



TOWNSHIP OF JACKSON

HOUSING PLAN ELEMENT & FAIR SHARE PLAN

July 2025

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Township of Jackson - Housing Plan Element & Fair Share Plan
Prepared by
CME Associates
July 2025

Fourth Round (2025-2035)

TOWNSHIP OF JACKSON

HOUSING ELEMENT & FAIR SHARE PLAN

Prepared: July, 2025

Prepared for: Township of Jackson Planning Board
Township of Jackson, New Jersey

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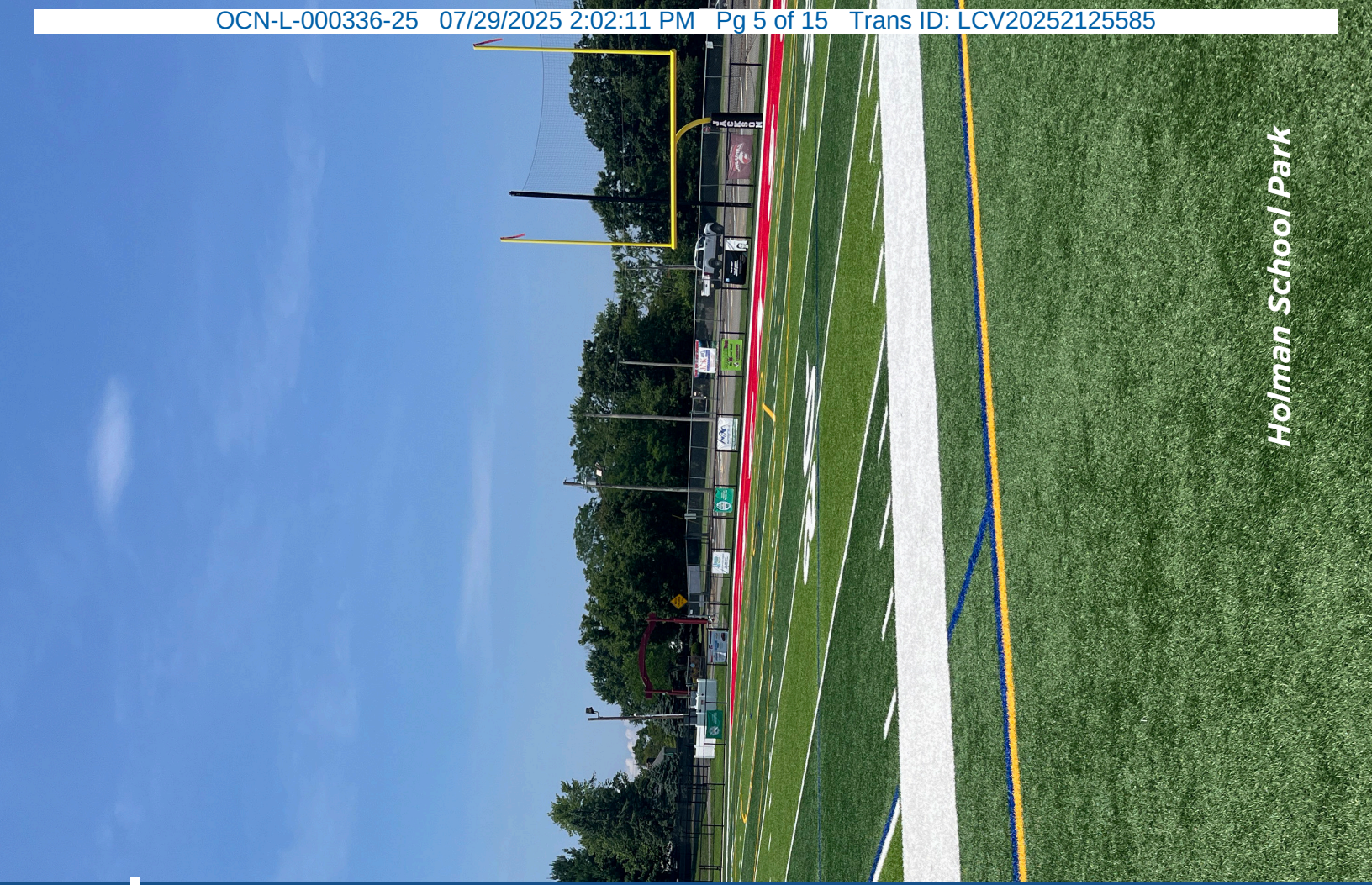
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Holman School Park

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INTRODUCTION

INTRODUCTION

LOCATION AND CONTEXT

Jackson Township is 100.55 square miles square miles in size and is located in the northwest part of Ocean County and the central part of New Jersey. The Township borders the Ocean County municipalities of Lakewood Township, Toms River Township, Manchester Township, and Plumsted Township. It also borders the Monmouth County municipalities of Howell Township, Freehold Township, Millstone Township, and Upper Freehold Township.

The Township is approximately 55 miles from Center City Philadelphia and Midtown Manhattan in New York City, but also is about 30 miles from Trenton and 15 miles from the Jersey Shore via Interstate 195.

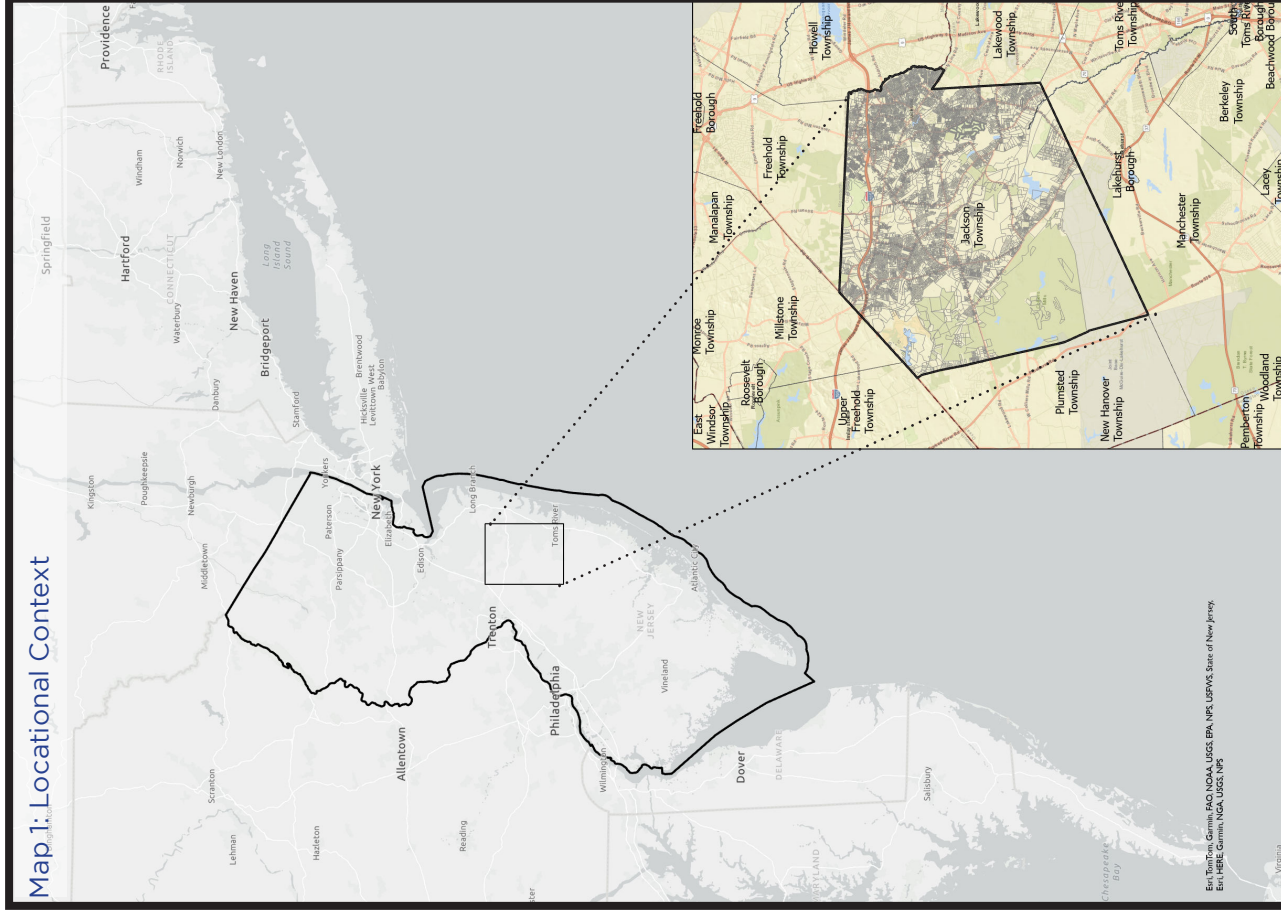
HISTORY AND DEVELOPMENT PATTERNS

Jackson Township was established by the state legislature on March 6, 1844, comprising portions of Dover, Freehold, and Upper Freehold Townships while they were part of Monmouth County. It later became part of newly formed Ocean County on February 15, 1850, and portions were also used to create Plumsted Township on March 11, 1845.

The Township continued to be a traditional small farming community until the mid-20th century. Similar to many communities in New Jersey within the New York Metropolitan and Philadelphia areas, development and the population boomed in the 1960s, and the population of the Township tripled from 1960 to 1970, from a population of around 6,000 residents to a population of around 18,000 according to the US Census population counts.

This population boom was largely fueled by the development of the highways that connected Jackson to employment centers such as Trenton, Philadelphia, Newark, Jersey City, and New York City as well as Federal policies that supported home ownership in new suburban locations.

Map 1: Locational Context



Jackson Township strategically supported and approved the development of entertainment uses to draw in both visitors and residents. A significant milestone was the opening of Six Flags Great Adventure on July 1, 1974. Later, to serve the expanded tourist base and population, Simon Property Group opened Jackson Premium Outlets in 1997. Most of the commercial uses in the Township are located along larger roads, such as County Line Road, Cooks Bridge Road, East Veterans Highway, in the form of strip-malls and smaller shopping centers, with residential uses located along connecting streets.

The Township also includes a variety of park space which is predominantly located in the Pinelands National Reserve.

POPULATION HISTORY AND DEMOGRAPHICS

Traditionally a farming community, the Township is the largest in Ocean County and has grown as an outer-ring suburb of the New York and Philadelphia metropolitan areas. As of the 2020 Census the Township's population was 58,544, an increase of 3,688 (+6.7%) from the 2010 Census count of 54,856, which reflected an increase of 12,040 (+28.1%) from the 42,816 counted in the 2000 Census.

The rate of increase from 2010 to 2020 much smaller than was the case when the population tripled from 1960 to 1970. Since the 1960's, the population has grown steadily by an average of 27% per decade. According to the NJTPA updated Demographic and Employment Forecast Model Jackson is projected to continue its growth in the coming decades as the Township is expected to have a population of 76,752 people by 2050.

Jackson consists of roughly 58,500 residents, of which data indicates that 45,972 people or 78.5% identify as white, 2,971 people or 5.1% percent identify as African American or Black, 1,577 or 2.7% percent identify as Asian, 179 people or 0.3% identify as American Indian and Alaska Native, 15 people or 0.03% identify as Native Hawaiian and Other Pacific Islander, 2,902 people or 5.0% identify as Some Other Race and 4,928 or 8.4% percent identify as two or more races.

7,543 people or 12.9% of the population of any race identifies as Hispanic or Latino, and 44,395 people or 75.8% identifies as White alone and not Hispanic or Latino.

Census data (2023 ACS 5-Year Estimate) also indicates a median household income of approximately \$108,947 for the Township. This is a relatively high median household income given that the median household income for Ocean County is \$86,411 and for the state of New Jersey it is approximately \$101,050.

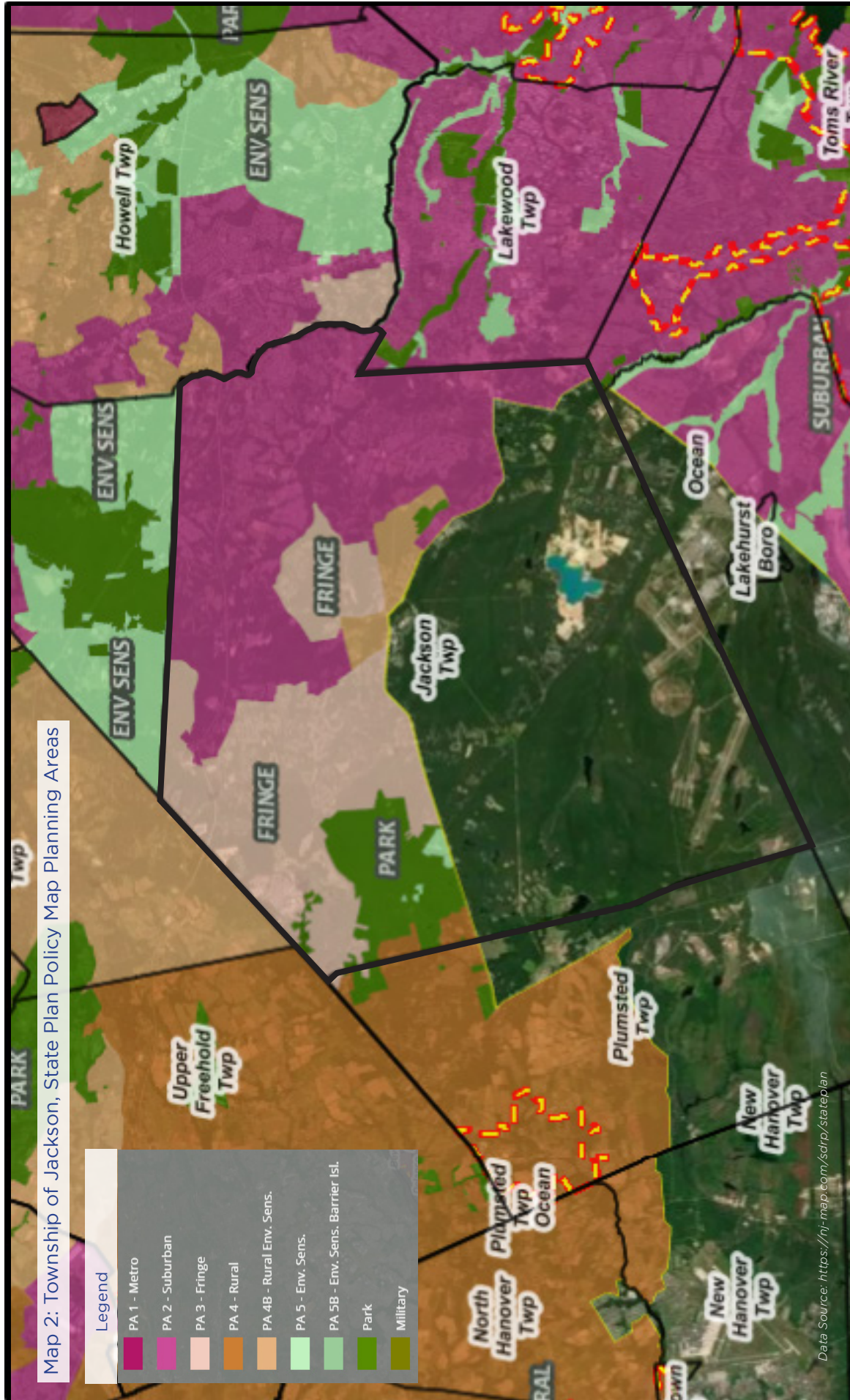
STATE PLAN

According to the 2001 State Plan Policy Map, The Township is mostly located in the Suburban Planning Area (PA2) and the Fringe Planning Area (PA3), and partially located in the Rural Planning Area (PA4), Rural Environmentally Sensitive Area (PA 4B), the Environmentally Sensitive Planning Area (PA5).

Similarly, the surrounding Ocean County municipalities of Lakewood Township, Toms River Township, Manchester Township, and Monmouth County municipality of Freehold Township, are primarily located within the Suburban Planning Area (PA2). The Ocean County municipality of Plumsted Township, and the Monmouth County municipalities of Millstone Township and Upper Freehold Township are primarily located in the Rural Planning Area. Similar to Jackson Township, Howell Township in Monmouth County, contains multiple planning areas; PA2, PA3, PA4, and PA5.

The State Plan promotes the strategic application of investment and regulatory policy to repair and maintain infrastructure in developed areas, to reestablish adequate levels of service in overburdened communities and to protect the agricultural, natural and cultural resources of the state.

The State Plan Policy Map Planning Areas serve a pivotal role in the State Plan by setting forth Policy Objectives that guide the application of the State Plan's Statewide Policies. Planning Areas are areas of land that are greater than one square mile that share a common set of conditions, such as population density, **infrastructure systems, level of development or protection of natural systems.**



STATE PLAN

The Suburban Planning Area (PA2) provides for much of the states' future development and redevelopment opportunities. According to the 2001 State Plan, the additional intentions of the Suburban Planning Area are to: promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.

The Fringe Planning Area (PA3) is predominantly rural in nature and does not contain prime agriculture or environmentally sensitive land, while containing small communities. According to the 2001 State Plan the intent of the Fringe Planning Area is to: accommodate growth in Centers; protect the Environs primarily as open lands; revitalize cities and towns; protect the character of existing stable communities; protect natural resources; provide a buffer between more developed Metropolitan and Suburban Planning Areas and less developed Rural and Environmentally Sensitive Planning Areas; and confine programmed sewers and public water services to Centers.

The township is partially located in the Rural Planning Area (PA4). This area includes much of the countryside of New Jersey, where large masses of cultivated or open land exist. According to the 2001 State Plan the intent of the Rural Planning Area is to maintain the Environs as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in Centers; promote a viable agricultural industry; protect the character of existing, stable communities; and confine programmed sewers and public water services to Centers.

The Township is also partially located within the Rural Environmentally Sensitive Planning Area (PA 4B). This area includes areas within the Rural Planning Area that contain one or more environmentally sensitive features. According to the 2001 State Plan the intent of the Rural Environmentally Sensitive Planning Area is the same as the Rural Planning Area.

The Environmentally Sensitive Planning Area contains large contiguous land areas with valuable ecosystems, geological features and wildlife habitats. According to the 2001 State Plan the intent of the Environmentally Sensitive Planning Area (PA5) protects environmental resources and accommodates growth in Centers; protects the character of existing stable communities; confines programmed sewers and public water services to Centers; and revitalizes cities and towns. The Environmentally Sensitive Planning Area contains large contiguous land areas with valuable ecosystems and geological features and wildlife habitats.

While there is no official designated Center within the Suburban Planning Area (PA2), the area north of County Line Road Avenue, acts as the Township's "Center", as this is where most of the residential and commercial uses occurs within the Township.

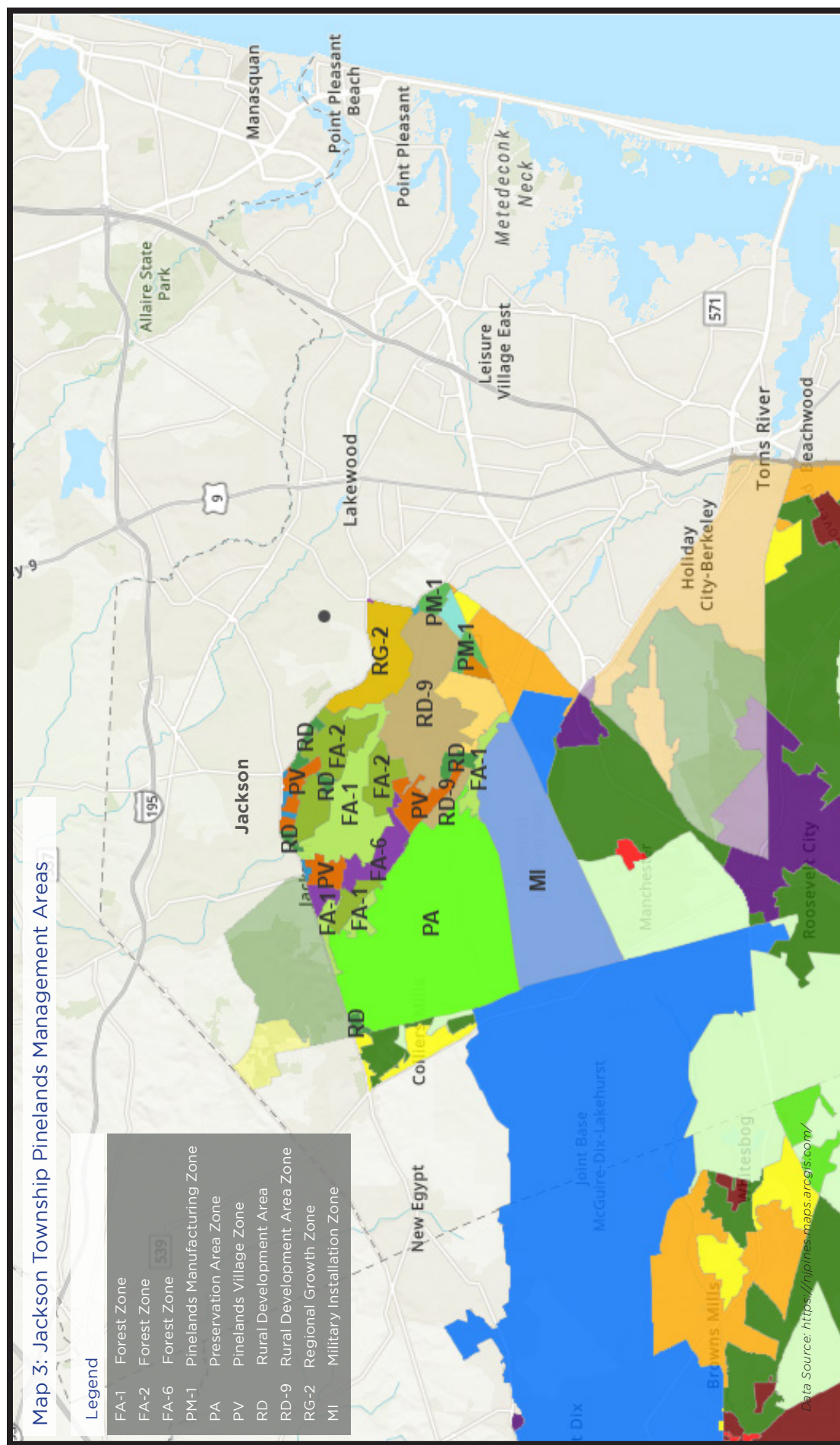
PINELANDS MANAGEMENT AREA

The Township is also located within the designated Pinelands Management Area. The Pinelands National Reserve was created by Congress in 1978, encompassing 1.1 million acres covering all or parts of 56 municipalities. In 1979 the Pinelands Commission was established and the Pinelands Protection Act was enacted, which set the stage for the adoption of the Pinelands Comprehensive Management Plan (CMP) in 1981. Soon thereafter municipalities within the Pinelands Area were required to adopt Master Plan and land use regulations consistent with the CMP.

Since the adoption of the CMP, the suburban development of Jackson that began in the 1950s and exploded from 1960 to 1970, has continued but has been focused to the non-Pinelands areas of the Township. Mainly as a result of the Pinelands regulations and associated infrastructure planning, and the environmental constraints within the Pinelands area,

Jackson Township has been developed with a distinctly suburban character in the northern and eastern portions of the Township, particularly along Route I-195 and the County Line Road corridors, and with a more rural character in the southern and western portions of the Township. This pattern however is changing over the recent years as more people make Jackson their home.

The majority of the Pinelands Management Area is either designated as the Pinelands Rural Development Area, Preservation Area, or Forest Area. The Pinelands Village, Regional Growth Area, and Special Agricultural Production Area are also located within the Township.



AFFORDABLE HOUSING

In 1975 the New Jersey Supreme Court determined, in *So. Burlington County NAACP v. Township of Mount Laurel* (“Mount Laurel I”) that every developing municipality in New Jersey had an affirmative obligation to provide a “realistic opportunity” for its fair share of low- and moderate-income housing. In 1983, frustrated with the lack of voluntary compliance, the Supreme Court sought to create an incentive for voluntary compliance in its “Mount Laurel II” decision. In this decision, the Court exposed municipalities that refused to comply voluntarily to the possibility of builder’s remedy relief. The Court also called for the state legislature to enact legislation that would save municipalities from the inefficiency of having the courts determine their affordable housing needs.

First and Second Rounds

In 1985 the Legislature adopted the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) (“FHA”). The FHA created the New Jersey Council on Affordable Housing (COAH) and charged COAH with the responsibility of adopting regulations by which municipalities could determine their fair share responsibilities and the means by which they could satisfy those responsibilities. The Legislature also sought to promote voluntary compliance and empowered municipalities to submit to COAH’s jurisdiction and voluntarily comply under the protections of the COAH process.

Pursuant to the FHA, COAH adopted regulations for the first housing cycle in 1986; which covered the years 1987 through 1993 (“First Round”) and for the second housing cycle in 1994; which covered the years 1993 through 1999 (“Second Round”). Under both the First and Second Rounds, COAH utilized what is commonly referred to as the “fair share” methodology. COAH utilized a different methodology, known as “growth share,” beginning with its efforts to prepare Third Round housing-need numbers.

Third Round

COAH first adopted the Third-Round rules in 2004; which were to cover the years 1999 through 2014. The “growth share” approach created a nexus between the production of affordable housing and future residential and non-residential development within a municipality, based on the principle that municipalities should provide affordable housing opportunities proportionate to their market rate residential growth, and that along with employment opportunities there should be proportionate opportunities for affordable housing.

Each municipality was required to project the amount of residential and nonresidential growth that would occur during the period 2004 through 2014 and prepare a plan to provide proportionate affordable housing opportunities. The regulations were challenged and in January 2007, the New Jersey Appellate Division invalidated key aspects of COAH’s third round rules and ordered COAH to propose and adopt amendments to its rules to address the deficiencies it had identified.

COAH adopted new Third Round rules in May of 2008 and subsequently adopted amendments that became effective on October 20, 2008. Changes to the Fair Housing Act were also adopted in July of 2008 (P.L. 2008 c. 46 on July 17, 2008). The COAH rules and regulations adopted in 2008 were subsequently challenged, and in an October 2010 decision the Appellate Division invalidated the “Growth Share” methodology, and also indicated that COAH should adopt regulations pursuant to the “Fair Share” methodology utilized in the First and Second Rounds.

The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third Round regulations and sustaining the invalidation of growth share, and directing COAH to adopt new regulations pursuant to the methodology utilized in the First and Second Rounds.

In October of 2014 COAH was deadlocked and failed to adopt their newly revised Third Round regulations. Fair Share Housing Center, who was a party in the earlier cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. On March 20, 2015, the Court ruled that COAH was effectively dysfunctional, and consequently returned jurisdiction of affordable housing issues back to the trial courts as it had been prior to the creation of COAH in 1986.

Since the 2015 Mt. Laurel IV decision, municipalities have turned to the courts to seek a declaratory judgement of their housing plans to determine whether they are meeting their constitutional affordable housing obligations, and to be granted immunity from any "builder's remedy" lawsuits. With no COAH functioning and providing guidance to municipalities to determine their municipal fair share of statewide and regional obligations, a number of independent groups produced their own reports to determine individual obligations across the state. In several court decisions in 2016 and 2018, judges in Middlesex and Mercer County developed a methodology following closely one proposed by Fair Share Housing Center to determine municipal obligations.

In the 2018 decision by Judge Jacobson, it was further determined that the initial period of the Third Round which had not been addressed (1999 – 2015) known as the "gap period" is to be included in each municipality's fair share calculations to address the Third Round.

Fourth Round

In March of 2024, P.L. 2024, c.2 was signed into law establishing new procedures for determining statewide needs and municipal obligations for low and moderate income housing. This new law formally abolished COAH and established a new "Program" for resolving affordable housing disputes, as well as the authority to review and certify municipal fair share housing plans. The law required municipalities to determine their own fair share obligations by applying the methodology of the Jacobsen decision in Mercer County as it related to the Third Round, and adopt a binding resolution setting those obligation numbers.

The law also provided revisions to the crediting structures for affordable units, with changes to the types of affordable units that are permitted to be granted bonus credits. The law established timelines for submission of documents to demonstrate compliance with the Fair Housing Act.

In addition to the revisions to low and moderate income housing crediting, the amended law established a new Affordable Housing Alternative Dispute Resolution Program. The Program is intended adjudicate any disputes in affordable housing, and function as the administrative body responsible for reviewing and certifying municipal compliance with the Fair Housing Act. Through the Program and the Administrative Office of the Courts, municipalities seeking a judgment of compliance with Affordable Housing regulations must submit their plans to the Program for certification and to retain immunity from any potential builders remedy lawsuits.

JACKSON TOWNSHIP'S COMPLIANCE HISTORY

Jackson Township has had a long compliance history in meeting its constitutional obligation of providing affordable housing within the Township. Jackson prepared its Housing Element and Fair Share Plan addressing its First Round obligation (1987-1993) on January 26, 1993. A Fairness Hearing was conducted by the Court and with the recommendation of the Court Appointed Special Master, the Court approved the Township's first cycle plan and a Judgement of Compliance and Repose was entered on October 29, 1993. The Judgement of Compliance and Repose granted the Township six years of protection from exclusionary zoning challenges.

In 1994, COAH issued its cumulative (1987-1999) first and second housing cycle (round) municipal affordable housing obligations. In early 1999, the Township embarked upon the process of developing a cumulative affordable housing compliance plan (Housing Element and Fair Share Plan) under the auspices and protection of the Court. A Draft Housing Element was prepared in November 2000 and submitted to the Court Special Master for review.

The Draft Housing Element included a request for reduction of the Township's obligation under COAH's "1,000-unit cap rule", a "senior cap" waiver request, and a request for 247 credits under the "credits without controls rule". The ultimate resolution of these issues and other circumstances (incl.: the issuance of new COAH rules; an additional third round obligation; the subsequent challenge and modification of said rules; and, necessary modifications to the Hovbilt [Site No. 6] and Leigh at Jackson

JACKSON TOWNSHIP'S COMPLIANCE HISTORY

[Site No. 2] affordable housing developments delayed the preparation of the Township's Cumulative (1987-1999) Affordable Housing Compliance Plan until late 2007. On January 14, 2008, the Planning Board adopted a Housing Element and Fair Share Plan, which was subsequently endorsed by the Township Council on January 22, 2008.

On November 23, 2011, the Court issued an Order granting the relief sought by the Township to modify the Second Amendment to the Hovbitt, Inc. and Jackson Township Affordable Housing Agreement with respect to Affordable Housing Site No. 6. The Order further provided that the Township revise its Compliance Plan to reflect changes to the 2008 Housing Element and Fair Share Plan as a result of the Settlement Agreements affecting Affordable Housing Sites Nos. 2 and 6, and to further conduct a compliance hearing on said plan "... to demonstrate compliance with its prior round and rehabilitation obligations and credits towards its future third round obligation".

On November 19, 2012, the Planning Board adopted an Amended Housing Element and Fair Share Plan to address the requirements of the November 23, 2011 Order of the Court (i.e., to demonstrate compliance with Township's prior round and rehabilitation obligations and credits toward its future, but at that time, undetermined, third round obligation). The Township Council, on November 20, 2012, endorsed the Amended Housing Element and Fair Share Plan adopted by the Planning Board.

At the end of Second Round period, which expired in 1999, COAH subsequently promulgated new rules for Third Round based on the Growth Share methodology. After years of litigations and challenges, on September 26, 2013, the New Jersey Supreme Court affirmed the invalidation of the growth share methodology and required COAH to come up with new Third Round Rules. After COAH failed to produce those new rules by February 26, 2014, Supreme Court issued its decision on March 10, 2015, stripping COAH of its administrative duties relating to affordable housing certification process. As several of the municipalities turned to Courts to determine their compliance with Third Round Plan, on July 7, 2015, Township filed a motion for Declaratory Judgement (IMO Township of Jackson, County of Ocean, Docket No. OCN-L-001879-15) seeking the declaration of the Court of its

compliance with the Mount Laurel doctrine and the Fair Housing Act (N.J.S.A. 53:27D-301 et seq.) in accordance with the Court's Mount Laurel IV decision. Fair Share Housing Center, Inc. (FSHC), Highview Homes and EL @ Jackson were granted intervenor status in separate Orders of the Court.

After the filing of the Declaratory Judgment action, the Township and FSHC participated in numerous conferences, motions, appeals, and other proceedings and ultimately reached a settlement agreement with FSHC and Highview Homes. This agreement referred to as the Settlement Agreement, was dated October 25, 2016 and signed by both FSHC and Highview Homes and sets forth the Township's second and third round fair share obligations and a compliance plan to address the obligations. On December 31, 2016, the Court ordered Fairness Hearing on the Settlement Agreement. The Township was granted a final judgment of compliance.

Following this, Township of Jackson and Fair Share Housing Center reached a Settlement Agreement on December 12, 2024 to address its Fourth Round affordable housing obligation and to address the deferred gap period obligation described in the 2016 Settlement Agreement at Paragraph 13.

Jackson Township has previously been a party to litigation in the Superior Court of New Jersey concerning its obligation to plan for and provide affordable housing and has entered into affordable housing agreements with the Fair Share Housing Center ("FSHC"), a public interest organization designated by the courts to represent the interests of low- and moderate-income households in such matters for the Third and Fourth Rounds. The Township acknowledges its ongoing obligation to comply with all court orders, settlement agreements, and declaratory judgments entered in relation to its affordable housing obligations.

The Township has prepared this Housing Plan Element and Fair Share Plan in accordance with all requirements of the Municipal Land Use Law, and the Amended Fair Housing Act and the Settlement Agreement.