



2025

Fourth Round Housing Plan Element and Fair Share Plan

June 6, 2025

Adopted June 18, 2025

Endorsed _____

Mannington Township, Salem County, New Jersey

Prepared by:

Clarke Caton Hintz | 100 BARRACK STREET | TRENTON, N.J. | 08608



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Prepared for Mannington Township by:

Clarke Caton Hintz:

A handwritten signature in blue ink, reading "Michael F. Sullivan", written over a horizontal line.

Michael F. Sullivan, ASLA, AICP
License No. 5153

With the assistance of Eric Harris, MCRP

A signed and sealed version is available at the municipal building.



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APPENDICES TO THE HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

1. Fourth Round Obligation Documentation
2. Habitat for Humanity Crediting Documentation
3. Bancroft Group Home Crediting Documentation
4. Benchmark Group Home Crediting Documentation
5. Memorial Hospital Draft Amended Redevelopment Plan
6. West Route 45 Draft Inclusionary Zoning Ordinance
7. Water and Sewer Availability Documentation
8. Municipal Housing Liaison Ordinance
9. Development Fee Ordinance
10. Spending Plan
11. Planning Board Resolution of Adoption



EXECUTIVE SUMMARY

This Fourth Round Housing Plan Element and Fair Share Plan (HPE/FSP) has been prepared for Mannington Township, Salem County in accordance with the New Jersey Fair Housing Act (FHA) and the rules of the New Jersey Council on Affordable Housing (COAH) at N.J.A.C. 5:93 et seq. There are four components to a municipality's affordable housing obligation: the Fourth Round Present Need or Rehabilitation Share, the Prior Round Prospective Need, the Third Round Gap/Prospective Need, and the Fourth Round Prospective Need. The Township's affordable housing obligations are as follows:

- Fourth Round Present Need/Rehabilitation Obligation: 0
- Prior Round Prospective Need: 19
- Third Round Gap/Prospective Need: 38
- Fourth Round Prospective Need: 8
- Cumulative Prospective Need: 65

To address its cumulative Prospective Need obligation of 65, Mannington Township will amend a Redevelopment Plan for the Memorial Hospital site (Block 53, Lots 4 and 23) to allow for inclusionary residential development and affordable assisted living units. The Township will also adopt inclusionary zoning for a commercially developed site along Route 45 (Block 61, Lot 6). Additional credits toward the obligation will be met through two existing group homes, one proposed for-sale family unit to be developed by Habitat for Humanity, and the application of Fourth Round bonus credits.



NEW JERSEY AFFORDABLE HOUSING JUDICIAL AND LEGISLATIVE BACKGROUND

In the 1975 Mount Laurel¹ decision, the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide diversity and choice in the housing types permitted in the municipality, including housing for low- and moderate-income households. In its 1983 Mount Laurel II decision,² the New Jersey Supreme Court extended to all municipalities with any “growth area” as designated in the State Development Guide Plan (now superseded by the State Development and Redevelopment Plan, or SDRP) the obligation to provide their “fair share” of a calculated regional need for affordable units. Mount Laurel II also introduced a “builder’s remedy” if a municipality was not providing its fair share of affordable housing. A builder’s remedy may permit a developer that is successful in litigation the right to develop what is typically a higher density multi-family project on land not zoned to permit such use, so long as a “substantial” percentage of the proposed units would be reserved for low- and moderate-income households and so long as the proposed project was not clearly contrary to land use planning..

In 1985, in response to Mount Laurel II and the trial court cases that implemented it, the New Jersey Legislature enacted the FHA.³ The FHA created COAH as an administrative body responsible for administering the FHA and implementing the policies established by that Act. More specifically, the Legislature charged COAH with promulgating regulations (i) to establish housing regions; (ii) to estimate low- and moderate-income housing needs; (iii) to set criteria and guidelines for municipalities to use in determining and addressing their fair share obligations, and (iv) to create a process for the review and approval of municipal housing elements and fair share plans. In a case commonly referred to as Mount Laurel IV, the Supreme Court directed trial courts to follow COAH’s decisions and rules “wherever possible”.

COAH’s First and Second Rounds, 1986-1999

COAH created the criteria and regulations for municipalities to address their affordable housing obligations. COAH originally established a methodology for determining municipal affordable housing obligations for the six-year period between 1987 and 1993,⁴ which period became known as the First Round. This methodology established an existing need to address substandard housing that was being occupied by low- and moderate-income households (variously known as “present need” or “rehabilitation share”), and calculated future demand, to be satisfied typically, but not exclusively, with new construction (prospective need” or “fair share).

The First Round methodology was superseded in 1994 by COAH’s Second Round regulations.⁵ The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 census data. These regulations identified a municipality’s cumulative obligations for the First and Second Rounds. Under regulations adopted for the Third Round, a municipality’s obligation to provide affordable housing for the First and Second Rounds is referred to cumulatively as the Prior Round obligation.

¹ Southern Burlington County NAACP v. Township of Mount Laurel, 67 N.J. 151 (1975)

² Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983)

³ N.J.S.A. 52:27D-301 et seq.

⁴ N.J.A.C. 5:92-1 et seq.

⁵ N.J.A.C. 5:93-1.1 et seq.



COAH's Third Round and Related Judicial and Legislative Activity, 1999-2025

The FHA had originally required housing rounds to be for a six-year period for the First and Second Rounds. In 2001, the time period increased to a 10-year period consistent with the Municipal Land Use Law (MLUL). In order to utilize 2000 census data, which hadn't yet been released, COAH delayed the start of the Third Round from 1999 to 2004, with the Third Round time period initially ending in 2014. In December 2004, COAH's first version of the Third Round rules⁶ became effective, and the 15-year Third Round *time period* (1999 – 2014) was condensed into an affordable housing *delivery period* from January 1, 2004, through January 1, 2014.

The 2004 Third Round rules marked a significant departure from the methods utilized in COAH's Prior Rounds. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality based upon its determination of the housing region, the need for affordable housing in the region, and the fair allocation of that regional need to each municipality in the region. In contrast to this approach, the Third Round rules implemented a "growth share" approach that linked the production of affordable housing to residential and non-residential development in a municipality.

On January 25, 2007, a New Jersey Appellate Court decision⁷ invalidated key elements of the first version of the Third Round rules, including the growth share approach, and the Court ordered COAH to propose and adopt amendments to its rules. COAH issued revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008), which continued with a growth share approach.

Just as various parties had challenged COAH's initial Third Round regulations, parties challenged COAH's 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision on the challenges.⁸ The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality, but invalidated the regulations by which the agency assigned housing obligations in the Third Round. Instead of using a growth share approach, the Appellate Division directed COAH to use methods similar to those used in the First and Second Rounds.

Third Round Judicial Activity

After various challenges were filed, on September 26, 2013, the New Jersey Supreme Court upheld the Appellate Court decision⁹ and ordered COAH to adopt the necessary rules within five months. COAH failed to adopt new rules, and more challenges ensued.

On March 10, 2015, after the Court gave COAH multiple extensions to adopt new rules, the New Jersey Supreme Court issued a ruling on Fair Share Housing Center's (FSHC's) Motion in Aid of Litigant's Rights, which became known as Mount Laurel IV.¹⁰ In this decision, the Court declared COAH "moribund" and then transferred responsibility for reviewing and approving housing elements and fair share plans from COAH to designated Mount Laurel trial judges." Mount Laurel IV required municipalities that wished to secure approvals of their affordable housing plans as may be amended

⁶ N.J.A.C. 5:94-1 and 5:95-1

⁷ In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (2007)

⁸ In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (2010)

⁹ In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013)

¹⁰ In re Adoption of N.J.A.C. 5:96 & 5:97, 221 NJ 1 (2015)



to apply to the Courts, instead of COAH. Mount Laurel IV also gave municipalities the opportunity to apply for immunity as they sought plan approval. The Mount Laurel trial judges, with the assistance of a Court-appointed Special Adjudicator, reviewed municipal plans much in the same manner as COAH had done previously. Once a Court found a plan to be satisfactory, it entered a Judgment of Compliance and Repose that protected the municipality from exclusionary zoning litigation until June 30, 2025, the final day of Round 3.

While the New Jersey Supreme Court's decision set a process in motion for towns to address their Third Round obligation, the decision did not assign those obligations. Instead, that was to be done by the trial courts, although ultimately most towns entered into settlement agreements to set their fair share obligations. The Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and those components of COAH's 2008 regulations that were not invalidated, as well as the FHA. Accordingly, these principles guided municipalities in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the New Jersey Supreme Court rendered a decision¹¹ concerning the period between 1999 and 2015, now known as the "gap period," when no valid affordable housing regulations were in force. Although the gap period did not fit into the historic definition of present need or the prospective need, the Court expanded the doctrine to assign an obligation for the need for affordable housing created during this gap period. As a result of this decision, the Third Round municipal affordable housing obligation would now comprise four components: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Third Round Gap Need (1999-2015, new construction), and Third Round Prospective Need (Third Round, 2015 to 2025, new construction).

Third Round Legislative Activity

In addition, the New Jersey Legislature has amended the FHA several times in recent years.

On July 17, 2008, P.L. 2008 c. 46 (referred to as the Roberts Bill or A500) was enacted, which amended the FHA in a number of ways. Key provisions included the following:

- It established a statewide 2.5% non-residential development fee instead of requiring non-residential developers to provide affordable housing;
- It eliminated new regional contribution agreements (RCAs) as a compliance technique available to municipalities; previously a municipality could fund the transfer up to 50% of its fair share to so called "receiving" municipalities;
- It added a requirement that 13% of all affordable housing units be restricted to very low-income households, which it defined as households earning 30% or less of median income; and
- It added a requirement that municipalities had to commit to spend development fees within four years of the date of collection. This was later addressed in a Superior Court decision which found the four-year period begins at the time the Court approves the municipal spending plan.¹²

In July 2020, the State amended the FHA again to require, beginning in November 2020, that all affordable units that are subject to affirmative marketing requirements also be listed on the state's

¹¹ In Re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017)

¹² In the Matter of the Adoption of the Monroe Township Housing Plan Element and Fair Share Plan, and Implementing Ordinances (2015)



Affordable Housing Resource Center website.¹³ All affordable housing affirmative marketing plans are now required to include listing on the State Affordable Housing Resource Center website.

The Fourth Round, 2025-2035

Although the Supreme Court in Mount Laurel IV had expressed its desire that COAH function as it was designed so the courts could retreat once again from the prominent role on affordable housing, on March 20, 2024, the Legislature amended the FHA (as were other statutes) to abolish COAH. This amendment, P.L. 2024 c.2, also

- Requires the state Department of Community Affairs (DCA) to promulgate municipal obligations using the standards set forth in the legislation. These obligations are to be considered advisory, not binding;
- Establishes a timeline within which municipalities need to adopt and submit binding resolutions stipulating to their Fourth Round fair share obligations, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Requires the New Jersey Housing and Mortgage Finance Agency (HMFA) and DCA to update rules and standards governing affordable housing production, trust funds, and affordable housing administration;
- Establishes a Court-based Affordable Housing Dispute Resolution Program (Program) that will be responsible for mediating challenges to municipalities' affordable housing obligation determinations and compliance efforts;
- Establishes a longer control period – 40 years, rather than 30 years – for new affordable rental units;
- Changes the criteria for affordable housing bonuses, making various additional categories of affordable housing eligible for bonuses;
- Establishes a timeline within which municipalities need to take various steps toward adoption of a Housing Plan Element and Fair Share Plan, in order to retain their immunity from exclusionary-zoning lawsuits;
- Establishes new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds, and assigns oversight for reporting and monitoring to DCA.

¹³ <https://www.nj.gov/njhrc/>



MANNINGTON'S AFFORDABLE HOUSING HISTORY

Pursuant to the *COAH Status and Information* in the DCA website¹⁴, Mannington Township has not participated in the First, Second or Third rounds of the affordable housing process. As discussed in the section of this HPE/FSP titled *Mannington's Affordable Housing Obligation*, the Township had a Prior Round obligation of 19, as calculated by COAH per N.J.A.C. 5:93, and a Third Round obligation of 38, as determined by what is referred to as the "Jacobson Methodology."

Notwithstanding the prior history, the Township has now charted a course based on voluntary compliance, the goal of all three branches of government. Thus, on January 27, 2025, Mannington adopted a resolution declaring a Fourth Round Present Need of zero units and a Fourth Round Prospective Need of eight units, based on calculations performed by DCA and set forth in its report, dated October 18, 2024. On January 17, 2025, the Township subsequently filed its Fourth Round DJ action with the Program/Superior Court, pursuant to the requirements of the amended FHA and the Administrative Directive #14-24 (Appendix 1). The Township has now directed the preparation of a Housing Plan Element and Fair Share Plan for filing by June 30, 2025, the deadline established by the amended FHA.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under the amended FHA as a dwelling, either for sale or rent that is within the financial means of households of very-low, low- or moderate-income as income is measured within each housing region. Mannington Township is in COAH's Region 6, which includes the Atlantic, Cape May, Cumberland, and Salem. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very low-income include those households with annual incomes of 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (UHAC) found at N.J.A.C. 5:80-26.1 et seq., the maximum rent for a qualified unit must be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is now defined in the amended FHA and continues to utilize HUD income limits on a regional basis. In the spring of each year HUD releases updated income limits which COAH reallocates to its regions. It is from these income limits that the rents and sale prices for affordable units are derived. See Table 1 for 2024 income limits for Region 6 and Tables 2 and 3 for illustrative sale prices and gross rents from 2024 (the latest figures available). The sample rents and sale prices are illustrative and are gross figures which do not account for the specified utility allowance for rentals.

¹⁴ - DCA, <https://www.nj.gov/dca/dlps/hss/COAH.shtml>, accessed May 11, 2025.



TABLE 1. 2024 INCOME LIMITS FOR REGION 6					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Median	\$68,852	\$78,688	\$88,524	\$98,360	\$106,228
Moderate	\$55,081	\$62,950	\$70,819	\$78,688	\$84,983
Low	\$34,426	\$39,344	\$44,262	\$49,180	\$53,114
Very Low	\$20,655	\$23,606	\$26,557	\$29,508	\$31,868
<i>Source: 2024 Income Limits prepared by Affordable Housing Professionals of New Jersey.</i>					

Tables 2 and 3 provide illustrative maximum sale prices and gross rents for 2024. These are gross figures, for illustration only. They do not account for permitted utility allowances for rental units and may not be reflective of current mortgage rates, taxes, homeowners' association fees, etc. for sales units.

TABLE 2. ILLUSTRATIVE 2024 AFFORDABLE GROSS RENTS FOR REGION 6			
Household Income Levels (% of Median Income)	1-Bedroom Unit Rent	2-Bedroom Unit Rent	3-Bedroom Unit Rent
Moderate (60%)	\$1,107	\$1,328	\$1,534
Low (50%)	\$922	\$1,107	\$1,279
Very Low (30%)	\$553	\$664	\$767
<i>Source: 2024 Affordable Housing Unit Rental Rate Calculations for Pricing Newly Constructed Units prepared by Affordable Housing Professionals of New Jersey.</i>			

TABLE 3. ILLUSTRATIVE 2024 AFFORDABLE SALES PRICES FOR REGION 6			
Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate (70%)	\$154,088	\$187,267	\$218,234
Low (50%)	\$106,689	\$130,389	\$152,508
Very Low (30%)	\$59,291	\$73,510	\$86,782
<i>Source: 2024 Affordable Housing Unit Sales Price Calculations for Pricing Newly Constructed Units prepared by Affordable Housing Professionals of New Jersey.</i>			



HOUSING PLAN ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a Housing Plan Element as the foundation for the municipal zoning ordinance (see N.J.S.A. 40:55D-28b(3) and -62). Pursuant to the FHA (N.J.S.A. 52:27D-301 et seq.), a municipality's Housing Plan Element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. Specifically, N.J.S.A. 52:27D-310 requires that the Housing Plan Element contain at least the following:

- 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;
- 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 trends;
- An **analysis of the municipality's demographic characteristics**, including, but not necessarily limited to, household size, income level, and age;
- An **analysis of the existing and probable future employment characteristics** of the municipality;
- A **determination of the municipality's present and prospective fair share of low- and moderate-income housing** and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing as established pursuant to section 3 of P.L. 2024, c.2 (C.52:27D-304.1);
- A **consideration of the lands 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;
- **An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity** as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20); and
- **An analysis of consistency with the State Development and Redevelopment Plan**, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

In addition to FHA requirements, this Fourth Round HPE/FSP has been prepared in compliance with the following requirements set forth by Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024:

- i. One of the requirements for a final HPE/FSP is the inclusion of **detailed site suitability analyses**, based on the best available data, for each of the unbuilt inclusionary or 100%



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.

2. 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. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.
3. The final HPE/FSP must fully document the **creditworthiness of all of the existing affordable housing units** in its HPE/FSP and to demonstrate 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 HPE/FSP must be provided.

Consistent with N.J.A.C. 5:93-5.5, any municipally sponsored 100% affordable housing development will be required to be shovel-ready within two years of the deadlines set forth in the settlement agreement:

1. The municipality will be required to submit the identity of the project sponsor, a detailed pro forma of project costs, and documentation of available funding to the municipality and/or project sponsor, including any pending applications for funding, and a commitment to provide a stable alternative source, in the form of a resolution of intent to fund shortfall, including by bonding, if necessary, in the event that a pending application for outside funding has not yet been not approved.
2. Additionally, a construction schedule or timetable must be submitted setting forth each step in the development process, including preparation and approval of a site plan, applications for state and federal permits, selection of a contractor, and start of construction, such that construction can begin within two (2) years of the deadline set forth in the settlement agreement.

This Fourth Round Housing Plan Element has been prepared to satisfy all of the above requirements.



HOUSING, DEMOGRAPHIC AND EMPLOYMENT ANALYSIS

Housing Characteristics

Mannington's housing stock consists almost entirely of single-family detached units (95.3%), which is a much larger portion than that of Salem County (74.3%) and New Jersey (52.7%). The Township's renter population comprises only approximately 7.8% of all units, a number much lower than both State and County levels.

TABLE 4. HOUSING UNITS BY NUMBER OF UNITS IN STRUCTURE, 2023								
Number of Units in Structure	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
1, Detached	371	70.4%	33	6.3%	98	18.6%	502	95.3%
1, Attached	0	0.0%	8	1.5%	0	0.0%	8	1.5%
2	3	0.6%	0	0.0%	0	0.0%	3	0.6%
3 or 4	3	0.6%	0	0.0%	0	0.0%	3	0.6%
5 to 9	1	0.2%	0	0.0%	0	0.0%	1	0.2%
10 or more	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Other	10	1.9%	0	0.0%	0	0.0%	10	1.9%
Total	388	73.6%	41	7.8%	98	18.6%	527	100%

Source: Tables B25032 and DP04, 2019-2023 American Community Survey Five-Year Estimate

Nearly three-fourths of Mannington's current housing stock (73.7%) was constructed prior to 1980, with the next largest percentage being constructed between 1990 and 2010 (22.2%). The total number of housing units in Mannington is 527, but 18.6% of units are vacant. 48.0% of vacant units were constructed prior to 1939, while the remaining 52% of vacant units were constructed between 1950 and 1980.

TABLE 5. HOUSING UNITS BY YEAR BUILT, 2023					
Year Built	Occupied Units	Percent	Owner	Renter	Vacant
2020 or later	0	0.0%	0	0	0
2010 to 2019	4	0.9%	4	0	0
2000 to 2009	41	9.6%	41	0	0
1990 to 1999	54	12.6%	54	0	0
1980 to 1989	14	3.7%	14	0	0
1970 to 1979	57	13.3%	54	3	20
1960 to 1969	55	12.8%	52	3	3
1950 to 1959	67	15.6%	56	11	28
1940 to 1949	2	0.5%	2	0	0
1939 or earlier	135	31.5%	111	24	47
Totals	429	100.0%	388	41	98



TABLE 5. HOUSING UNITS BY YEAR BUILT, 2023					
Year Built	Occupied Units	Percent	Owner	Renter	Vacant
Median Year Built:	1962		1965	1939*	X
Source: Tables B25036, B25037, DP04, 2019-2023 American Community Survey Five-Year Estimate					
* Year structure built is not tracked pre-1939 and thus the median age could be older					

Nearly half (47.2%) of the housing in Mannington contains three bedrooms, and 78.1% of all units had three or more bedrooms. The breakdown of housing units by number of bedrooms is generally consistent with that of Salem County, except 12.7% of units in Salem are studio or 1-bedroom units, while that number is just (0.9%) in the township. Meanwhile, 20.9% of housing units in Mannington are two-bedrooms.

TABLE 6. HOUSING UNITS BY NUMBER OF ROOMS, 2023		
Rooms	Number of Units	Percent
1	0	0.0%
2	0	0.0%
3	0	0.0%
4	44	8.3%
5	75	14.2%
6	84	15.9%
7	138	26.2%
8	36	6.8%
9+	150	28.5%
Total	527	100%
Median Rooms	6.9	X
Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate		

Between 2013 and 2023, housing values have risen in Mannington. Accounting for inflation, the median home in 2013 was worth approximately \$205,100 (in 2023 dollars), meaning that the average home in Mannington has increased in value by 21.6%. In 2023, a majority of units in the Township (62.7%) were valued between \$200,000 and \$500,000. The number of housing units valued at over \$500,000 has over doubled since 2013 from 15 units (3.6%) to 33 units (8.5%).



TABLE 7. NUMBER OF BEDROOMS PER HOUSING UNIT, 2023		
Bedrooms	Number of Units	Percent
Efficiency	0	0.0%
1	5	0.9%
2	110	20.9%
3	249	47.2%
4	95	18.0%
5+	68	12.9%
Total	527	100%
<i>Source: Table DPo4, 2019-2023 American Community Survey Five-Year Estimate</i>		

Based on AHPNJ's 2014 illustrative sales numbers, approximately 35 (9.0%) of 2023 housing may be affordable to very-low-income households (depending on the number of rooms in the unit). Meanwhile, 12 (3.1%) of units (exclusive of units that may be affordable to low-income households) may be affordable to low-income households, and at least 65 units (16.8%) may be affordable to moderate-income households (excluding those units affordable to low and very-low-income households). In total, 112 owner-occupied units, or 28.9% of all units in the Township, may be affordable to low- and moderate-income households.

TABLE 8. OWNER-OCCUPIED HOUSING VALUES, 2023 and 2013				
Housing Unit Value	2023 Units	Percent	2013 Units	Percent
Less than \$50,000	9	2.2%	9	2.3%
\$50,000 to \$99,999	31	7.4%	26	6.7%
\$100,000 to \$149,999	37	8.9%	12	3.1%
\$150,000 to \$199,999	123	29.5%	65	16.8%
\$200,000 to \$299,999	146	35.0%	117	30.2%
\$300,000 to \$499,999	56	13.4%	126	32.5%
\$500,000 to \$999,999	14	3.4%	29	7.5%
\$1,000,000 or more	1	0.2%	4	1.0%
Total	417	100%	388	100%
Median	\$205,100		\$249,400	
Sources: Table DPo4, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates				

The median rent in Mannington in 2023 was \$1,261 dollars, compared to \$1,815 across Salem County. Approximately 78.1% of rental units in Mannington rent for between \$1,000 and \$1,999, with 7.3% of gross rents less than \$500. Based on AHPNJ's 2024 illustrative rents, 3 units (8.6%) may be affordable to very low-income renters. Meanwhile, 32 units (91.4%) may be affordable to low- and moderate-income households. Mannington Township only contains 35 paying rental units overall.



TABLE 9. MANNINGTON TOWNSHIP AND SALEM COUNTY GROSS RENT, 2023				
Gross Rent Per Month	Mannington Township		Salem County	
	Units	Percent	Units	Percent
Less than \$500	3	7.3%	790	11.1%
\$500 to \$999	0	0.0%	1,507	21.1%
\$1,000 to \$1,499	25	61.0%	2,817	39.4%
\$1,500 to \$1,999	7	17.1%	1,042	14.6%
\$2,000 to \$2,499	0	0.0%	398	5.6%
\$2,500 to \$2,999	0	0.0%	36	0.5%
\$3,000 or more	0	0.0%	196	2.7%
No rent paid	6	14.6%	357	5.0%
Total	35	100%	7,143	100%
Median Rent	\$1,261		\$1,185	
Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate				

Housing is generally considered to be affordable if the costs of rents, mortgages, and other essential costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. Homeowner rates are lower to account for the additional home maintenance costs associated with ownership. In Mannington, only 16.8% of all households in occupied units are expending more than 30% of their income on housing. 63.9% of owner-occupied households in the Township less than 20% of their income on housing costs, while 22.9% of renter households were expending the same percentage of income.

TABLE 10. HOUSING AFFORDABILITY, 2023						
Monthly Housing Costs as Percent of Income	Owner-Occupied	Percent	Renter	Percent	All Occupied	Percent
Less than 20 Percent	248	63.9%	8	22.9%	256	59.7%
20 to 29 Percent	76	19.6%	19	54.2%	95	22.1%
30 Percent or More	64	16.5%	8	22.9%	72	16.8%
Total	388*	90.4%	35	9.6%	429**	100%
Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate						
* Includes only households with a mortgage						
** Excludes 234 households labeled as "Not Computed"						

In 2023, there were zero housing units in Mannington that were overcrowded (more than 1 person per room) and were in structures that were built before 1950 and there were zero units that had incomplete plumbing and/or kitchen facilities. These conditions historically have been used as indicators of housing deficiency. As previously noted, Mannington Township's Fourth Round rehabilitation obligation is zero units.



TABLE 11. INDICATORS OF HOUSING DEFICIENCY, 2023			
Indicator	Incomplete Plumbing	Incomplete Kitchen	Crowded or Overcrowded, and Built Pre-1950
Number of Units	0	0	0
Sources: Tables B25050, DP04, 2019-2023 American Community Survey Five-Year Estimates			

Population Characteristics

Mannington's population decreased by 5.4% between 2000 and 2020, compared to a 0.9% decrease in Salem County. The Township actually saw an increase in population between 2000 and 2010, rising from 1,559 to 1,806 (a 15.8% increase), though the population fell to 1,475 in 2020 (a 18.3% decrease).

TABLE 12. POPULATION GROWTH, 2000 – 2020						
Location	2000	2010	2020	2000-2010 Change	2010-2020 Change	2010-2020 Change
Mannington Township	1,559	1,806	1,475	15.8%	-18.3%	-5.4%
Salem County	64,285	66,083	64,837	2.8%	-1.9%	-0.9%
New Jersey	8,414,350	8,791,894	9,288,994	4.3%	5.4%	9.4%
Sources: Table DP01, 2000, 2010, and 2020 U.S. Census						

Age cohorts in Mannington have had significant change since 2013. Overall, the Township's population has grown significantly younger. This can be seen in Mannington's median age dropping from 44.3 years to 39.7 years from 2013 to 2023. The population of adults aged 20 to 54 in Mannington has seen growth since 2023 (24.6%), while the population of adults 55 and over has declined 7.2% over the same period. This increase in younger adults, along with a 97.3% increase in children under five years old, indicates that younger families may be moving into Mannington.

TABLE 13. AGE DISTRIBUTION, 2013 and 2023					
Age in Years	2013		2023		Percent Change 2013-2023
	Population	Percent	Population	Percent	
Under 5	75	4.2%	148	7.7%	97.3%
5 to 9	97	5.5%	64	3.3%	-34.0%
10 to 14	116	6.6%	34	1.8%	-70.7%
15 to 19	79	4.5%	117	6.1%	48.1%
20 to 24	93	5.3%	158	8.2%	69.9%
25 to 34	249	14.1%	278	14.4%	11.7%
35 to 44	191	10.8%	291	15.1%	52.4%
45 to 54	287	16.2%	295	15.3%	2.8%
55 to 59	109	6.2%	123	6.4%	12.8%



TABLE 13. AGE DISTRIBUTION, 2013 and 2023					
Age in Years	2013		2023		Percent Change 2013-2023
	Population	Percent	Population	Percent	
60 to 64	137	7.7%	132	6.9%	-3.7%
65 to 74	127	7.2%	180	9.4%	41.7%
75 to 84	144	8.1%	53	2.8%	-63.2%
85+	65	3.7%	52	2.7%	-20.0%
Total	1,769	100%	1,925	100%	8.8%
Median Age	44.3 Years		39.7 Years		X
Sources: Table DP05, U.S. Census Bureau, 2009-2013 American Community Survey Five-Year Estimates; Table DP05, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates					

Household Characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. By comparison, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. The total number of households declined from 2013 to 2023 in Mannington, going from 505 in 2013 to 429 in 2023. The household size distribution has changed since 2013, with the number of three or more person households growing from 34% to nearly half of households in 2023 (49.9%). In Mannington, the plurality of households (45.5%) were two-person households in 2013, however, that percentage has dropped to 29.1%.

TABLE 14. HOUSEHOLD SIZE, 2013 and 2023				
Household Size	2013		2023	
	Households	Percent	Households	Percent
1 Person	101	20.0%	90	21.0%
2 People	230	45.5%	125	29.1%
3 People	46	9.1%	91	21.2%
4 or More People	128	25.3%	123	28.7%
Total Households	505	100%	429	100%
<i>Sources: Table S2501, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates</i>				

In 2023 there were 429 households in Mannington, with an average of 3.1 persons per household and 318 families (74.1%) with an average of 3.6 people per family. 85.2% of all families were married couple families. Just 17.9% of households were female-headed without spouse present, and 14.0% of households were male headed without spouse present. Almost all of the heads of both male and female headed households live without their own children under 18 years old, indicating that the head of household lives either with a child not their own (adopted, related) or with another family member older than age 18. Additionally, 81.1% of the 111 non-family households consist of the householder living alone.



TABLE 15. HOUSEHOLD COMPOSITION, 2023		
Household Type	Households	Percent
Family households	318	74.1%
Married-couple household	271	63.2%
With Children Under 18	94	21.9%
Male householder, no spouse present	60	14.0%
With Children Under 18	3	0.7%
Female householder, no spouse present	77	17.9%
With Children Under 18	0	0.0%
Nonfamily households	111	25.9%
Householder living alone	90	21.0%
Total Households	429	100%
<i>Source: Table S1101, 2019-2023 American Community Survey Five-Year Estimates</i>		

When the number of bedrooms in a unit is considered vs. the size of households in Mannington, there appears to be a mismatch: There are many more small households (two people or fewer; 50.1% of all households) than there are smaller units (one or two bedrooms; 21.8% of all units). This comparative shortage of smaller homes may be forcing some empty nesters and young adults without children to consider other locations when seeking smaller-sized housing, or to occupy housing that is larger than their needs.

TABLE 16. UNIT SIZE vs. HOUSEHOLD SIZE, 2023					
Unit Size	Number of Units	Percent of Total Units	Household Size	Number of Households	Percent of Total Households
0 or 1 bedroom	5*	0.9%	1 Person	90	21.0%
2 bedrooms	110	20.9%	2 Persons	125	29.1%
3 bedrooms	249	47.2%	3 Persons	91	21.2%
4+ bedrooms	163	30.9%	4+ Persons	123	28.7%
Total	527	100.0%	Total	429	100%
<i>Source: Tables DP04 and S2501, 2019-2023 American Community Survey Five-Year Estimate *Mannington has no studio units</i>					

Income Characteristics

The median household income in Mannington was \$132,917 in 2023, which was greater than that of the County median (\$78,412) and New Jersey overall (\$101,050). Mannington's income distribution skews more towards larger incomes than that of the County. 59.7% of the households in Mannington had an income of \$100,000 or more, compared to 37.7% of households in Salem County. This is consistent with the Township's poverty rates for families and individuals (0.6% and 4.5%, respectively) being much lower than the family and individual rates for the County (8.6% and 12.8%, respectively).



TABLE 17. HOUSEHOLD INCOME BY INCOME BRACKET, 2023		
	Households	Percent
Less than \$10,000	14	3.3%
\$10,000-\$14,999	6	1.4%
\$15,000-\$34,999	26	6.1%
\$35,000-\$49,999	25	5.8%
\$50,000-\$74,999	34	7.9%
\$75,000-\$99,999	68	15.9%
\$100,000-\$149,999	109	25.4%
\$150,000 or more	147	34.3%
Total	429	100%
Median Income	\$132,917	
Source: Table DP03, 2019-2023 American Community Survey Five-Year Estimate		

TABLE 18. INDIVIDUAL AND FAMILY POVERTY RATES, 2023		
Location	Individuals	Families
Mannington	0.6%	4.5 %
Salem County	8.6%	12.8%
<i>Source: Table DP03, 2019-2023 American Community Survey Five-Year Estimate</i>		

Employment Characteristics

The largest employment by sector in the Township “Manufacturing”, employed 37.6% of the labor force in 2022. The next largest sectors were “Agriculture” (15.9%), “Health Care” (14.4%), and “Construction” (13.3%). Table 19, Covered Employment by Sector, 2022, provides the numerical breakdown.

TABLE 19. COVERED EMPLOYMENT BY SECTOR, 2022		
	Count	Percent
Private Sector Category		
Agriculture	96	15.9%
Utilities	5	0.8%
Construction	80	13.3%
Manufacturing	227	37.6%
Wholesale Trade	22	3.6%
Retail Trade	8	1.3%
Transportation/Warehousing	1	0.2%
Finance/Insurance	2	0.3%
Real Estate	4	0.7%



TABLE 19. COVERED EMPLOYMENT BY SECTOR, 2022		
	Count	Percent
Professional/Technical	7	1.2%
Management of Enterprises	11	1.8%
Admin/Waste Remediation	18	3.0%
Educational Services	4	0.7%
Health Care	87	14.4%
Accommodation and Food Services	4	0.7%
Other Services	5	0.8%
Private Sector Total	581	96.4%
Public Administration	22	3.6%
Total Covered Employment	603	100%
Agriculture	96	15.9%

Source: OnTheMap, Center for Economic Studies, U.S. Census Bureau, 2022.

Jobs-Housing Ratio

A municipality's jobs-housing ratio is a rough indicator of the degree to which the municipality has been able to generate sufficient housing to accommodate its workers. A ratio of between 0.75 and 1.5 is generally considered to indicate a healthy balance between the number of jobs in a municipality and the municipality's ability to house all its workers who wish to live there. The ability to house workers locally enables them to spend less time commuting, reduces traffic congestion, and reduces the greenhouse gas emissions associated with commuting by automobile.

Based on Tables 4 and 19 above, Mannington has a jobs-housing ratio of 1.14, within the range considered healthy. If additional jobs in the Township become available, the Township may need to examine whether it needs to take steps to encourage additional housing.

Population and Housing Projections

The South Jersey Transportation Planning Organization (SJTPPO), the Metropolitan Planning Organization (MPO), whose jurisdiction includes Mannington Township as well as the remainder of Salem County, published population and employment projections for the year 2050. SJTPPO projects that the Township's population and employment will decrease by 9.7% and 0.8%, respectively, from 2020 to 2050. As Table 19, Population and Employment Projections, 2020 to 2050, on the following page indicates, both employment and population growth will increase by over 20% in the County as a whole.



TABLE 20. POPULATION AND EMPLOYMENT PROJECTIONS, 2015 – 2050						
Indicator	Mannington Township			Salem County		
	2020	2050	% Change	2020	2050	% Change
Population	1,475	1,332	-9.7%	64,837	64,324	-0.8%
Employment	689	868	26.0%	27,411	33,176	21.0%
Source: South Jersey Transportation Planning Organization, Municipal and County-Level Population and Employment Forecasts, 2020-2050						

The Fair Housing Act requires that housing plans include a 10-year projection of new housing units based on the number of certificates of occupancy, development applications approved, probable developments, as well as other indicators deemed appropriate (N.J.S.A. 52:27D-310.b). In Mannington Township between the years 2014 through 2023, the number of certificates of occupancy issued for residential construction was 2.0 units per year on average, and the number of demolition permits included 2.7 per year on average. As a result, the Township has lost 0.7 net units per year. Based on trends over the past 10 years, Mannington could expect to lose approximately 7 housing units by the year 2033. See Table 21, Housing Projections to 2033.

TABLE 21. HOUSING PROJECTIONS TO 2033			
Year	Certificates of Occupancy	Demolition Permits	Net New Units
2014	0	4	-4
2015	1	3	-2
2016	6	2	4
2017	2	3	-1
2018	5	0	5
2019	3	4	-1
2020	1	3	-2
2021	0	2	-2
2022	0	5	-5
2023	2	1	1
Total 2014 to 2023	20	27	-7
10-Year Average	2.0	2.7	-0.7
10-Year Projection (2024-2033)			-7
Source: NJDCA Construction Reporter			



CONSIDERATION OF LANDS APPROPRIATE FOR AFFORDABLE HOUSING

As part of this HPE/FSP, the Township has considered land that is appropriate for the construction of low- and moderate-income housing including those who have expressed a commitment to providing affordable housing in their proposed developments. No developer or landowner has proposed a project with affordable housing for the Township to consider.

That said, there are sites appropriate for inclusionary development that the Township has considered. As detailed on the following pages, the Township will provide a realistic opportunity for affordable housing through an amended Redevelopment Plan at the Memorial Hospital site (Block 53, Lots 4 and 23) and through proposed inclusionary zoning on a commercially developed site (Block 61, Lot 6), both of which are located on Salem Woodstown Road (NJSH Route 45). Consistent with smart growth planning principles, this portion of the Township represents a core of Mannington's existing infrastructure and includes existing water and sewer utility lines beneath Route 45 and properties located within the NJDEP Sewer Service Area. In addition, there are multiple New Jersey Transit bus stops along Route 45 that provide service between Salem City and Philadelphia (bus Route 401) and between Carney's Point and Woodstown (Route 468).

According to the adopted map of the 2001 State Development and Redevelopment Plan (SDRP) and the 2025 Preliminary State Plan Map, the entirety of Mannington Township is located within the Rural Planning Area (PA 4), with the exception of the Salem River Management Wildlife Area, which is located within the Environmentally Sensitive Planning Area (PA 5). The primary purpose of the Rural Planning Area is to encourage large contiguous areas of farmland, open space, and forested areas; however, the SDRP also encourages revitalization of cities, towns, and traditional settlements within PA 4. In the light of the foregoing, the Township believes that the lands identified in this HPE/FSP are the most appropriate for development and provide opportunities for very-low-, low- and moderate-income households to be a part of the community and have access to public transportation, local schools, and hospital/healthcare services.

Water and Sewer Capacity

In June 2024, New Jersey American Water (NJAW) acquired the water and wastewater systems within Salem City. According to NJAW's letter dated May 19, 2025 (included as Appendix 7), the above-referenced sites along Route 45 are located within NJAW's franchised water service territory, and NJAW also receives sewage flows from this area of Mannington Township. While NJAW notes that current water and sewer capacity is limited – due to constraints on well capacity and ongoing treatment of per- and polyfluoroalkyl substances (PFAS) – the utility also indicates that it is actively advancing infrastructure projects to increase well yield, expand source capacity, improve PFAS treatment, and enhance sewer system performance. These ongoing improvements will continue to support existing and future utility service in the near term to support affordable housing in Mannington Township at the sites on Route 45.



FAIR SHARE PLAN

MANNINGTON'S AFFORDABLE HOUSING OBLIGATION

As noted above, there are four components to a municipality's affordable housing obligation: the Fourth Round Present Need obligation, also known as the Rehabilitation Share (the terms "Present Need" and "Rehabilitation Share" are used interchangeably), the Prior Round obligation, the Third Round obligation, which includes both the "Gap" Present Need obligation (1999-2015) and the Third Round Prospective Need obligation (2015-2025), and the Fourth Round Prospective Need obligation. Present Need resets with each round of affordable housing based on census data on the number of deficient housing units existing at the beginning of that round that potentially are occupied by low- and moderate-income households. The obligations in the Prior Round, Third Round, and Fourth Round are also known as "Prospective Need," which refers to the provisions of new affordable housing necessary to address the demand based on regional population growth.

Rehabilitation Obligation

The Rehabilitation obligation is an estimate of the number of deteriorated housing units existing in the Township of Mannington that are occupied by low- and moderate-income households. DCA's advisory obligations set Mannington's Fourth Round Rehabilitation obligation at zero (0).

Prior Round Obligation

The Prior Round obligation is the cumulative prospective need obligation also known as the 'new construction' obligation for the First and Second Rounds (1987 to 1999). Mannington Township's Prior Round Need of 19 was calculated by COAH per N.J.A.C. 5:93.

Third Round Obligation

The Third Round obligation includes the "gap" portion of the Third Round (1999-2015) when no valid affordable housing regulations were in force and the Third Round Prospective Need (2015-2025) which included the 10 year period into the future starting in July 2015. The Third Round Prospective Need and Gap Need numbers were determined in a Court decision entitled, Opinion on Fair Share Methodology to Implement the Mount Laurel Affordable Housing Doctrine for the Third Round, issued on March 8, 2018 by Judge Mary C. Jacobson, A.J.S.C., in what is commonly referred to as the "Jacobson Methodology." This methodology for calculating Fair Share Need was binding for municipalities in Mercer County, however, the calculations produced from the Court decision have been widely adopted throughout the rest of the state. The Jacobson Methodology determined a Third Round obligation for Mannington Township of 38.

Fourth Round Obligation

The amended FHA, like the original version of the FHA, defines Prospective Need as "a projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality." However, the amended version of the FHA then mandates that the prospective need be defined based upon the standards in the Act. A calculation based on development and growth reasonably likely to occur would lead to the conclusion that the prospective need is zero or very low. However, since the legislation requires the prospective need to be established based on the standards



set forth therein, that analysis leads to the conclusion that the Township's Fourth Round Prospective Need is 8. That is what the DCA reported in its October 18, 2024 report based upon its application of the standards in the Act. The Township agreed to that number in its Fourth Round DJ filing because the Act required application of certain standards that culminated in this number.

MANNINGTON'S AFFORDABLE HOUSING PLAN

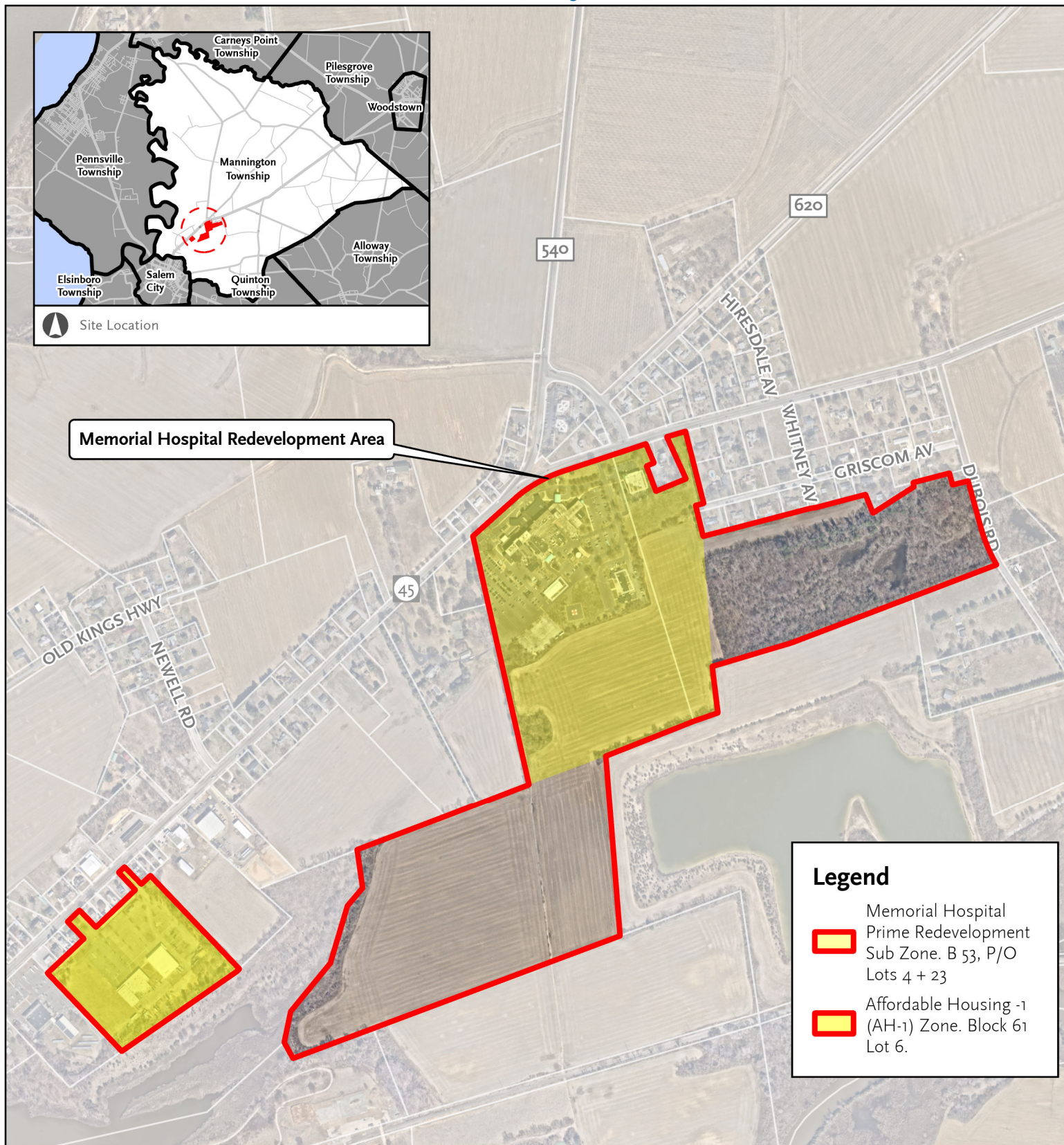
Satisfaction of the Rehabilitation Obligation

The Township does not have a Rehabilitation obligation.

Satisfaction of the Prior Round, Third Round, and Fourth Round Obligations

As summarized in the previous section, Mannington has a cumulative Prospective Need obligation of 65, which is the sum of its Prior Round obligation (19), Third Round obligation (38), and Fourth Round obligation (8). As summarized in Table 22, the Township intends to address its cumulative Prospective Need obligation with a proposed inclusionary development through an amended Memorial Hospital redevelopment plan; proposed inclusionary zoning; two (2) existing group homes; one (1) proposed family for-sale unit; and Fourth Round bonuses. The map on the following page depicts the Memorial Hospital Redevelopment site and the proposed inclusionary zoning site.

TABLE 22. SATISFACTION OF 65-UNIT PROSPECTIVE NEED			
Compliance Mechanism	Credits	Bonuses	Total
Habitat for Humanity (100% affordable family for-sale)	1	1	2
Bancroft Group Home	5	5	10
Benchmark Group Home	3	-	3
Memorial Hospital Redevelopment (family aff. rentals)	12	6	18
Memorial Hospital Redevelopment (aff. assisted living)	14	7	21
Route 45 Inclusionary Zoning (family affordable rentals)	14	7	21
<i>Totals Before Applying Bonus Cap of 16</i>	49	26	75
Total	49	16	65



Clarke Caton Hintz



Architecture

Planning

Landscape Architecture

FOURTH ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

Affordable Housing Zones

LOCATION:
Mannington Township, New Jersey

DATE:
June, 2025

SOURCES:

Aerial Imagery
Nearmap (March 2024)

MOD-IV Parcels, NJOGIS



100% AFFORDABLE HOUSING PROJECTS

Habitat for Humanity

This site is a currently vacant, 0.52-acre parcel (Block 51, Lot 15) located at the intersection of Route 45 and Newell Road. In 2024, Mannington Township donated this parcel to Habitat for Humanity of Salem County, Inc. (Habitat) who will develop the site with three-bedroom, moderate-income, affordable for-sale, single-family residence. Habitat anticipates that the dwelling will be constructed and occupied in March 2026. A deed restriction has been recorded implementing affordability controls for at least 30 years beginning on the date the unit is occupied (Appendix 2). Habitat will serve as the administrative agent for the initial sale of the unit and the New Jersey Housing Affordability Service (HAS) will serve as the long-term administrative agent for future resales. For the purposes of crediting, Mannington Township is eligible to receive one full bonus from the development because it donated land to enable the project, pursuant to the amended FHA at P.L. 2024, c.2 (N.J.S.A. 52:27D-311).

ALTERNATIVE LIVING ARRANGEMENTS

Bancroft Group Home

Bancroft is a licensed nonprofit organization that provides supportive housing throughout New Jersey. The group home located at 889 Kings Highway (Block 3, Lot 14) has been in continuous operation since 2012¹⁵. From 2012 to 2019, the group home was managed by Bellwether Behavioral Health (formerly known as AdvoServ) and originally included both Block 3, Lot 14 and the adjacent Lot 15. In 2019, Bancroft assumed operational management of the group home, and in 2022, the organization purchased the property located on Lot 14. The site is currently operated as a group home for adults with developmental disabilities and is licensed annually by the New Jersey Department of Health and Human Services (NJDHHS).

The group home contains five low-income bedrooms that are eligible for five credits toward the Township's affordable housing obligation as special needs rentals. In addition, each of the five bedrooms is eligible to receive a one full bonus credit because they serve individuals with special needs, pursuant to the amended FHA at P.L. 2024, c.2 (N.J.S.A. 52:27D-311). Appendix 3 includes copies of the NJDHHS license for the group home facility, a completed *Supportive and Special Needs Housing Survey*, and a database record from the New Jersey Bureau of Fire Code Enforcement (BFCE) documenting the group home's registration in 2012.

Benchmark Group Home

In 2020, Benchmark Human Services began operating a group home for adults with disabilities located at 139 Oechsle Road (Block 17, Lot 9). The group home includes three very low-income beds for individuals who are sponsored through Medicaid, and the facility is licensed annually by the NJDHHS. Appendix 4 includes copies of the NJDHHS license and a record from BFCE website documenting the group home's registration in 2020.

¹⁵ Bureau of Fire Code Enforcement website, accessed May 2025 via <https://firesolutions.dca.nj.gov/>



INCLUSIONARY REDEVELOPMENT

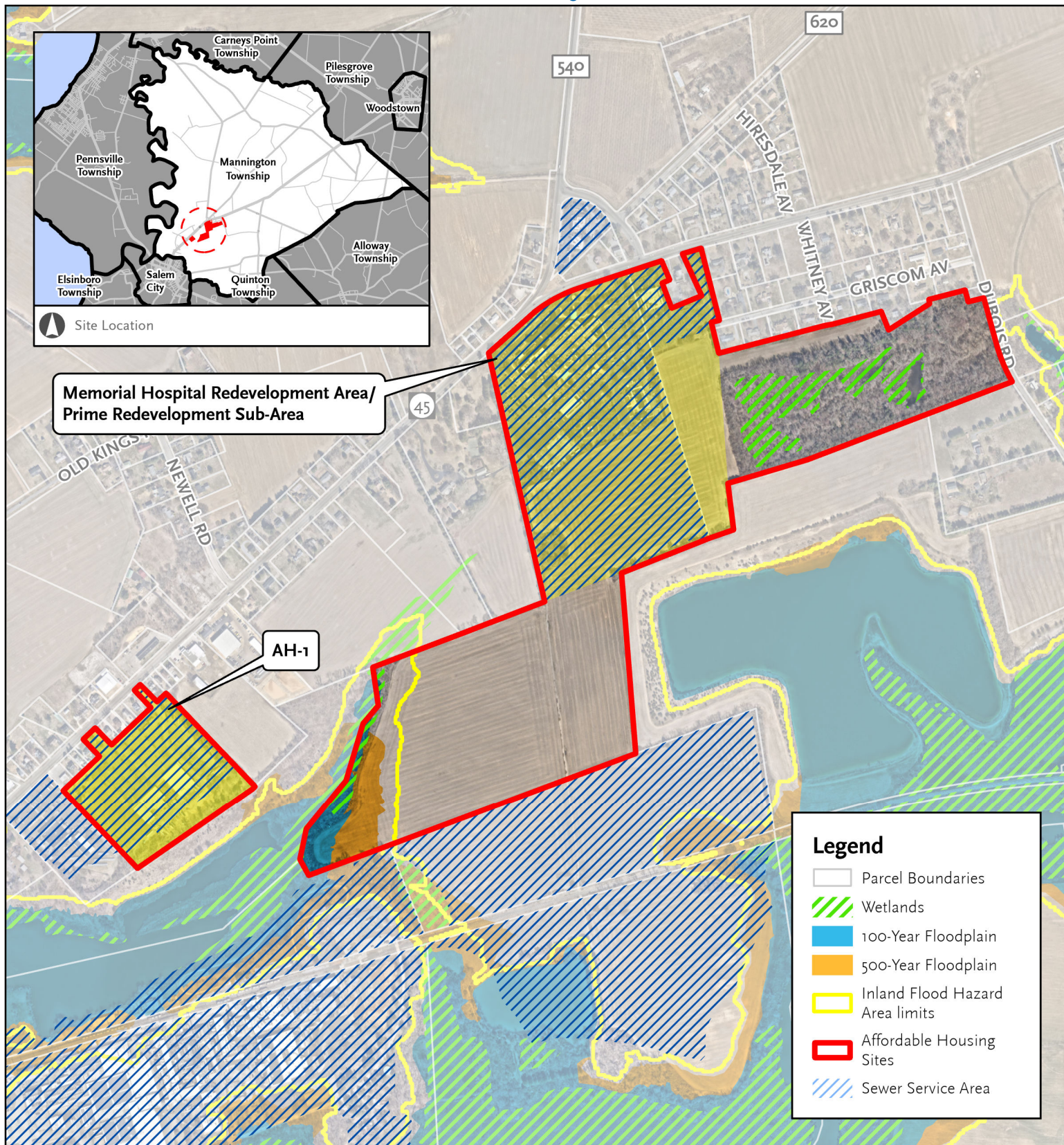
Memorial Hospital Redevelopment

On September 6, 2018, Mannington Township designated Memorial Hospital as an *Area in Need of Redevelopment* pursuant to the Local Redevelopment and Housing Law. Subsequently, the Township adopted a Redevelopment Plan for the designated area on February 17, 2019. The Redevelopment area is an approximately 118.25-acre tract of land (Block 53, Lots 4 and 23) located at the intersection of Woodstown Road (NJSH Route 45), and Pointers Auburn Road. Pursuant to the Redevelopment Plan, the area consists of three Redevelopment Sub-Zones:

- **Prime Redevelopment Sub-Zone.** This sub-zone consists of approximately 49 acres within Lots 4 and 23 that has frontage along Route 45. The northern portion of the sub-zone includes the Memorial Hospital of Salem County complex, along with an existing Surgery Center and Medical Arts Building associated with the hospital. The southern portion of the sub-zone consists of approximately 25 acres of agricultural land.
- **Agriculture Sub-Zone.** This sub-zone consists of approximately 44 acres of agricultural land within Lot 4 located to the south of the Prime Redevelopment Sub-Zone.
- **Open Space.** This sub-zone consists of approximately 26 acres of wooded land within Lot 23 located to the east of the Prime Redevelopment Sub-Zone and has frontage along Dubois Road.

Mannington Township will amend the Redevelopment Plan for Memorial Hospital to enable the development of affordable housing in the Prime Redevelopment Sub-Zone in a manner that is unified with, and complementary to, the existing hospital facilities. A copy of the Draft Amended Redevelopment Plan is included as Appendix 5. Specifically, the plan will provide 12 affordable family rental units and 14 affordable assisted living residences as follows:

- **12 Affordable Family Rentals.** An inclusionary multifamily residential development containing no more than 60 total dwelling units, of which at least 12 will be affordable family rental units. The Redevelopment Plan will require the affordable units to be restricted, regulated and administered consistent with the Township's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). The affordable units shall be deed-restricted for at least 40 years, shall be affirmatively marketed and administered by an experienced Administrative Agent, and shall have the appropriate bedroom and income distributions, including the requirement that at least 13% be affordable to very low-income households.
- **14 Affordable Assisted Living Residences.** The creation of an assisted living facility that would produce at least seven assisted living units containing a minimum of 14 Medicaid-eligible beds. An assisted living facility is a use licensed by the New Jersey Department of Health to provide apartment-style housing, dining and assisted living services when needed. Apartment units will offer, at a minimum, one unfurnished room, a private bathroom, and a lockable door on the unit entrance. To ensure that beds within these units qualify to receive an individual affordable dwelling credit, the amended Redevelopment Plan restricts the occupancy of each room to unrelated individuals, thus producing two affordable housing credits from each unit.



Clarke Caton Hintz



Architecture

Planning

Landscape Architecture

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Affordable Housing Zones: Site Suitability

LOCATION:

Mannington Township, New Jersey

DATE:

June 2025

SOURCES:

Aerial Imagery
Nearmap (March 2024)

National Flood Hazard Layer, FEMA

Inland Flood Hazard Area, Rutgers University

MOD-IV Parcels, NJOGIS

Sewer Service Area, NJDEP

This map was developed using data from the NJDEP and Rutgers University, however, this product has not been verified by NJDEP and is not state-authorized



All the proposed affordable housing units within the Memorial Hospital Redevelopment Area are eligible to receive a one-half bonus credit for each dwelling unit because they are constructed on land that is or was previously developed and utilized for retail, office, or commercial, pursuant to the amended FHA at P.L. 2024, c.2 (N.J.S.A. 52:27D-311). Accordingly, the Township will claim bonus credits against its affordable housing obligation for assisted living units and the family rental dwelling units, subject to a cumulative cap of 16 eligible bonus credits the Township is entitled to.

In accordance with the requirements of N.J.A.C 5:93-5.3, municipalities shall designate sites that are available, suitable, developable, and approvable (defined in N.J.A.C 5:93-1.3) and align with the SDRP, per N.J.A.C. 5:93-5.4. The proposed development addresses these conditions as follows:

- ✓ **Available.** Sites that are “available” have clear title and are free of encumbrances which preclude development. To the Township’s knowledge, there are no legal encumbrances that preclude development of this site for affordable rental housing.
- ✓ **Approvable.** Sites that are “approvable” can be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. As discussed above, Appendix 5 contains a copy of the Draft Amended Redevelopment Plan that will permit the proposed affordable family rentals and affordable assisted living residences.
- ✓ **Developable.** Sites that are “developable” have access to appropriate water and sewer infrastructure and are consistent with the areawide water quality management plan. The Prime Redevelopment Sub-Zone is predominantly located within the sewer service area, with the exception of the 7-acre eastern portion of the Sub-Zone falling within Tax Lot 23¹⁶. As previously noted, NJAW provides water service to this area and receives sewage flows from Mannington’s local system. While NJAW notes that current water and sewer capacity is limited, the utility is actively pursuing infrastructure projects to enhance system capacity in the future. NJAW’s May 19, 2025 letter is included as Appendix 7.
- ✓ **Suitable.** Sites that are “suitable” are adjacent to compatible land uses, have access to appropriate streets, and are consistent with the environmental policies of N.J.A.C. 5:93-4.
 - **Compatible Land Uses and Street Access.** The site has frontage and direct vehicular access to Route 45 and is located on the same tax lots containing the Memorial Hospital of Salem County complex. Land uses in the surrounding area include agricultural land and single-family residences along the Route 45 and Kings Highway.

¹⁶ Although the Prime Redevelopment Sub-Zone includes this portion of Lot 23, the proposed affordable housing may be fully accommodated within Lot 54. The Redevelopment Plan acknowledges the potential need to expand the sewer service area associated with the Prime Redevelopment Sub-Zone and contains proposed boundaries for such an expansion.



- **Environmental Conditions.** As shown on the map on the previous pages, there are no wetlands, floodplains, or Category One streams that encumber the site. According to NJDEP's *DataMiner* and *GeoWeb* websites, there are several remediation-related records associated with the Memorial Hospital property (Site Remediation Program Interest # 024320). As summarized in Table 23, environmental remediation activities date back to at least the 1990s, and the site received regulatory closure several times for one or more Areas of Concern (AOCs). The closure types are noted as "Unrestricted Use," meaning the remediation was accomplished without the use of institutional controls (e.g., deed restrictions) or engineering controls (e.g., site caps).

Table 23. Memorial Hospital Site Remediation (PI # 024320)			
Status	Case # / Document #	Approval / Closure Date	Closure Type
Closed	N98-0610	5/19/1999	NFA-A (Unrestricted Use)
Closed	C10-7283 INS	10/26/2010	NFA-A (Unrestricted Use)
Closed	13-08-29-1449-25	8/15/2016	RAO-A (Unrestricted Use)
Closed	16-04-20-0855-04	1/17/2023	RAO-A (Unrestricted Use)
Active	21-12-02-1358-05	Pending	Pending
Active	23-01-10-1440-42	Pending	Pending

AOC-Specific No Further Action (NFA-A);

AOC-Specific Response Action Outcome (RAO-A)

Two case numbers have an "active" status, and NJDEP's online records reference the installation of several groundwater monitoring wells at the site in 2024, indicating an ongoing groundwater investigation. Ultimately, the potential presence of groundwater contamination (if any) would likely be addressed through a *Classification Exception Area/Well Restriction Area* (CEA/WRA) to prohibit the use of groundwater for potable purposes. The site currently receives public water from NJAW's Salem City utility and does not rely on onsite groundwater for drinking water. Therefore, the potential presence of impacted groundwater is not anticipated to preclude the development of inclusionary housing.

- **Historical/Architectural Significance.** The site will not impact any historic or architecturally important sites and districts. There are no historic or architecturally important sites or buildings on the property or in the immediate vicinity that will impact the development of affordable housing.
- ✓ **Smart Growth Planning.** As previously discussed in the section titled *Consideration of Lands Appropriate for Affordable Housing*, Mannington considers this site consistent with Smart Growth planning principles, as it is located along Route 45 in an area that contains the core of the Township's existing water and sewer infrastructure and is served by multiple New Jersey Transit bus stops. Although the entire Township, including this site, is within the Rural Planning Area (PA 4), the SDRP encourages revitalization of cities, towns, and traditional settlements within PA 4.



INCLUSIONARY ZONING

Route 45 Inclusionary Zoning

The site is an approximately 14.52-acre parcel (Block 6I, Lot 6) located in the General Commercial (GC) zoning district along the southerly side of Route 45, just north of Tide Mill Road. The property includes two existing commercial buildings and over 200,000 square feet of paved asphalt which appears to have most recently been used for truck parking and as a maintenance/storage yard. The Township intends create a realistic opportunity for affordable housing by rezoning this site from its current commercial designation to permit inclusionary residential development. Appendix 6 contains a copy of the draft inclusionary zoning ordinance.

Based on the approximately 14.52-acre area of Lot 6, this site could support an inclusionary development of 87 total residential units at a density of six units per acre with 14 affordable units at a 15% set-aside. Although the tenure of the affordable units (rental versus owner) cannot be prescribed through the inclusionary zoning ordinance, the units will be restricted, regulated and administered consistent with the Township's affordable housing regulations, UHAC at N.J.A.C. 5:80-26.1 et seq., and the New Jersey Fair Housing Act at N.J.S.A. 52:27D-301 et seq. The affordable units shall be deed-restricted for at least 40 years, shall be affirmatively marketed and administered by an experienced Administrative Agent, and shall have the appropriate bedroom and income distributions, including the requirement that at least 13% be affordable to very low-income households.

Each of the 14 proposed affordable housing units is eligible to receive a one-half bonus credit, subject to a cumulative cap of 16 bonuses the Township may be entitled to, because they are constructed on land that is or was previously developed and utilized for retail, office, or commercial, pursuant to the amended FHA at P.L. 2024, c.2 (N.J.S.A. 52:27D-311). Accordingly, the Township is seeking 21 credits against its affordable housing obligation (14 inclusionary units + 7 bonuses = 21 credits).

In accordance with the requirements of N.J.A.C 5:93-5.3, municipalities shall designate sites that are available, suitable, developable, and approvable (defined in N.J.A.C 5:93-1.3) and align with the SDRP, per N.J.A.C. 5:93-5.4. The proposed development addresses these conditions as follows:

- ✓ **Available.** Sites that are “available” have clear title and are free of encumbrances which preclude development. To the Township’s knowledge, there are no legal encumbrances that preclude development of this site for affordable rental housing.
- ✓ **Approvable.** Sites that are “approvable” can be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. As discussed above, Appendix 6 contains a copy of the Draft inclusionary zoning ordinance that will permit the proposed inclusionary residential development.
- ✓ **Developable.** Sites that are “developable” have access to appropriate water and sewer infrastructure and are consistent with the areawide water quality management plan. The property is located within the sewer service area, according to NJDEP’s *GeoWeb* mapping website. In addition, as previously noted, NJAW provides water service to this area and receives sewage flows from Mannington’s local system. While NJAW notes that current water and



sewer capacity is limited, the utility is actively pursuing infrastructure projects to enhance system capacity in the future. NJAW's May 19, 2025 letter is included as Appendix 7.

- ✓ **Suitable.** Sites that are “suitable” are adjacent to compatible land uses, have access to appropriate streets, and are consistent with the environmental policies of N.J.A.C. 5:93-4.
 - **Compatible Land Uses and Street Access.** The site has frontage and direct vehicular access to Route 45. Land uses in the surrounding area include agricultural land and single-family residences along Route 45.
 - **Environmental Conditions.** As shown on the map on the following page, there are no wetlands, floodplains, or Category One streams that encumber the site. In addition, NJDEP's online databases did not identify records of past or ongoing environmental site remediation at this property.
 - **Historical/Architectural Significance.** The site will not impact any historic or architecturally important sites and districts. There are no historic or architecturally important sites or buildings on the property or in the immediate vicinity that will impact the development of affordable housing.
- ✓ **Smart Growth Planning.** As previously discussed in the section titled *Consideration of Lands Appropriate for Affordable Housing*, Mannington considers this site consistent with Smart Growth planning principles, as it is located along Route 45 in an area that contains the core of the Township's existing water and sewer infrastructure and is served by multiple New Jersey Transit bus stops. Although the entire Township, including this site, is within the Rural Planning Area (PA 4), the SDRP encourages revitalization of cities, towns, and traditional settlements within PA 4.

AFFORDABLE HOUSING FORMULA OBLIGATIONS

As previously noted, Mannington's affordable housing obligation of 65 includes its combined Prospective Need obligations from the Prior Round, Third Round, and Fourth Round. As this is Mannington's first time participating in New Jersey's affordable housing program, the Township will address its cumulative obligation of 65 by applying the formulas pursuant to the recently amended FHA at P.L. 2024, c.2. These formulas require a minimum number of affordable family units, rental units, family rental units, very low-income units, and family very low-income units; and maximum number of age-restricted affordable units and bonuses as noted below:

- **Maximum Fourth Round Bonuses = 16 units**
 $0.25 \text{ (Fourth Round obligation)} = 0.25 (65) = 16.25, \text{ round down}$
- **Minimum Fourth Round Total Family Units = 26 units**
 $0.50 \text{ (Fourth Round obligation - bonuses)} = 0.50 (65 - 16) = 25.5, \text{ round up}$
- **Minimum Fourth Round Total Rental Units = 13 units**
 $0.25 \text{ (Fourth Round obligation - bonuses)} = 0.25 (65 - 16) = 12.25, \text{ round up}$



- **Minimum Fourth Round Family Rental Units = 7 units**
 0.50 (Min Fourth Round Total Rental Units) = 0.50 (13) = 6.5, round up
- **Maximum Fourth Round Age-Restricted Units = 14 units**
 0.30 (Fourth Round obligation - bonuses) = 0.30 (65 - 16) = 14.7, round down
- **Minimum Fourth Round Very Low-Income Units = 7 units**
 0.13 (Fourth Round obligation - bonuses) = 0.13 (65 - 16) = 6.37, round up
- **Minimum Fourth Round Very Low-Income Family Units = 4 units**
 0.50 (Min Fourth Round Very Low-Income Units) = 0.50 (7) = 3.5, round up

Table 24 summarizes Mannington Township's compliance with the various Fourth Round formula obligations. Notably, the Township's existing and proposed affordable housing mechanisms exceed the required minimum number of rental units and family rental units, providing 34 and 12 (respectively), whereas only 13 and 7 are required.

TABLE 24. FOURTH ROUND REQUIREMENTS - RENTAL, FAMILY, SENIOR, BONUSSES, VERY LOW-INCOME	Total Units	Bonuses	Total Family Units	Senior Units	Rental Units	Family Rental Units	VLI Units	VLI Family Units
Compliance Mechanism								
Bancroft Group Home	5	5	-	-	5	-	-	-
Benchmark Group Home	3	-	-	-	3	-	-	-
Habitat for Humanity (100% affordable family for-sale)	1	1	1	-	-	-	-	-
Memorial Hospital Redevelopment (family aff. rentals)	12	6	12		12	12	2	2
Memorial Hospital Redevelopment (aff. assisted living)	14	7	-	14	14	-	14	-
Route 45 Inclusionary Zoning (family affordable units)	14	7	14	-	-	-	3	3
Total Provided	49	26	27	14	34	12	19	5
<i>Min/Max Required</i>	<i>49 min</i>	<i>16 max</i>	<i>26 min</i>	<i>14 max</i>	<i>13 min</i>	<i>7 min</i>	<i>7 min</i>	<i>4 min</i>

Per recently amended FHA (P.L. 2024, c.2) at N.J.S.A. 52:27D-329.1, Mannington Township must provide at least seven very low-income units for the Fourth Round, of which at least four (one half) must be "available for families with children." In addition to these requirements, pursuant to the 2008 amendments to the FHA, P.L. 2008, c.46 (codified as N.J.S.A. 52:27D-329.1), municipalities must provide units affordable to very low-income households equal to 13% of all affordable units approved and constructed (or to be constructed) after July 1, 2008. All 48 of Mannington Township's affordable housing units were or will be approved or constructed after this date; therefore, the Township's cumulative very low-income unit obligation is also seven units ($48 \times 13\% = 6.24$, round up). The Township will provide these seven units, as shown in Table 24.



AFFORDABLE HOUSING ADMINISTRATION

Affordable Housing Ordinance

Once DCA and HMFA adopt new regulations, Mannington Township will prepare a Fair Share Ordinance in accordance with COAH's rules, DCA's proposed new regulations at N.J.A.C. 5:99 and UHAC's new 2025 regulations that are anticipated to be released shortly. The Fair Share Ordinance governs the establishment of affordable units in the Township as well as regulating the occupancy of such units. The Township's Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc. including 13% very low-income housing shall be required to be affordable to households earning no more than 30 percent of median income.

Affirmative Marketing Plan

Once DCA and HMFA adopt regulations, the Township will prepare an Affirmative Marketing Plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules. The Township will adopt an Affirmative Marketing Plan for all affordable housing sites. The Township's preliminary Fourth Round updated Affirmative Marketing Plan, included in Appendix Y, is 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 the affordable units located in the Township. Additionally, the Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Township's housing region, Region 6, consisting of Atlantic, Cape May, Cumberland, and Salem counties.

The Affirmative Marketing Plan lays out the random-selection and income qualification procedure of the administrative agent, which is consistent with COAH's rules and N.J.A.C. 5:80-26.1. All newly created affordable units will comply with the minimum thirty-year or forty-year (for rentals) affordability control required by UHAC, N.J.A.C. 5:80-26.1 et seq. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

The Affirmative Marketing Plan will include among the list of community and regional organizations: FSHC, State and County chapters of NAACP, the Latino Action Network, Salem County Board of Social Services, Salem County Department of Aging and Habitat for Humanity. The Township shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.



Finally, in accordance with the July 2020 amendment to the FHA, Mannington Township will include in its Affirmative Marketing Plan the requirement that all units subject to affirmative marketing requirements be listed on the state Housing Resource Center website.¹⁷

Municipal Housing Liaison

In 2007, Mannington Township adopted an ordinance establishing the position of a Municipal Housing Liaison (MHL) (included in Appendix 8). HAS, an experienced affordable housing administrative agent, will serve as the long-term administrative agent for the proposed Habitat for Humanity development. There are also several special needs group home providers in Mannington, including Bancroft and Benchmark Human Services.

Multigenerational Family Housing Continuity

The FHA requires an HPE/FSP to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20). As of May 2025, no recommendations have been issued by the Commission.

Development Fee Ordinance

Mannington Township adopted a development fee ordinance in 2008. The ordinance permits collection of residential development fees equal to 1.5% of the equalized assessed value of new residential construction and additions, and mandatory nonresidential development fees equal to 2.5% of the equalized assessed value of new nonresidential construction and additions. Once DCA and HMFA adopt regulations, the Township will prepare an updated development fee ordinance, if needed.

In the interim, the Township will impose fees on non-residential development in accordance with the Statewide Nonresidential Development Fee Act and will deposit all funds collected in a trust fund. In addition, the Township will impose fees for residential development based on the standards set forth in its 2008 Development Fee Ordinance. The Township's 2008 Development Fee Ordinance is included as Appendix 9.

Spending Plan

Mannington Township does not currently have any funds in its affordable housing trust fund. As part of this HPE/FSP, a Fourth Round Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, has been prepared in accordance with N.J.A.C. 5:93-5.1(c) and is included as Appendix 10. All collected revenues are placed in the Township's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Fourth Round Spending Plan. Once DCA and adopt regulations, the Township will prepare an updated spending plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules.

¹⁷ <https://njhrc.gov>



In general, the Township intends to use its trust fund revenues to provide funding assistance to two existing group home facilities in the Township, to establish a general affordability assistance program, and to cover administrative costs related to affordable housing efforts. The Township may, in the future, seek to amend its Spending Plan and obtain court approval to use its affordable housing trust funds for the following additional permitted affordable housing activities, subject to applicable limitations and minimum expenditures:

- New construction;
- Purchase of land for low- and moderate-income housing;
- Improvement of land to be used for low- and moderate-income housing;
- Extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites;
- Assistance designed to render units to be more affordable.

Although COAH regulations required at least 30% of development fees and interest collected to be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan and for the creation of very low-income units, the Amended FHA does not impose this 30 percent limitation.

Additionally, no more than 20% of trust fund revenues collected each year 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 rehabilitation program, a new construction program, an HPE/FSP, and/or an affirmative marketing program. The FHA provides that

“Not more than 20 percent of the revenues collected from development fees shall be expended on administration, in accordance with rules of the department. Such administration may include expending a portion of its affordable housing trust fund on actions and efforts reasonably related to the determination of its fair share obligation and the development of its housing element and fair share plan pursuant to paragraphs (1) and (2) of subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1) and for expenses that are reasonably necessary for compliance with the processes of the program, including, but not limited to, the costs to the municipality of resolving a challenge under the program.”

The Spending Plan will comply with this statutory requirement.

The adoption of the Township’s Fourth Round Spending Plan will constitute a “commitment” for expenditure per the FHA at N.J.S.A. 52:27D-329.2, with a four-year time period for expenditure that will start with the entry of the Superior Court’s Fourth Round Judgment of Compliance and Repose and/or Compliance Certification.

Cost Generation

Mannington Township’s Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards; it provides for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance,



Residential Site Improvement Standards (RSIS) (N.J.A.C. 5:21-1 et seq.) and the mandate of the FHA regarding unnecessary cost generating features. Mannington Township shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing, N.J.A.C. 5:93-10.3. Once DCA and HMFA adopt regulations, the Township will revise its Land Development Ordinance, if needed, in accordance with the new regulations

Monitoring

In accordance with the requirements of N.J.S.A. 52:27D-329.2 and -329.4 as amended by P.L. 2024 c.2, by February 15 of each year of the Fourth Round, the Township will provide a detailed accounting through DCA's new AHMS online portal of all residential and non-residential fees collected, interest earned, and other income collected and deposited into the Township's affordable housing trust fund during the prior calendar year. The Municipality will also provide a detailed accounting in AHMS of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and documentation of the balance remaining in the affordable housing trust fund as of December 31 of that year.

Mannington Township or any other interested party may file an action through the Program seeking a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site in this HPE/FSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. If such an action is initiated, The Township may propose one or more alternative sites with an accompanying development plan or plans that provide a realistic opportunity for the same number of affordable units and are otherwise in compliance with the FHA and the Mount Laurel doctrine.



1. FOURTH ROUND OBLIGATION DOCUMENTATION

FILED

April 28, 2025

Hon. Robert G. Malestein, P.J.Ch.

The Hon. ROBERT G. MALESTEIN, P.J.Ch.

Superior Court of New Jersey
Law Division – Civil Part
GLOUCESTER COUNTY
Gloucester County Courthouse
1 N. Broad Street
Woodbury, New Jersey 08096

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TWP OF
MANNINGTON, SALEM
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
SALEM COUNTY
DOCKET NO. SLM-L-23-25

Civil Action

Mt. Laurel Program

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR “PRESENT NEED”
AND “PROSPECTIVE NEED” FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on JANUARY 28, 2025 (“DJ Complaint”) by the Petitioner, TWP of MANNINGTON (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled “*Affordable Housing Obligations for 2025-2035 (Fourth Round)*”,¹ therein setting forth the “present need” and prospective need” obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

AND IT APPEARING that, pursuant to the DCA’s Fourth Round Report, the “**present need**” obligation of the Petitioner has been calculated and reported as 0 affordable units, and its “**prospective need**” obligation of the Petitioner has been calculated and reported as 8 affordable units, and which calculations have been deemed “presumptively valid” for purposes of the FHA;

AND THE COURT, having determined that no “interested party” has filed a “challenge” to the Petitioner’s DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

AND THE COURT, having found and determined, therefore, that the “present need” and “prospective need” affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA’s Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this 28th day of **APRIL 2025 ORDERED AND ADJUDGED** as follows:

1. That the “present need” obligation of the Municipality, be, and hereby is fixed as 0 affordable units for the Fourth Round housing cycle.

¹ See https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as 8 affordable units for the Fourth Round Housing cycle; and

3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay..

IT IS FURTHER ORDERED, that any and all “challenges” to the Petitioner’s housing element and fair share plan as adopted pursuant to Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this Docket No. #**SLM-L-23-25**, and as provided for and in accordance with Section III.B of Directive #14-24; and

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner, Petitioner’s counsel and the Program Chair upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:

Robert G. Malestein, P.J.Ch.
HON. ROBERT G. MALESTEIN, P.J.Ch.
Designated Mt. Laurel Judge – Vicinage 15

(X) Uncontested.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC

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Michael C. Borneo, MCB@Surenian.com; Attorney ID: 006101999

Attorneys for Declaratory Plaintiff, Township of Mannington

**IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
MANNINGTON, COUNTY OF SALEM,
STATE OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SALEM COUNTY**

DOCKET NO.: SLM-L-____

CIVIL ACTION
AFFORDABLE HOUSING
PER DIRECTIVE # 14-24

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO
DIRECTIVE# 14-24**

Declaratory Plaintiff, the Township of Mannington, County of Salem, State of New Jersey (hereinafter, “Mannington” or the “Township”), a municipal corporation of the State of New Jersey, with principal offices located at 491 Rte 45, Mannington NJ 08079, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive # 14-24 of the Administrative Office of the Courts, alleges and says:

Background

1. Mannington is a municipal corporation of the State of New Jersey.
2. The Planning Board of the Township of Mannington (hereinafter, “Planning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations, is responsible for adopting the Housing Element and Fair Share Plan (“HEFSP”) of Mannington’s Master Plan.

3. Through this DJ Action, Mannington seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to Directive # 14-24; (b) to have the Program and the Court approve the Township of Mannington’s Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Township, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve a HEFSP to be adopted by the Planning Board and endorsed by the Council and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Mannington’s immunity from all exclusionary zoning litigation , including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Township receive and obtain all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT I

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2

1. The Township of Mannington repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

2. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.*

3. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program. Among other things, the Act authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, “Director” and “AOC”) to create a framework to process applications for a compliance certification.

4. On or about December 13, 2024, the Director issued Directive # 14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a declaratory judgment complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

5. Mannington adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

6. Based on the foregoing, Mannington has established the jurisdiction of the Program and the Court in regard to this DJ Action for a compliance certification as set forth hereinafter.

WHEREFORE, the Township of Mannington seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set

forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;

- b.** Declaring the present and prospective affordable housing obligations of the Township under the Act;
- c.** Declaring the approval of the Township's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Township Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d.** Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e.** Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township of Mannington for the period beginning July 1, 2025 and ending June 30, 2035; and

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE TOWNSHIP OF MANNINGTON

7. Mannington repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

8. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued not later than October 20, 2024.

9. The DCA issued its report on October 18, 2024.

10. Pursuant to the October 18, 2024 report, the DCA calculated Mannington's present and prospective affordable housing obligations as follows:

PRESENT NEED (REHABILITATION OBLIGATION)	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
0	8

11. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a "binding resolution" determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

12. Mannington adopted a binding resolution including an expert report attached thereto, a copy of which resolution and expert report is attached hereto and made a part hereof as Exhibit 1 to this DJ Action.

13. The binding resolution maintains that the Present ("Rehabilitation") Need obligation of Mannington is 0 and its Prospection Need obligation is 8.

14. Mannington seeks the approval of and confirmation by the Program and the Court of the Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1** or the adjustment of those obligations consistent with the Act and the applicable COAH regulations.

15. Pursuant to the binding resolution, the Township of Mannington reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

16. Pursuant to the binding resolution, Mannington specifically reserves the right to seek and obtain 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 6) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Township of Mannington seeks a declaratory judgment for the following relief:

- a. Declaring that the Township has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of Mannington under the Act;
- c. Declaring the approval of Mannington's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d. Declaring that the Township continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-

24 to Mannington for the period beginning July 1, 2025 and ending June 30, 2035; and

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and applicable COAH regulations.

COUNT III
HOUSING ELEMENT AND FAIR SHARE PLAN

17. The Township of Mannington repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

18. Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, (“HEFSP”) must be prepared adopted by the Planning Board and endorsed, by June 30, 2025.

19. Mannington hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 2) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); and/or 3) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 4) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 5) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or 6) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Township of Mannington seeks a declaratory judgment for the following relief:

- a. Declaring that Mannington has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set

forth in the binding resolution attached as Exhibit 1 to this DJ Action or to adjust such determination consistent with the Act;

- b.** Declaring the present and prospective affordable housing obligations of Mannington under the Act;
- c.** Declaring the approval of Mannington's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (ii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iii) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (iv) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (v) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d.** Declaring that the Township of Mannington continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e.** Declaring and issuing compliance certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Township of Mannington for the period beginning July 1, 2025 and ending June 30, 2035; and