage increase to the regional asset limit from the prior year. In no event shall the regional asset limit be less than that for the previous year.
- (d) In establishing sale prices and rents of affordable housing units, the Township's administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:
  - [1] The resale prices of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to the above methodology. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
  - [2] The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to

low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 192% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
  - (a) At least 13% of all low- and moderate-income dwelling units shall be affordable to households earning no more than 30% of median income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household;
  - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rent of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- (11) Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

**§ 192-5. Affirmative marketing requirements.**

- A. The Township of Jefferson shall adopt by resolution an affirmative marketing plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented. The initial affirmative marketing plan shall include the following community and regional organizations: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Morris County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association.
  - (1) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and covers the period of deed restriction.
  - (2) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 4.
  - (3) The municipality has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and re-rentals.
  - (4) The administrative agent designated by the Township of Jefferson shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality.

- (5) In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  - (6) The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
  - (7) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
  - (8) Applications for affordable housing shall be available in several locations, including, at a minimum, the county administration building and/or the county library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- B. In addition to other affirmative marketing strategies, the administrative agent shall provide specific notice of the availability of affordable housing units in the Township of Jefferson, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Morris County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association.
- C. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.

#### **§ 192-6. Occupancy standards.**

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
- (1) Provide an occupant for each bedroom;
  - (2) Provide children of different sex with separate bedrooms;
  - (3) Provide separate bedrooms for parents and children; and
  - (4) Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal operating manual.

#### **§ 192-7. Control periods for restricted ownership units and enforcement mechanisms.**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter until the Township of Jefferson elects to release the unit from such requirements; however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- D. At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this chapter, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**§ 192-7.1. Price restrictions for restricted ownership units, homeowner associations fees and resale prices.**

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
- B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners. The master deeds shall also not contain any distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchases.
- D. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

**§ 192-8. Buyer income eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income. Very-low-income units shall be reserved for households

with a gross household income of less than 30% of median income.

- B. Notwithstanding the foregoing, the administrative agent may, upon approval by the Township Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit, if, and only if, the administrative agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year. Violations of this provision shall be subject to the applicable enforcement provisions of § 192-15 of this chapter.
- D. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

**§ 192-9. Limitations on indebtedness secured by ownership unit; subordination.**

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

**§ 192-10. Capital improvements to ownership units.**

- A. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not



be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

**§ 192-11. Control periods for restricted rental units.**

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

**§ 192-12. Price restrictions for rental units; leases.**

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this chapter.

**§ 192-13. Tenant income eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - (1) Very-low-income rental units shall be reserved for households with a gross household income

less than or equal to 30% of median income.

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

#### **§ 192-14. Administration.**

- A. The position of Municipal Housing Liaison (MHL) for the Township of Jefferson is established by this chapter. The Township shall make the actual appointment of the MHL by means of a resolution.
- (1) The MHL must be either a full-time or part-time employee of the Township of Jefferson.
  - (2) The person appointed as the MHL must be reported to the Court and thereafter posted on the Township's website.
  - (3) The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by COAH or the DCA.
  - (4) The MHL shall be responsible for oversight and administration of the affordable housing program for the Township of Jefferson, including the following responsibilities which may not be contracted out to the administrative agent:
    - (a) Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
    - (b) The implementation of the affirmative marketing plan and affordability controls.

- (c) When applicable, supervising any contracting administrative agent.
  - (d) Monitoring the status of all restricted units in the Township's Fair Share Plan;
  - (e) Compiling, verifying and submitting annual reports as required;
  - (f) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
  - (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.
- B. The Township of Jefferson shall designate by resolution of the Township Council, subject to the approval of the Court, one or more administrative agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.
- C. An operating manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body. The operating manual shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s).
- D. The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof, and shall have authority to take all actions necessary and appropriate to carry out its responsibilities, which includes:
  - (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).;
  - (2) Affirmative Marketing:
    - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the affirmative marketing plan of the Township of Jefferson and the provisions of N.J.A.C. 5:80-26.15; and
    - (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  - (3) Household Certification:
    - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
    - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
    - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
    - (d) Requiring that all certified applicants for restricted units execute a certificate substantially

in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
  - (f) Employing a random selection process as provided in the affirmative marketing plan of the Township of Jefferson when referring households for certification to affordable units; and
  - (g) Notifying the following entities of the availability of affordable housing units in the Township of Jefferson: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- (4) Affordability Controls:
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Morris County Register of Deeds or Morris County Clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (5) Resale and re-rental:
- (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or re-rental;
  - (b) Instituting and maintaining an effective means of communicating information to low- (or very-low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (6) Records retention;
- (7) Processing requests from unit owners;
- (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this chapter;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price,

such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;

- (c) Notifying the municipality of an owner's intent to sell a restricted unit;
  - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (8) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
- (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
  - (c) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (e) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund;
  - (f) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.
- (9) Additional responsibilities:
- (a) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
  - (b) The administrative agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this chapter.
  - (c) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

#### **§ 192-15. Enforcement of affordable housing regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 192 days after service of the written notice:
- (1) The municipality may file a Court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - (a) A fine of not more than \$10,000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
    - (b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Jefferson Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - (c) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
  - (2) The municipality may file a Court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the Court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units



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

- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

**§ 192-16. Annual and periodic monitoring of the implementation of the Township's affordable housing plan.**

- A. Beginning one year after the entry of the Township's Round 3 Judgment of Compliance and Repose, the Township will provide annual reporting through July 1, 2025, of the status of all affordable housing activity and of its Affordable Housing Trust Fund activity within the Township through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and Fair Share Housing Center. In addition to the foregoing, the Township may also post such activity on the Council on Affordable Housing Tracking and Monitoring (CTM) System and/or file a copy of its report with COAH or its successor agency at the state level. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. The Fair Housing Act includes two provisions regarding action to be taken by the Township during its ten-year repose period. The Township will comply with those provisions as follows:
  - (1) For the midpoint realistic opportunity review due on July 1, 2025, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Township, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding



these issues.

- (2) For the review of very-low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Township's Judgement of Compliance and Repose, and every third-year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Township and Fair Share Housing Center on the issue of whether the Township has complied with its very-low-income housing obligation under the terms of this settlement.
- (3) In addition to the foregoing postings, the Township may also elect to file copies of its reports with COAH or its successor agency at the state level.

#### **§ 192-17. Appeals.**

Appeals from all decisions of an administrative agent designated pursuant to this chapter shall be filed with the Superior Court of New Jersey, Morris County.

**§ 490-26.1. Affordable Housing Overlay Zone (AHO). [Added 12-4-2024 by Ord. No. 24-21]**

- A. Intent, purpose and applicability. The intent purpose of the Affordable Housing Overlay (AHO) Zone is to create a realistic opportunity for the construction of low- and moderate-income housing in the Township of Jefferson on land that may become available for development, thereby addressing the Township's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing. The AHO Zone applies to Block 273.03, Lot 1 when residential uses are proposed in the zone.
- B. Permitted uses. Multifamily residential units are permitted in the AHO Zone subject to a mandatory 20% set-aside for affordable housing. Multifamily residential uses are permitted in addition to those uses already permitted by the underlying zone district. Multifamily residential use may be proposed over permitted uses in the underlying zone in a mixed-use building or as a stand-alone multifamily residential building. Nonresidential uses may be proposed in addition to the proposed residential uses on the property.
- C. Residential density.
  - (1) The density in the AHO Zone is a maximum residential density of 15 residential dwelling units per acre with a minimum 20% set-aside for affordable housing.
  - (2) Other residential, retail, service and office uses shall follow the underlying zone standards.
- D. Multifamily residential development standards.
  - (1) The property specified in the location above may be proposed for subdivision and/or site plan for residential development over retail and service or office uses or adjacent to permitted nonresidential uses in the zone in the form of multifamily apartment buildings.
  - (2) The maximum density permitted is 15 units per acre with a 20% set aside for affordable units. Affordable units shall meet the standards of Chapter 192, Affordable Housing, of the Township Code.
  - (3) Bulk standards:
    - (a) Minimum lot size: 1.0 acre.
    - (b) Minimum lot width: 100 feet.
    - (c) Maximum building height: three stories/45 feet.
    - (d) Minimum front yard: 25 feet.
    - (e) Minimum side yard: 10 feet.
    - (f) Minimum rear yard: 25 feet.
    - (g) Maximum lot coverage: 75%.
  - (4) Parking shall be provided at 1.5 spaces per unit with EVSE parking spaces as required

Township of Jefferson, NJ

§ 490-26.1

§ 490-26.1

by state law.

- (5) All other regulations and requirements of the underlying zone shall remain in effect.

**Chapter 193****DEVELOPMENT FEES**

§ 193-1.	<b>Purpose.</b>	§ 193-6.	<b>Collection procedures.</b>
§ 193-2.	<b>Basic requirements.</b>	§ 193-7.	<b>Affordable Housing Trust Fund.</b>
§ 193-3.	<b>Definitions.</b>	§ 193-8.	<b>Use of funds.</b>
§ 193-4.	<b>Residential development fees.</b>	§ 193-9.	<b>Monitoring.</b>
§ 193-5.	<b>Nonresidential development fees.</b>	§ 193-10.	<b>Ongoing collection of fees.</b>

**[HISTORY: Adopted by the Township Council of the Township of Jefferson 12-4-2024 by Ord. No. 24-22.<sup>1</sup> Amendments noted where applicable.]**

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**§ 193-1. Purpose.**

- A. In *Holmdel Builder's Association V. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), the Department of Community Affairs is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have an approved spending plan may retain fees collected from nonresidential development.
- C. Pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (N.J.S.A. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011. Any and all references to COAH shall mean the Department of Community Affairs (the Department).
- D. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Department's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of the Department's rules on development fees, codified at N.J.A.C. 5:97-8.

**§ 193-2. Basic requirements.**

- A. This chapter shall not be effective until approved by the Superior Court pursuant to N.J.A.C. 5:96-5.1.
- B. The Township of Jefferson shall not spend development fees until the Superior Court has approved a

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1. **Editor's Note:** This ordinance also repealed former Ch. 193, Development Fees, adopted 5-2-2001 by Ord. No. 9-01 (Ch. 28 of the 1967 Code.

plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

### **§ 193-3. Definitions.**

The following terms, as used in this chapter, shall have the following meanings:

**AFFORDABLE HOUSING DEVELOPMENT** — Means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

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

**DEVELOPMENT FEE** — Means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

**EQUALIZED ASSESSED VALUE** — Means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

**GREEN BUILDING STRATEGIES** — Means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

### **§ 193-4. Residential development fees.**

#### **A. Imposed fees.**

- (1) Within all district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1 1/2% (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

#### **B. Eligible exactions, ineligible exactions and exemptions for residential development.**

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit

is issued.

- (3) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

#### **§ 193-5. Nonresidential development fees.**

It should be noted that pursuant to P.L. 2009, c. 90 and P.L. 2011, c. 122, the nonresidential statewide development fee of 2.5% for nonresidential development is suspended for all nonresidential projects that received preliminary or final site plan approval subsequent to July 17, 2008, until July 1, 2013, provided that a permit for the construction of the building has been issued prior to January 1, 2015.

##### **A. Imposed fees.**

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2 1/2% (2.5%) of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2 1/2% (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2 1/2% (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

##### **B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.**

- (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2 1/2% (2.5%) development fee, unless otherwise exempted below.
- (2) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be

enforceable by the Township of Jefferson as a lien against the real property of the owner.

**§ 193-6. Collection procedures.**

- A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Township of Jefferson fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees.
  - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Township of Jefferson. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with



the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Township of Jefferson. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

#### **§ 193-7. Affordable Housing Trust Fund.**

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Township's Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (1) Payments in lieu of on-site construction of affordable units;
  - (2) Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - (3) Rental income from municipally operated units;
  - (4) Repayments from affordable housing program loans;
  - (5) Recapture funds;
  - (6) Proceeds from the sale of affordable units; and
  - (7) Any other funds collected in connection with Township of Jefferson's affordable housing program.
- C. Within seven days from the opening of the trust fund account, Township of Jefferson shall provide the Court with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and the Court to permit the Court to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

#### **§ 193-8. Use of funds.**

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township of Jefferson's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial

Township of Jefferson, NJ

§ 193-8

JEFFERSON CODE

§ 193-10

assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 5:97-8.9 and specified in the approved spending plan.

- B. Funds shall not be expended to reimburse the Township of Jefferson for past housing activities.
- C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
  - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, and assistance with emergency repairs.
  - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
  - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Township of Jefferson 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, in accordance with N.J.A.C. 5:96-18.
- E. No more than 20% of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Department's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

#### **§ 193-9. Monitoring.**

The Township of Jefferson shall complete and post on its website all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with its housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court.

#### **§ 193-10. Ongoing collection of fees.**

The ability for the Township of Jefferson to impose, collect and expend development fees shall expire with its judgment of compliance unless the Township of Jefferson has filed an adopted Housing Element and Fair Share Plan with the Department, has petitioned for substantive certification, and has received the Department's approval of its development fee ordinance. If the Township of Jefferson fails to renew

Township of Jefferson, NJ

§ 193-10

## DEVELOPMENT FEES

§ 193-10

its ability to impose and collect development fees prior to the expiration of judgment of compliance it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Township of Jefferson shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township of Jefferson retroactively impose a development fee on such a development. The Township of Jefferson shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

## Appendix C – Spending Plan

# **AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

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## **TOWNSHIP OF JEFFERSON MORRIS COUNTY, NEW JERSEY**

June 2025

Prepared by: Jessica C. Caldwell, P.P., A.I.C.P.  
NJPP License #5944

## SPENDING PLAN

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### INTRODUCTION

Jefferson Township, Morris County, has prepared a Fourth Round Housing Element and Fair Share plan that addresses its regional fair share of the present and prospective affordable housing need in accordance with the Municipal Land Use Law (MLUL), the Fair Housing Act (FHA), the regulations of the Council on Affordable Housing (COAH) and recent decisions by the Courts.

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines was adopted on May 2, 2001, which was replaced by a new development ordinance on December 4, 2024. The ordinance established a fee of 1.5% of equalized assessed value for new residential construction and 2.5% for new commercial construction. The original ordinance established the need for a Township of Jefferson Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate-interest-bearing affordable housing trust fund account for the purposes of affordable housing.

Jefferson Township has prepared this Spending Plan (2025) to guide the allocation of funds within the Township of Jefferson Affordable Housing Trust Fund. As of December 31, 2024, the Township of Jefferson has \$125,786 in its Affordable Housing Trust Fund. The funds shall be spent in accordance N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

**REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated during the period of Fourth Round substantive certification, Jefferson Township considered the following:

- (a) Development fees:
  - 1. Nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
  - 2. All nonresidential projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
  - 3. Future development that is likely to occur based on historical rates of development.
- (b) Payments in Lieu (PIL): Payments in Lieu of development into the Township's Housing Trust are permitted in limited cases pursuant to Section 193 of Jefferson Township Code.
- (c) Other funding sources: The Township reserves the option to pursue various public funding options to support its municipal rehabilitation program.
- (d) Projected interest: Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate is 0.5% based on prevailing interest rates for savings accounts.



**Projected Revenue Schedule, 2025-2035**  
**Township of Jefferson Affordable Housing Trust Fund**

Source of Funds	Up to 12/31/2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Development Fees	\$125,786												
1. Approved Residential and Non-Residential Development Projects	NA	\$2,500	\$2,500	\$2,500									\$7,500
2. Projected Residential Development Projects Only	NA	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$99,000
3. Projected Non-Residential Development Projects (New construction only)	NA	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$55,000
Payments in Lieu of Construction	NA												
Other Funds (Specify source)	NA												
<b>Total</b>	\$125,786	\$16,500	\$16,500	\$16,500	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000	\$161,500
Interest	NA	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$388	\$4,268
<b>Total Revenue from Development Fees</b>	\$125,786	\$16,888	\$16,888	\$16,888	\$14,388	\$14,388	\$14,388	\$14,388	\$14,388	\$14,388	\$14,388	\$14,388	\$291,768

Jefferson Township projects a total of **\$165,768** to be collected between January 1, 2025 and December 31, 2035 for residential and non-residential new construction. In addition to the existing funds in the account, the Spending Plan addresses the spending of **\$291,554**. Projections are based on projected development as it relates to permits issued within the Township over the last five years and revenues generated by the fund over the last six years.

## **ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

Jefferson Township will follow the process for the collection and distribution of development fee revenues detailed below.

- (a) Collection of development fee revenues: Jefferson Township will collect development fee revenues in a manner that is consistent with the Township's development fee ordinance for both residential and nonresidential development and in accordance with applicable regulations.
- (b) Distribution of development fee revenues: Jefferson Township will distribute funds with the oversight of the Township Council. The Council will work with the Township Administrator and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

## **DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

Jefferson Township proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

- (a) **Rehabilitation Projects** (N.J.A.C. 5:97-6.2): Jefferson Township will dedicate the following funds to Rehabilitation projects in order to meet its fair share affordable unit obligation:  
**Township Rehabilitation Program: At least \$12,500 per unit for a total of 11 units for a budget of \$137,500.**

### **Morris County Rehabilitation Program:**

- **Additional funding for rehabilitation units will be sought through the Morris County Community Development Rehabilitation Program and other available public funding sources.**

- (b) **Administrative Expenses** (N.J.A.C. 5:97-8.9) Jefferson Township will dedicate no more than 20 percent of revenue from the affordable housing trust fund to be used for administrative purposes. **The current budget for administrative expenses is \$30,000 subject to the 20 percent cap are as follows:**

- Administration of affordable housing programs;
- Legal fees associated with affordable housing administration;
- Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
- Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within Jefferson.

- (c) **Affordability Assistance** (N.J.A.C. 5:97-6.7): Jefferson Township will dedicate funds to affordability assistance. The budgeted amount is 30% of the projected total fund or **\$88,000**, depending on funds available at the time of the development. Additionally, at least 30% of these funds will be dedicated to assisting very low-income households.
- (d) **Excess Funds**: Any excess funds will be dedicated to rehabilitation of eligible housing units within the Township, transitional housing, group homes, 100 Percent Affordable /Market to Affordable Housing Projects or additional rehabilitation projects based on need. There is currently **\$36,054** slated for these projects.



## SUMMARY

Jefferson Township intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the affordable housing programs outlined in the Township's Housing Element and Fair Share Plan dated June 23, 2025.

### Spending Plan Summary Jefferson Township Affordable Housing Trust Fund

<b>Trust fund balance as of 12/31/2024</b>	<b>\$125,786</b>
<b>Projected Revenue (2025-2035)</b>	
Development fees	<b>\$161,500</b>
Payments in lieu of construction	
Other funds	
Interest	<b>\$4,268</b>
<b>Total Revenue (Rounded)</b>	<b>\$291,554</b>
<b>Expenditures</b>	
Rehabilitation	<b>\$137,500</b>
Affordability Assistance	<b>\$88,000</b>
Administration	<b>\$30,000</b>
Excess Funds	<b>\$36,054</b>
<b>Total Projected Expenditures</b>	<b>\$291,554</b>

## Appendix D – Highlands Build-Out 2025 Update

\*Highlands spreadsheet is too large to attach. Full information available upon request.



Build-Out Update

Map

Review Portal

Resources

# New Jersey Highlands

## 2024 Municipal Build-Out Update

The Highlands region, by the terms of the Highlands Act and the Highlands RMP, is an area of the state designated for limited growth, both in terms of overall scale of new development and the portions of the region that are suitable for development. Long-term management of the region for the protection of its vital resources requires that all future development, including affordable housing, be appropriate in scale, location, and design to ensure that those resources will be available for future generations of New Jersey's residents and businesses.

### Parcels

In Municipality

**9,505**

### Parcels

Need Review

**0**

### Parcels

Developable

**0\***

### Acres

Developable

**0\***



## Appendix E – Marketing Plan

# **TOWNSHIP OF JEFFERSON COUNTY OF MORRIS, STATE OF NEW JERSEY**

Affordable Housing

Affirmative Marketing Plan

Township of Jefferson Municipal Building  
1033 Weldon Road  
Lake Hopatcong, NJ 07849  
973-697-1500

## Contents

Overview .....	1
Regional Preference .....	2
Implementation .....	2
Sample Advertisement for Available Rental Units .....	7
Sample Public Service Announcement .....	7
Random Selection & Applicant Pool(s) .....	8
Initial Randomization .....	9
Randomization After Certification .....	9

**Overview**

All affordable units are required to be affirmatively marketed using the Township of Jefferson's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

The Township of Jefferson provides this Affirmative Marketing Plan for any affordable housing within the Township. Individual projects may develop their own affirmative marketing plan in compliance with this plan.

Every Affirmative Marketing Plan must include all of the following:

1. Publication of at least one advertisement in a newspaper of general circulation within the housing region;
2. Broadcast of at least one advertisement by radio or television throughout the housing region; and
3. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious, and civic organizations.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan must include the following information:

1. The address of the project and development name, if any;
2. The number of rental units;
3. The price ranges of the rental units;
4. The name and contact information of the Municipal Housing Liaison, Administrative Agent, property manager, or landlord;
5. A description of the Random Selection method that will be used to select applicants for affordable housing; and
6. Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing opportunity:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;

5. The maximum income permitted to qualify for the housing units;
6. The locations of applications for the housing units;
7. The business hours when interested households may obtain an application for a housing unit; and
8. Application fees, if any.

### **Regional Preference**

The Township of Jefferson has provided that households that live or work in Housing Region #2 (comprised of Essex, Morris, Union, and Warren Counties) shall be selected for an affordable housing unit before households from outside of this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

### **Implementation**

The affirmative marketing process for affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Township of Jefferson's Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following daily regional newspapers/publications when units are available and there is no wait list for existing units and when any new units may be constructed in the future:

1. The Daily Record
2. The Star Ledger

The primary marketing will take the form of at least one (1) press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an as-needed basis. The advertisement will include a description of the:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;
5. Maximum income permitted to qualify for the units;
6. Location of applications;
7. Business hours when interested households may obtain an application; and
8. Application fees.

All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

1. The Daily Record
2. The Star Ledger

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

1. Station(s): Choose Stations from Attachment A.

The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Essex, Morris, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on those contacts that are able to reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region #2 (attached to and hereby made part of this Resolution) as well as the following entities:

1. Quarterly informational flyers and applications shall be sent to the Essex, Morris, Union, and Warren Counties' Boards of Realtors for publication in their journals and for circulation among their members; and
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the municipalities and counties of Essex, Morris, Union, and Warren.

Applications will be mailed to prospective applicants upon request.

The following is the location of applications, brochure(s), signs and/or poster(s) used as part of the affirmative program, including specific employment centers within the region:

1. Municipal Building: 1033 Weldon Road, Lake Hopatcong, NJ 07849
2. Municipal Library: 1031 Weldon road , Oak Ridge, NJ 07438

The following is the community contact person who will aid the affirmative marketing program:

Municipal Housing Liaison  
1033 Weldon Road, Lake Hopatcong, NJ 07849  
973-697-1500

Additionally, quarterly informational circulars and applications for new units which may be constructed in the future will be sent to the chief administrative employees of each of the following agencies in the counties of Essex, Morris, Union, and Warren:

1. Welfare or Social Service Board;
2. Rental assistance office (local office of DCA);
3. Office on Aging.
4. Housing Agency or Authority.
5. County Library.
6. Area community action agencies.

Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Township of Jefferson Administrative Offices;
2. Township of Jefferson website;
3. Developer's Sales/Rental Offices;
4. Essex, Morris, Union, and Warren Counties' Administration Buildings;
5. Essex, Morris, Union, and Warren Counties' Libraries (all branches); and
6. Other public buildings and agencies as deemed appropriate by the Administrative Agent.

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. In addition, the foregoing entities shall be notified directly whenever an affordable housing unit(s) becomes available in the Township of Jefferson.

The following is a listing of community contact person(s) and/or organizations in Essex, Morris, Union, and Warren Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low-and moderate-income units:

1. Boonton Housing Authority: 125 Chestnut Street, Boonton;  
<https://www.shelterlistings.org/details/32138>
2. Catholic Charities Diocese of Paterson: 777 Valley Road, Clifton,  
<https://www.catholiccharities.org>



3. Community Hope, Inc.: (973) 463-9600; 959 Route 46 East, Suite 402, Parsippany
4. Eric Johnson House: (973) 326-9636; 44 South Street, Morristown
5. Family Promise of Morris County: P.O. Box 1494, Morristown;  
<https://www.familypromise.org>
6. Homeless Solutions: 6 Dumont Place, Suite 3, Morristown;  
<https://www.homelessolutions.org>
7. Hope House Catholic Charities: (973)895-3143; 11 Forrest Road, Randolph
8. Housing Partnership Neighborworks Home Ownership Center: 2 East Blackwell Street, Dover; <https://www.housingpartnershipnj.org>
9. Jersey Battered Women's Service, Inc.: P.O. Box 1437, Morristown, <https://www.jbws.org>
10. Madison Affordable Housing Corporation: 24 Central Avenue, Madison;  
<https://affordablehousingonline.com/housing-authority/New-Jersey/Housing-Authority-of-the-Borough-of-Madison/NJ105>
11. Market Street Mission: 9 Market Street, Morristown; <https://www.marketstreet.org>
12. Morris County Affordable Housing Corp.: 99 Ketch Road, Morristown;  
<https://housing.morriscountynj.gov/housingcorp>
13. Morris County Human Services: 340 West Hanover Avenue, Morristown;  
<https://hs.morriscountynj.gov/services-list/>
14. Morris County Human Services Office of Community Development: P.O. Box 900, Morristown; <https://hs.morriscountynj.gov/community/>
15. Mrs. Wilson's Halfway House for Women: 7 Industrial Road, #301, Pequannock;  
<https://newbridge.org>
16. Our Place Day Shelter: (973)539-9920; 51 Washington Street; Morristown
17. The Housing Partnership: 2 East Blackwell Street, Suite 12, Dover;  
<https://www.housingpartnershipnj.org/>
18. Urban League of Morris County: 300 Madison Avenue, Suite A, Morristown;  
<https://www.ulmcnj.org>

A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region #2, comprised of Essex, Morris, Union, and Warren Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.

The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low-, low- and moderate-income households; to place income-eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

The Administrative Agent shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services. In addition, it shall be the responsibility of the Administrative Agent to inform owners of affordable units and

prospective occupants of affordable units of the Borough's affordability assistance programs and to assist with the implementation of such programs.

All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.

The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's adopted Affordable Housing Ordinance.

An applicant pool will be maintained by the Administrative Agent for re-rentals.

1. When a re-rental affordable unit becomes available Administrative Agent will select applicants from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above. The selection of applicants from the applicant pool is described in more detail in this manual under the section **Random Selection & Applicant Pool(s)**.

### **Sample Advertisement for Available Rental Units**

The **Town/Township/Borough** of **municipality** hereby announces that **# affordable housing units** will be available for rent in the **name of development/project**. The housing is under development by **developer** and is available for **type of income** households. **Development** is located at **address, description**.

The affordable housing available includes rents from **\$/###/month** and includes **#-bedroom units**. Utilities are included (if applicable). Interested households will be required to submit **application, documentation if applicable, and any other requirements** in order to qualify. The maximum household incomes permitted are **\$41,471 for a one person household, \$47,395 for a two person household, \$53,320 for a three person household, \$59,244 for a four person household, \$63,984 for a five person household, and \$69,723 for a six person household**. Once certified, households will be matched to affordable units through a lottery system. All successful applicants will be required to demonstrate the ability to pay a security deposit (**requirements of security deposit**).

Applications are available at **Location(s), hours of operation**. Applications can also be requested via mail by calling **Realtor** at **Phone #**. Applications will be accepted until **mm/dd/yy** and there is a **\$5 fee for the credit check**.

Visit [www.njhousing.gov](http://www.njhousing.gov) or call 1-877-428-8844 for more affordable housing opportunities.

Although any income eligible households may apply, workers of **[Insert counties in the COAH Housing regional preference zone]**; Morris County will be selected before residents of other counties or states.

### **Sample Public Service Announcement**

10 second slot:

Affordability priced homes available in Mayberry Borough. Income restrictions apply. Call (800) 555-1234 for information.

30-35 second slot:

Affordably priced, brand new two, three, and four-bedroom attractive homes with nice amenities are available at the Equality at Mayberry Development in desirable Mayberry Borough. Call A Home For You at (800) 555-1234 for information on sales prices and income limits and to get a pre-application. The deadline to submit a pre-application is August 1, 2020, so don't delay. These homes are in accordance with State requirements for low- and moderate-income housing.

**Random Selection & Applicant Pool(s)**

The following is a description of the random selection method that will be used to select occupants for low- and moderate-income housing:

There will be a period in which to complete and submit applications. Households that have completed applications in that timeframe and have been determined that they are income eligible will be randomly selected to establish an order (service list) in which they will be evaluated by the Administrative Agent for the available unit(s). A copy of the first page of the applications will be folded and placed in a container of sufficient size to allow the applications to be randomly mixed. Once mixed, all applications will be drawn one by one from the container until none are left. The first application drawn will be the first position on the service list, and so on.

At least two people will be present during a random selection and both will sign the resulting service list as having participated and/or witnessed the random selection. Once the applicant is placed on the service list, they shall remain in that position until they are served or asked to be withdrawn from the list. Applicants on the service list shall not be a part of any future random selections. If the household on the list is not of an appropriate household size, income or does not live or work in the Housing Region, that applicant will be skipped and the next applicant household with sufficient income will be evaluated for the available unit. This will continue until a properly sized household with sufficient income or purchase or rent the unit is reached.

The applicant household will be required to submit a complete application to establish their eligibility as defined by the Fair Housing Act. If the end of the service list is reached before an appropriately-sized household that lives or works in the New Jersey Housing Region is identified the Administrative Agent will review skipped households in the order of the random selection. Households that live or work in the Housing Region that are smaller than the ideal household size, as defined by the Township's Affordable Housing Ordinance, will be considered next.

Any applicants that are skipped for size, income or regional preference will remain on the list and continue to be considered for future restricted units in the order in which they were selected in the random selection.

Unless applicants ask to be removed from the list or become ineligible for assistance, or are unresponsive to our communications, they will remain on the service list. Therefore, these applicants will not need to be in future random selections. Instead, the service order created by future random selections will be placed at the end of the service list set by all prior random selections.

If there are sufficient names remaining on the service list to fill two years of resales and rentals, the applicant pool may be closed by the Administrative Agent. The Administrative Agent will notify the Township in writing if it intends to close the waiting list. Any households calling or writing to express their interest in an affordable home will be directed to call back on a future date determined by the Administrative Agent. When the applicant pool is being depleted to a point where there is not a sufficient number of people to fill two (2) years of re-sales or rentals, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The service list established by subsequent random selection shall be added to the end of the previous service list.

**Initial Randomization**

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit).
3. Households are informed of the date, time and location of the lottery and invited to attend.
4. An applicant pool is created by listing applicants in the order selected.
5. Applications are reviewed for income-eligibility.
6. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information.
7. Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as [regional preference or] the need for an accessible unit).
8. If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be closed.
9. When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

**Randomization After Certification**

Random selection is conducted when a unit is available, and only certified households seeking the type and bedroom size of the available unit are placed in the lottery. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. All applications are reviewed and households are either certified or informed of non-eligibility. (The certification is valid for 180 days, and may be renewed by updating income-verification information.)
3. Eligible households are placed in applicant pools based upon the number of bedrooms needed (and any other special requirements, such as regional preference or the need for an accessible unit)
4. When a unit is available, only the certified households in need of that type of unit are selected for a lottery.
5. Households are informed of the date, time, and location of the lottery and invited to attend.

6. After the lottery is conducted, the first household selected is given 3 days to express interest or disinterest in the unit. (If the first household is not interested in the unit, this process continues until a certified household selects the unit.)
7. Applications are accepted on an ongoing basis, certified households are added to the pool for the appropriate household income and size categories, and advertising and outreach is ongoing, according to the Affirmative Marketing Plan.

#### Matching Households to Available Units

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:
  - a. Maximum of two person per bedroom;
  - b. Children of same sex in same bedroom;
  - c. Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms;
  - d. Children not in same bedroom with parents;
  - e. Provide an occupant for each unit bedroom;
  - f. Provide children of different sex with separate bedrooms;
  - g. Require that all the bedrooms be used as bedrooms; and
  - h. Require that a couple requesting a two-bedroom unit provide a doctor's note justifying such request.

In no case shall a household be referred to an affordable housing unit that provides for more than one additional bedroom per household occupancy as stated in the policies above.

The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor.

A household can be eligible for more than one unit category, and should be placed in the applicant pool for all categories for which it is eligible.

**ATTACHMENT A**

Affirmative Fair Housing Marketing Plan  
For Affordable Housing in Region #2



# AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in **(REGION 2)**

## I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units:  Number of Rental Units:  Number of For-Sale Units:	1d. Price or Rental Range  From  To	1e. State and Federal Funding Sources (if any)	
1f.  <input type="checkbox"/> Age Restricted  <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates  Advertising: Occupancy:		
1h. County  <b>Essex, Morris, Union, Warren</b>		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

## II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.

## III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic)
 ☐ Black (non-Hispanic)
 ☒ Hispanic
 ☐ American Indian or Alaskan Native

☒ Asian or Pacific Islander
 ☐ Other group:

3b. <b>HOUSING RESOURCE CENTER</b> ( <a href="http://www.njhousing.gov">www.njhousing.gov</a> ) A free, online listing of affordable housing <input type="checkbox"/>			
3c. Commercial Media (required) (Check all that applies)			
	<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAMES OF REGIONAL NEWSPAPER(S)</b>	<b>CIRCULATION AREA</b>
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
Daily Newspaper			
<input type="checkbox"/>		Star-Ledger	
<input type="checkbox"/>		New York Times	
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
Daily Newspaper			
<input type="checkbox"/>		Daily Record	Morris
<input type="checkbox"/>		Express Times	Warren
Weekly Newspaper			
<input type="checkbox"/>		Belleville Post	Essex
<input type="checkbox"/>		Belleville Times	Essex
<input type="checkbox"/>		Bloomfield Life	Essex
<input type="checkbox"/>		East Orange Record	Essex
<input type="checkbox"/>		Glen Ridge Paper	Essex
<input type="checkbox"/>		Glen Ridge Voice	Essex

<input type="checkbox"/>		Independent Press	Essex
<input type="checkbox"/>		Irvington Herald	Essex
<input type="checkbox"/>		Item of Millburn and Short Hills	Essex
<input type="checkbox"/>		Montclair Times	Essex
<input type="checkbox"/>		News-Record	Essex
<input type="checkbox"/>		Nutley Journal	Essex
<input type="checkbox"/>		Nutley Sun	Essex
<input type="checkbox"/>		Observer	Essex
<input type="checkbox"/>		Orange Transcript	Essex
<input type="checkbox"/>		Progress	Essex
<input type="checkbox"/>		Vailsburg Leader	Essex
<input type="checkbox"/>		Verona-Cedar Grove Times	Essex
<input type="checkbox"/>		West Essex Tribune	Essex
<input type="checkbox"/>		West Orange Chronicle	Essex
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Chatham Courier	Morris
<input type="checkbox"/>		Chatham Independent Press	Morris
<input type="checkbox"/>		Citizen of Morris County	Morris
<input type="checkbox"/>		Florham Park Eagle	Morris
<input type="checkbox"/>		Hanover Eagle	Morris

<input type="checkbox"/>		Madison Eagle	Morris
<input type="checkbox"/>		Morris News Bee	Morris
<input type="checkbox"/>		Mt. Olive Chronicle	Morris
<input type="checkbox"/>		Neighbor News	Morris
<input type="checkbox"/>		Randolph Reporter	Morris
<input type="checkbox"/>		Roxbury Register	Morris
<input type="checkbox"/>		Parsippany Life	Morris
<input type="checkbox"/>		Clark Patriot	Union
<input type="checkbox"/>		Cranford Chronicle	Union
<input type="checkbox"/>		Echo Leader	Union
<input type="checkbox"/>		Elizabeth Reporter	Union
<input type="checkbox"/>		Hillside Leader	Union
<input type="checkbox"/>		Leader of Kenilworth & Roselle Park	Union
<input type="checkbox"/>		Madison Independent Press, The	Union
<input type="checkbox"/>		Millburn and Short Hills Independent Press	Union
<input type="checkbox"/>		News Record	Union
<input type="checkbox"/>		Record-Press	Union
<input type="checkbox"/>		Scotch Plains Times (Fanwood Times)	Union
<input type="checkbox"/>		Spectator Leader	Union
<input type="checkbox"/>		Union Leader	Union

<input type="checkbox"/>		Warren Reporter	Warren
	<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAMES OF REGIONAL TV STATION(S)</b>	<b>CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE</b>
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	
		3 KYW-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	
<input type="checkbox"/>		41 WXTV	

		Wxtv License Partnership, G.p. (Univision Communications Inc.)	
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		54 WTBY-TV Trinity Broadcasting Of New York, Inc.	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	Spanish
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Essex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Essex, Morris, Union
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Essex, Morris, Union
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Essex, Union



<input type="checkbox"/>		60 W60AI Ventana Television, Inc	Essex, Union
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Morris
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Morris, Union, Warren
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Morris, Union, Warren
<input type="checkbox"/>		23 W23AZ Centenary College	Morris, Warren
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Morris, Warren
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Morris, Warren
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Morris, Warren
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Morris, Warren
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Morris, Warren
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Morris, Warren
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Morris, Warren
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	Warren
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Warren

<input type="checkbox"/>		17 WPHL-TV Tribune Company	Warren
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Warren
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Warren
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Warren
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Warren
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		55 W55BS New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	Warren
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	Warren
	<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAMES OF CABLE PROVIDER(S)</b>	<b>BROADCAST AREA</b>
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
<input type="checkbox"/>		Cablevision of Newark	Partial Essex
<input type="checkbox"/>		Comcast of NJ (Union System)	Partial Essex, Union
<input type="checkbox"/>		Cablevision of Oakland	Partial Essex, Morris
<input type="checkbox"/>		Cable Vision of Morris	Partial Morris

<input type="checkbox"/>		Comcast of Northwest NJ	Partial Morris, Warren
<input type="checkbox"/>		Patriot Media & Communications	Partial Morris
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Morris, Warren
<input type="checkbox"/>		Cablevision of Elizabeth	Partial Union
<input type="checkbox"/>		Comcast of Plainfield	Partial Union
<input type="checkbox"/>		Cable Vision of Morris	Partial Warren
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Warren
	<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAMES OF REGIONAL RADIO STATION(S)</b>	<b>BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE</b>
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	

<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
AM			
<input type="checkbox"/>		WWRL 1600	Essex
<input type="checkbox"/>		WXMC 1310	Essex, Morris
<input type="checkbox"/>		WWRV 1330	Essex, Morris (Spanish)
<input type="checkbox"/>		WZRC 1480	Essex, Morris (Chinese/Cantonese)
<input type="checkbox"/>		WMCA 570	Essex, Morris, Union (Christian)

<input type="checkbox"/>		WNYC 820	Essex, Morris, Union
<input type="checkbox"/>		WCBS 880	Essex, Morris, Union
<input type="checkbox"/>		WPAT 930	Essex, Morris, Union (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WINS 1010	Essex, Morris, Union
<input type="checkbox"/>		WEPN 1050	Essex, Morris, Union
<input type="checkbox"/>		WKMB 1070	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WBBR 1130	Essex, Morris, Union
<input type="checkbox"/>		WLIB 1190	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WMTR 1250	Essex, Morris, Union
<input type="checkbox"/>		WADO 1280	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WNSW 1430	Essex, Morris, Union (Portuguese)
<input type="checkbox"/>		WJDM 1530	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WQEW 1560	Essex, Morris, Union
<input type="checkbox"/>		WWRU 1660	Essex, Morris, Union (Korean)
<input type="checkbox"/>		WCTC 1450	Union
		WCHR 1040	Warren
		WEEX 1230	Warren

		WNNJ 1360	Warren
		WRNJ 1510	Warren
FM			
<input type="checkbox"/>		WMSC 90.3	Essex
<input type="checkbox"/>		WFUV 90.7	Essex
<input type="checkbox"/>		WBGO 88.3	Essex, Morris, Union
<input type="checkbox"/>		WSOU 89.5	Essex, Morris, Union
<input type="checkbox"/>		WKCR-FM 89.9	Essex, Morris, Union
<input type="checkbox"/>		WFMU 91.1	Essex, Morris, Union
<input type="checkbox"/>		WNYE 91.5	Essex, Morris, Union
<input type="checkbox"/>		WSKQ-FM 97.9	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WBAI 99.5	Essex, Morris, Union
<input type="checkbox"/>		WDHA -FM 105.5	Essex, Morris, Union
<input type="checkbox"/>		WCAA 105.9	Essex, Morris, Union (Latino)
<input type="checkbox"/>		WBLS 107.5	Essex, Morris, Union
<input type="checkbox"/>		WHUD 100.7	Essex, Morris, Warren
<input type="checkbox"/>		WPRB 103.3	Essex, Union, Warren
<input type="checkbox"/>		WMNJ 88.9	Morris
<input type="checkbox"/>		WJSV 90.5	Morris
<input type="checkbox"/>		WNNJ-FM 103.7	Morris, Warren

<input type="checkbox"/>		WMGQ 98.3	Union
<input type="checkbox"/>		WCTO 96.1	Union, Warren
<input type="checkbox"/>		WNTI 91.9	Warren
<input type="checkbox"/>		WSBG 93.5	Warren
<input type="checkbox"/>		WZZO 95.1	Warren
<input type="checkbox"/>		WAEB-FM 104.1	Warren
<input type="checkbox"/>		WHCY 106.3	Warren
3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)			
	<b>NAME OF PUBLICATIONS</b>	<b>OUTREACH AREA</b>	<b>RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE</b>
<b>TARGETS ENTIRE HOUSING REGION 2</b>			
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
<b>TARGETS PARTIAL HOUSING REGION 2</b>			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			
<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>	Brazilian Voice, The	Newark	Brazilian-American



<input type="checkbox"/>		Catholic Advocate, The	Essex County area	Catholic
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>		El Nuevo Coqui	Newark	Puerto Rican community
<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lydenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>		Ukranian Weekly	New Jersey	Ukranian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAME OF EMPLOYER/COMPANY</b>	<b>LOCATION</b>
Essex County		
<input type="checkbox"/>	Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>	Verizon Communications	540 Broad St Newark, NJ 07102
<input type="checkbox"/>	Prudential Financial, Inc.	751 Broad St Newark, NJ 07102
<input type="checkbox"/>	Continental Airlines	1 Newark Airport, Newark, NJ

<input type="checkbox"/>		University of Medicine/Dentistry	Office of Marketing & Media Relations 150 Bergen Street Room D347 Newark, NJ 07103
<input type="checkbox"/>		Public Service Enterprise Group	80 Park Plz Newark, NJ 07102
<input type="checkbox"/>		Prudential Insurance	751 Broad Street, Newark, NJ 07102-3777
<input type="checkbox"/>		Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plz W Newark, NJ 07102
<input type="checkbox"/>		Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>		Horizon Blue Cross & Blue Shield of NJ	540 Broad St Newark, NJ 07102
Morris County			
<input type="checkbox"/>		Atlantic Health System-Morristown Memorial Hospital	100 Madison Avenue Morristown, NJ 07962
<input type="checkbox"/>		AT&T	295 N Maple Ave, Basking Ridge, NJ and 180 Park Ave, Florham Park, NJ
<input type="checkbox"/>		US Army Armament R&D	21 Picatinny Arsenal, Picatinny Arsnl, NJ
<input type="checkbox"/>		Lucent Technologies	67 Whippany Rd, Whippany, NJ and 475 South St, Morristown, NJ and 5 Wood Hollow Rd, Parsippany, NJ and 24 Mountain Ave, Mendham, NJ
<input type="checkbox"/>		Pfizer	Morris Plains/Parsippany
<input type="checkbox"/>		Novartis Pharmaceutical	59 State Route 10, East Hanover, NJ
<input type="checkbox"/>		Kraft foods	200 Deforest Ave, East Hanover, NJ and 7 Campus Dr, Parsippany, NJ
<input type="checkbox"/>		Mennen Sports Arena	161 E Hanover Ave, Morristown, NJ
<input type="checkbox"/>		Honeywell	101 Columbia Rd Morristown, NJ 07960

<input type="checkbox"/>		Pfizer	5 Woodhollow Rd, Parsippany and 175 Tabor Rd, Morris Plains
<input type="checkbox"/>		St. Clare's Hospital	130 Powerville Road Boonton Township, NJ 07005 and 25 Pocono Road Denville, NJ 07834 and 400 West Blackwell Street Dover, NJ 07801 and 3219 Route 46 East, Suite 110 Parsippany, NJ 07054
Union County			
<input type="checkbox"/>		A&M Industrial Supply Co	1414 Campbell St Rahway
<input type="checkbox"/>		A.J. Seabra inc,	574 Ferry St Newark
<input type="checkbox"/>		Bristol-myers Products Research & Dev	1350 Liverty Ave Hillside
<input type="checkbox"/>		Cede Candy Inc	1091 Lousons Road PO Box 271 Union, NJ
<input type="checkbox"/>		Comcast Network	800 Rahway Ave Union, NJ
<input type="checkbox"/>		HoneyWell Inc.	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
<input type="checkbox"/>		IBM Corporation	27 Commerce Drive Cranford, nj
<input type="checkbox"/>		Howard Press	450 West First Ave Roselle,nj
<input type="checkbox"/>		Lucent Technologies	600 Mountain Ave Murray Hill,NJ
<input type="checkbox"/>		Merck & Co. Inc	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
<input type="checkbox"/>		Rahway Hospital	865 Stone Street Rahway, NJ
<input type="checkbox"/>		Rotuba Extruders, Inc	1401 Park Ave South Linden
<input type="checkbox"/>		Union County College	1033 Springfield Ave Cranford,NJ
Warren County			

<input type="checkbox"/>		Masterfoods USA	800 High Street Hackettstown, NJ
<input type="checkbox"/>		Warren Hospital	185 Roseberry St Phillipsburg, NJ
<input type="checkbox"/>		Roche Vitamins	206 Roche Drive Belvidere, NJ
<input type="checkbox"/>		Hackettstown Hospital	651 Willow Grove St. Hackettstown, NJ
<input type="checkbox"/>		Pechiney	191 Route 31 North Washington, NJ
<input type="checkbox"/>		Lopatcong Care Center	390 Red School Lane Phillipsburg, NJ
<input type="checkbox"/>		Mallinckrodt/Baker, Inc	222 Red School Lane Phillipsburg, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

#### IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:																
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)																
	<table border="1"> <thead> <tr> <th></th> <th>BUILDING</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td>Morris County Library</td> <td>30 East Hanover Avenue, Whippany, NJ 07981</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Warren County Library Headquarters</td> <td>199 Hardwick Street, Belvidere, NJ 07823</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Essex County/Hall of Records</td> <td>465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Union County/Administration Building</td> <td>Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100</td> </tr> </tbody> </table>		BUILDING	LOCATION	<input type="checkbox"/>	Morris County Library	30 East Hanover Avenue, Whippany, NJ 07981	<input type="checkbox"/>	Warren County Library Headquarters	199 Hardwick Street, Belvidere, NJ 07823	<input type="checkbox"/>	Essex County/Hall of Records	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400	<input type="checkbox"/>	Union County/Administration Building	Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100
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4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)																
4c. Sales/Rental Office for units (if applicable)																

#### V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).

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Name (Type or Print)

---

—

Title/Municipality

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—

Signature

Date