

## Fourth Round Housing Element and Fair Share Plan

### Township of Oldmans Salem County, New Jersey



May 19, 2025

Clarke Caton Hintz



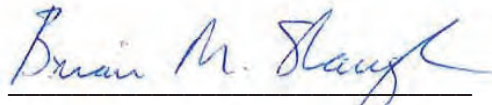
## Housing Element and Fair Share Plan

### Planning Board Township of Oldmans Salem County, New Jersey

Adopted May 19, 2025

Endorsed by the Township Committee June 11, 2025

*Prepared by*



Brian M. Slauch, AICP PP  
New Jersey Professional Planner License 3743

With the assistance of  
Isabel Rodriguez, AICP, PP

CLARKE CATON HINTZ, PC  
100 Barrack Street  
Trenton, New Jersey 08608  
(609) 883-8383

A signed and sealed original is on file with the Township Clerk

## **Township Committee**

**William Ferrell, III, Mayor**  
**Jeff Newman, Deputy Mayor**  
**John Pomponi**  
**Brian Porch**  
**Dean Sparks**

**Melinda Taylor, RMC, Municipal Clerk**  
**Joseph DiNicola, Jr., Esq., Township Solicitor**  
**Steve Nardelli, PE, CME, Township Engineer**  
**William Olson, Esq., Special Counsel**

## **Township Planning Board**

**Sandra Collom, Class IV, Chair**  
**David Murphy, Class I, Mayor's Designee**  
**Melinda Taylor, Class II and Secretary**  
**John Pomponi Jr., Class III**  
**Theresa Desanto, Class IV**  
**Earl Ransome, Class IV**  
**Mike Tuteurice, Class IV**  
**Rae Walzer, Class IV**  
**Stephen Wilson, Class IV**  
**Gary Green, 1<sup>st</sup> Alternate**  
**Justin Schaller, 2<sup>nd</sup> Alternate**  
**Spyros Apessos, 3<sup>rd</sup> Alternate**  
**Dan Daly, 4<sup>th</sup> Alternate and Bd of Education Liaison**

**Michael Ierino, Esq., Planning Board Solicitor**  
**Steve Nardelli, PE, CME, Planning Board Engineer**  
**Brian Slaugh, PP, AICP, Planning Board Planner**

## Table of Contents

<b>Introduction .....</b>	<b>1</b>
<b>Brief History and Regional Location .....</b>	<b>2</b>
<b>Affordable Housing Judicial and Legislative Background.....</b>	<b>3</b>
The Fourth Round (2025-2035) .....	6
<b>Affordable Housing History of Oldmans Township .....</b>	<b>7</b>
<b>Housing Element and Fair Share Requirements.....</b>	<b>7</b>
<b>Affordability Requirements .....</b>	<b>10</b>
Table 1. 2024 Income Limits for Region 6 .....	11
Table 2. Illustrative 2024 Maximum Affordable Gross Rents for Region 6 .....	11
Table 3. Illustrative 2024 Maximum Affordable Sales Prices for Region 6 .....	11
<b>Housing Conditions .....</b>	<b>11</b>
Table 4. Housing Units and Tenure of Occupant, 2023.....	12
Table 5. Housing Units by Age, 2023.....	12
Table 6. Number of Rooms per Housing Unit, 2023 .....	13
Table 7. Number of Bedrooms per Housing Unit, 2023.....	13
Table 8. Value of Owner-Occupied Housing Units, 2013 and 2023.....	14
Table 9. Rent in Oldmans and Salem County, 2023 .....	14
Table 10. Housing Affordability, 2023.....	15
Table 11. Indicators of Housing Deficiency, 2023 .....	15
<b>Population Characteristics .....</b>	<b>16</b>
Table 12. Population Change, Oldmans and Salem County, 1950 to 2023.....	16
Table 13. Age of Population, 2013 and 2023.....	17
<b>Household Characteristics.....</b>	<b>18</b>
Table 14. Household Size of Occupied Housing Units, Oldmans, 2013-2023.....	18
Table 15. Household Composition, 2023.....	19
Table 16. Unit Size vs. Household Size, 2023.....	19
<b>Income Characteristics.....</b>	<b>20</b>
Table 17. Household Income, Oldmans and Salem County, 2023.....	20
Table 18. Individual and Family Poverty Rates, 2023 .....	21
<b>Employment Characteristics .....</b>	<b>21</b>
Table 19. Employed Residents by Industry Sector, 2023.....	21
Table 20. Employed Residents by Occupation, 2023.....	22

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

<i>Table 21. Change in Employment, Oldmans Residents, from 2012-2023 .....</i>	<i>22</i>
<i>Table 22. Covered Employment Estimates in Oldmans and Salem County .....</i>	<i>23</i>
<i>Table 23. Top Ten Commuting Destinations for Oldmans Residents, 2023 .....</i>	<i>23</i>
<b>Population Projections .....</b>	<b>24</b>
<i>Table 24. Population, Household, and Employment Projections, 2020 to 2060.....</i>	<i>24</i>
<i>Table 25. Residential C.O.'s, Building Permits, and Demolition Permits Issued, 2013-2023.....</i>	<i>25</i>
<b>Consideration of Land for Affordable Housing .....</b>	<b>25</b>
Potential Future Siting of Affordable Housing within Oldmans' Water Franchise Area.....	27
<i>Map 1. Oldmans Environmental Constraints.....</i>	<i>30</i>
<i>Map 2. Oldmans Purveyor Service Areas.....</i>	<i>31</i>
<b>Fair Share Plan .....</b>	<b>32</b>
<b>Oldmans Affordable Housing Obligations.....</b>	<b>32</b>
<i>Table 27. Oldmans Affordable Housing Allocation, Third Round Summary .....</i>	<i>33</i>
<i>Table 28. Oldmans Affordable Housing Allocation, Fourth Round Summary.....</i>	<i>33</i>
<b>Oldmans Means of Addressing its Affordable Housing Obligations.....</b>	<b>33</b>
Habitat for Humanity (100% Affordable Site) .....	36
78 Perkintown Road (100% Affordable Site) .....	36
155 Perkintown Road (Alternate Living Facility) .....	36
Market-to-Affordable .....	37
Alternative Living Arrangements .....	38
<b>Summary of Credits for Oldmans' Obligations .....</b>	<b>38</b>
<i>Table 29. Summary of Credits for Oldmans' Obligations.....</i>	<i>38</i>
<b>Very Low-Income Units.....</b>	<b>39</b>
<b>Cost Generation.....</b>	<b>39</b>
<b>Monitoring.....</b>	<b>39</b>
<b>Affordable Housing Ordinance, Municipal Housing Liaison, Administrative Agent, and</b>	
<b>Affirmative Marketing .....</b>	<b>40</b>
<b>Development Fee Ordinance .....</b>	<b>41</b>
<b>Affordable Housing Trust Fund .....</b>	<b>41</b>
<b>Spending Plan.....</b>	<b>41</b>
<b>Summary.....</b>	<b>42</b>

**Township of Oldmans  
Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

**APPENDICES**

Appendix A – Declaratory Judgment of the Township’s Fourth Round Obligation and Binding Resolution; Order Confirming Oldmans’ Fourth Round Obligations

Appendix B – Court Order Approving the Township’s Third Round Obligation

Appendix C – Resolutions of Planning Board Adoption and Township Committee Endorsement

Appendix D – Oldmans Chapter of Salem County Wastewater Management Plan; Carneys Point Sewerage Authority Capacity Letter

Appendix E – Rehabilitation Documentation

Appendix F - 155 Perkintown Road Group Home License and Survey

Appendix G – Habitat for Humanity 54 S. Railroad Avenue Development Agreement, Deed Restriction

Appendix H – Market to Affordable Program – Flyer of New Units Available

Appendix I – Affordable Housing Ordinance and Development Fee Ordinance

Appendix J – Resolution Appointing Municipal Housing Liaison

Appendix K – Authorizing Resolution and Executed Agreement Appointing Administrative Agent

Appendix L – Affirmative Marketing Plan

Appendix M – Spending Plan

## INTRODUCTION

The Housing Element and Fair Share Plan for Oldmans Township addresses its constitutional obligation to provide for affordable housing under the mandate of the *Mount Laurel Doctrine* established by the New Jersey Supreme Court beginning in 1975 and codified by the state legislature in the New Jersey Fair Housing Act of 1985.<sup>1</sup> Together, the Housing Element and Fair Share Plan constitute the affordable housing plan for the Township of Oldmans. The Housing Element is a component of the Township's Master Plan for development and redevelopment, and the Fair Share Plan constitutes the means and documents designed to implement the Housing Element. Together, the two components are called the "housing plan" in this document. This Fourth Round Housing Element and Fair Share Plan will serve as the foundation for the Township's submission to the Superior Court of New Jersey for a Judgement of Compliance and Repose.

There are four components to a municipality's affordable housing obligation: the Rehabilitation share, or Present Need, the Prior Round obligation, the Third Round obligation, and the Fourth Round obligation. To address the Prior Round and Third Round affordable housing obligation, the Township adopted its Third Round Housing Element and Fair Share Plan on October 18, 2021, endorsed by the Township Committee on December 8, 2021. The Township submitted the Third Round Plan to the Court via a declaratory judgement action filed on April 7, 2022, and subsequently entered into a settlement agreement with the Fair Share Housing Center ("FSHC") on December 12, 2023, to establish the Township's Third Round affordable housing obligations. The FSHC Agreement and the Township's preliminary compliance efforts and durational adjustment were approved by Superior Court at a joint Fairness Hearing and Compliance Hearing on March 19, 2024 and as reflected in a Court Order dated April 12, 2024. The Township's court-approved fair share obligation is as follows:

- Rehabilitation Share of 0 units;
- Prior Round obligation of 183 units adjusted downward to 125 units; and
- A Third Round obligation encompassing both the Gap Present Need and Prospective Need of 120 units.

A municipality's Fourth Round affordable housing obligation has two components: (1) Present Need (Rehabilitation Share); and (2) Prospective Need. Pursuant to the amended FHA, the New Jersey Department of Community Affairs (NJDCA) calculated these obligations on an advisory basis for all municipalities. Municipalities were able to either elect to accept these advisory calculations or to perform their own based on the amendments to the Fair Housing Act represented in P.L. 2024, c.2. On January 27, 2025, the Township Committee of Oldmans adopted Resolution #2025-40 (Appendix A) accepting the determination of the Township's Fourth Round Present Need and Prospective Need by NJDCA as follows:

---

<sup>1</sup> - N.J.S.A. 52:27D-301 et seq.

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

- Fourth Round Present Need:       ○ units
- Fourth Round Prospective Need:   84 units

The Township seeks to build upon the durational adjustment approved by the Court for its entire Prior Round and Third Round obligations by seeking durational adjustment Court approval of its entire Fourth Round obligation.

**BRIEF HISTORY AND REGIONAL LOCATION**

Located in the northwesternmost corner of Salem County approximately 30 miles south of Philadelphia, Oldmans Township was incorporated in 1881, encompassing portions of what was at the time Upper Penns Neck Township (now Carneys Point). The name is an Anglicization of the word “Alderman’s.”

The Township, which has an area of approximately 20.4 square miles, borders Carneys Point Township to the south, Pilesgrove Township to the southeast, the Delaware River to the west, and Oldmans Creek to the north, which serves as its border with Logan Township and Woolwich Township in Gloucester County. It is approximately bisected from northeast to southwest by Interstate 295. The New Jersey Turnpike (I-95) runs through its southernmost corner.

Oldmans is mainly located within the Suburban and Rural Planning Areas (PA-2 and 4) as designated by the State Development and Redevelopment Plan (“SDRP”)<sup>2</sup>. Portions of the northeast are located within the Environmentally Sensitive Planning Area (PA-5) and a small portion along the northwest is located in the Metropolitan Planning Area (P-1). The Township consists of modest levels of suburban residential development dispersed between significant areas of wetlands and agricultural production. Scattered dwellings along roads and the farmsteads of large agricultural parcels constitute the remainder of the Township’s residential development. More recently, warehouse development has occurred at the Exit 7 of I-295, in the Gateway Business Park, a planned industrial district. Additional warehouse space and improvements were constructed between 2021 and 2023, completing the development of the industrial park.

There is one census-designated place, Pedricktown, anchored by the crossroads of Railroad Avenue and Mill Street, and approximately bordered to the west by Porcupine Road. Functionally a hamlet, its neighborhood commercial uses have mainly closed, leaving a traditional pattern of houses along county roads clustered at the crossroads.

Though agriculture occupies a high percentage of land use in the Township, there are just two preserved farms<sup>3</sup> due to the limited amount of prime soil and soils of statewide importance based on USDA soil designations. The Township has significant alluvial lands associated with

<sup>2</sup> - Presently undergoing a periodic update in the Cross-Acceptance process.

<sup>3</sup> - State Agriculture Development Committee, <https://www.state.nj.us/agriculture/sadc/farmpreserve/>, dated January 15, 2025, accessed February 21, 2025.



the Delaware River that is in flood plain, as well as Oldmans Creek and its various small tributaries.

The Township's population from the 2020 U.S. Census was 1,910, an increase of 137, or 7.7% from the 2010 Census count of 1,773. This is likely attributable to the build-out of a suburban neighborhood during that time period. In years following, Oldmans experienced a population decline between the 2020 census and the 2023 American Community Survey five-year estimates<sup>4</sup>. The population in 2023 was 1,826, a decrease of 84, or 4.4% from the 2020 census count. Additional demographic characteristics are found in the tables beginning on page 11.

#### AFFORDABLE HOUSING JUDICIAL AND LEGISLATIVE BACKGROUND

In its landmark 1975 decision, now referred to as Mount Laurel I,<sup>5</sup> the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide the opportunity for low- and moderate-income households to live in each municipality. In its 1983 Mount Laurel II decision,<sup>6</sup> 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. The Court ruled that each municipality would have to establish its fair share obligation and provide zoning mechanisms to create a realistic opportunity to fulfill that obligation. Subject to a number of limitations, Mount Laurel II also gave developers, under appropriate circumstances, the opportunity to secure what is known as a "builder's remedy" from a municipality if the developer could prove the municipality was not providing a realistic opportunity for the development of affordable housing. A builder's remedy is a mechanism that grants a developer that is successful in such litigation the right to develop what is typically a higher density multifamily project on land not zoned to permit this use at the time of the suit, so long as a "substantial" percentage of the proposed units would be reserved for low- and moderate-income households.

In 1985, in response to Mount Laurel II, the New Jersey Legislature enacted the Fair Housing Act.<sup>7</sup> The Fair Housing Act created the Council on Affordable Housing (COAH) as an administrative body responsible for oversight of municipalities' affordable housing efforts, instead of through litigation. 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

<sup>4</sup> - The American Community Survey replaced the long-form census as the source for much of the housing data necessary to complete this section. The census is a one-time count of the population while the ACS is an estimate taken over five years through sampling. For this reason, data in the ACS is subject to a margin of error greater than the U. S. Census conducted in April in years ending in zero.

<sup>5</sup> - Southern Burlington County NAACP v. Township of Mount Laurel, 67 N.J. 151 (1975)

<sup>6</sup> - Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983)

<sup>7</sup> - N.J.S.A. 52:27D-301 et seq.

share obligations, and (iv) to create a process for the review and approval of municipal housing elements and fair share plans.

### **COAH's First and Second Rounds, 1986-1999**

COAH created the initial criteria and guidelines for municipalities to use in determining and addressing their affordable housing obligations. COAH originally established a methodology for determining municipal affordable housing obligation for the six-year period between 1987 and 1993,<sup>8</sup> 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 (“future need”, “prospective need” or “fair share”).

The First Round methodology was superseded in 1994 by COAH's Second Round regulations.<sup>9</sup> The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and, using 1990 census data, computed the additional municipal affordable housing need from 1993 to 1999. Thus these regulations included the cumulative obligations for the First and Second Rounds. Under regulations adopted for the Third Round, a municipality's obligation to create new affordable housing for the First and Second Rounds is referred to the Prior Round obligation.

### **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, so the Third Round was originally defined as the time period from 1999 to 2014. In 2001, the FHA was amended to extend the time period to 10-year intervals. Therefore, the Third Round should have been from 1999 to 2009. But only in December 2004 did COAH create Third Round rules first version of the Third Round rules<sup>10</sup> became effective, five years after the end of the Second Round in 1999.

On January 25, 2007, a New Jersey Appellate Court decision<sup>11</sup> invalidated key elements of the first version of the Third Round rules, including its controversial growth share methodology. COAH missed its deadline but eventually issued revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008). COAH revised the growth share approach, but implemented several changes intended to create compliance with the 2007 Appellate Court decision, and extended the Third Round period to 2018.

<sup>8</sup> - N.J.A.C. 5:92-1 et seq.

<sup>9</sup> - N.J.A.C. 5:93-1.1 et seq.

<sup>10</sup> - N.J.A.C. 5:94-1 and 5:95-1

<sup>11</sup> - In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (2007)

These rules were also litigated. On October 8, 2010, the Appellate Division issued its decision on the lawsuits,<sup>12</sup> upholding the Second 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, specifically all aspects of “growth share”.

### THIRD ROUND JUDICIAL ACTIVITY

On September 26, 2013, the New Jersey Supreme Court upheld the Appellate Court decision<sup>13</sup> and ordered COAH to prepare the necessary rules. Subsequent delays in COAH’s rule preparation and ensuing litigation led the New Jersey Supreme Court, on March 14, 2014, to issue an order setting forth a schedule for adoption of new rules by October 22, 2014. However, the COAH Board was unable to pass a vote on the third set of Third Round rules. This led to more litigation to the NJ Supreme Court who issued a decision on March 10, 2015, which became known as Mount Laurel IV.<sup>14</sup>

In the decision, the Court transferred responsibility for reviewing and approving housing elements and fair share plans from COAH to designated *Mount Laurel* trial judges, declaring COAH “moribund.” Municipalities were now to apply to the Courts, instead of COAH, if they wished to be protected from exclusionary zoning lawsuits. The *Mount Laurel* trial judges, with the assistance of a Court-appointed Special Adjudicators, were tasked with reviewing municipal plans much in the same manner as COAH had done previously. Those towns whose plans were approved by the Court received a Judgment of Compliance and Repose, the court equivalent of COAH’s substantive certification.

While the New Jersey Supreme Court’s decision set in motion a process for towns to address their Third Round obligation, the decision did not assign those obligations. Instead, that was to be done in court by the *Mount Laurel* trial judges.

However, the NJ Supreme Court was not finished. On January 17, 2017, the Court rendered a decision<sup>15</sup> that found that the period between 1999 and 2015, now known as the “gap period,” when no valid affordable housing regulations were in force, nonetheless generated an affordable housing obligation. This obligation required an expanded definition of the municipal Present Need obligation to include the unaddressed housing needs of low- and moderate-income households that had formed during the gap period.

<sup>12</sup> - In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (2010)

<sup>13</sup> - 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)

<sup>14</sup> - In re Adoption of N.J.A.C. 5:96 & 5:97, 221 NJ 1 (2015)

<sup>15</sup> - In Re Declaratory Judgment Actions Filed by Various Municipalities, 227 N.J. 508 (2017)

An opinion in two Mercer County affordable housing matters,<sup>16</sup> issued by the Hon. Mary C. Jacobson, A.J.S.C., on March 18, 2018, established a methodology, now referred to as the “Jacobson methodology,” for calculating Third Round affordable housing numbers in Mercer County. While this methodology was only binding on Mercer County municipalities, its approach to determining municipal affordable housing numbers was used statewide and has been accepted by various *Mount Laurel* trial judges for calculation of municipal Third Round affordable housing obligations.

The Fair Housing Act was amended by the legislature during this period to remove the transfer of part of an obligation from one town to the next (“regional contribution agreements”), create uniform regulations with regard to development impact fees benefiting affordable housing, created a very low income category of households that needed to be addressed by municipalities, as well as lesser amendments.

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

In March 2024, the Fair Housing Act was amended again. This amendment, P.L. 2024 c.2:

- Formally abolished COAH;
- Relied, in many instances, on the Judge Jacobson methodology, with some adjustments, to be used to calculate Fourth Round and all future round obligations, and required the New Jersey Department of Community Affairs (NJDCA) to promulgate municipal obligations using this adjusted methodology. These obligations were to be considered advisory, not binding;
- Required NJDCA and the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to update rules and standards governing affordable housing production and administration;
- Established a Court-based Affordable Housing “Program” that will be responsible for oversight of municipalities’ affordable housing compliance efforts;
- Established a longer control period – at least 40 years, rather than 30 years – for new affordable rental units;
- Changed the criteria for affordable housing bonus credits, removing bonus credits for family rental units and making various other categories of affordable housing eligible for bonus credits;

---

<sup>16</sup> Opinion on Fair Share Methodology to Implement the Mount Laurel Affordable Housing Doctrine for the Third Round (2018)

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

- Established a timeline within which municipalities must take various steps toward adoption of a Housing Element and Fair Share Plan, in order for them to retain their immunity from exclusionary-zoning lawsuits;
- Established new reporting and monitoring procedures and deadlines for both affordable units and affordable housing trust funds, and assigned oversight for reporting and monitoring to NJDCA.

This plan has been prepared to meet the requirements of the Fair Housing Act as most recently amended, as well as all applicable regulations as updated.

**AFFORDABLE HOUSING HISTORY OF OLDMANS TOWNSHIP**

Oldmans Township has demonstrated a commitment to voluntary compliance with its Mount Laurel fair share obligations in past rounds. It filed an initial motion for immunity from builder's remedy lawsuits in August 2006, and on April 9, 2007 it adopted a Housing Element and Fair Share Plan, which it timely filed with COAH and received acknowledgement. After the Appellate Division invalidated COAH's initial Third Round rules in January 2007 and directed the agency to promulgate new ones, the Township adopted an amended Housing Element and Fair Share Plan in November 2008 that conformed to COAH's new 2008 Third Round rules. The Township filed this Plan with COAH and requested substantive certification. Oldmans Township's 2008 Housing Element and Fair Share Plan addressed its cumulative affordable housing obligations for all three of COAH's housing cycles. However, because the rules under which the Plan was developed and adopted were stuck down by the Court, the Plan was not acted upon by the agency.

On October 18, 2021, Oldmans Township adopted its Third Round Housing Element and Fair Share Plan to address its affordable housing obligation. The Township applied to the Court for a Declaratory Judgment on April 7, 2022 for an order finding the Plan to be constitutionally compliant. Following negotiation with Fair Share Housing Center and discussion with the Special Adjudicator, the HEFSP was subjected to a combined fairness and compliance hearing. The Township's request for a Judgment of Compliance and Repose of the HEFSP was approved by the Hon. Robert G. Malestein, P.J.Ch. in a Court Order dated April 12, 2024 (Appendix B).

**HOUSING ELEMENT AND FAIR SHARE REQUIREMENTS**

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan is required include a Housing Plan Element if it wishes to adopt a 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 is required to be designed to provide access to affordable housing to meet present and prospective housing needs for low- and moderate-income households. Specifically, N.J.S.A. 52:27D-310 requires that the Housing Plan Element contain at least the following:

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

- 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 N.J.S.A. 52:27D-329.20;<sup>17</sup>
- An analysis of consistency with the State Development and Redevelopment Plan,

Since Oldmans Township is not located within the jurisdiction of the Highlands Water Protection and Planning Council, this document does not address this component of the law.

In addition to the law, Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024 indicates that for plans filed through a Declaratory

---

<sup>17</sup> - Multigenerational family housing opportunities is analyzed based on the recommendations of the Multigenerational Family Housing Community Commission. This commission, established by the New Jersey State Legislature in 2021, has not yet issued recommendations concerning multigenerational family housing. Accordingly, this document does not contain such an analysis.



**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

Judgment action or other means to obtain court approval will necessitate additional documentation of compliance.

- The HEFSP has to contain documentation the creditworthiness of all of the existing affordable housing units in its HEFSP, as well as the household income limits and bedroom distribution.
- The income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.

An identification of each of the sites that were proposed for inclusionary or municipally sponsored 100% affordable housing developments but not included, along with the reasons for such rejection is a requirement of the Court Directive. Oldmans Plan does not utilize these means of addressing its affordable housing obligation and thus this element is not required.

The concept plan for the development of each of the selected sites is to be analyzed for yield. Since there are no proposed sites, there are no proposed concept plans by developers. Accordingly, this component is not applicable to Oldmans Plan.<sup>18</sup>

If the municipality proposes the extension of expiring affordability controls, then there needs to be an inspection or other means to demonstrate that the units meet present building code standards. Secondly, that the deed restrictions are for a minimum of 30 years. However, Oldmans does not propose the extension of controls, so this portion of the Court Directive is not applicable.

The HEFSP must include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement. Since Oldmans accepted the DCA municipal obligations, there is no settlement agreement, so this component is not applicable.

The HEFSP is required to include (in an Appendix) the adopted ordinances and resolutions needed to implement the HEFSP, including:

- All zoning amendments (or redevelopment plans, if applicable). Zoning amendments or redevelopment plans are not contemplated at this point in time but will be should a developer come forward with a credible means of providing the necessary water and sanitary sewer infrastructure. At that time, the zoning or other land use controls necessary to address the proposed development will be crafted and enacted.
- An Affordable Housing Ordinance. Oldmans has a court-approved 2022 affordable housing ordinance as part of its Third Round judgment of compliance and repose.

<sup>18</sup> - Moreover, nothing in the statutory framework of the Fair Housing Act, or the entire corpus of the Mount Laurel doctrine, requires or can compel a settlement as a prerequisite to compliance.

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

- A Development Fee Ordinance. Oldmans has a court-approved 2022 development fee ordinance as part of its Third Round judgment of compliance and repose
- An Affirmative Marketing Plan. Oldmans has a court-approved 2022 Affirmative Marketing Plan as part of its Third Round judgment of compliance and repose.
- An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds.
- A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
- Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
- A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.

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

**AFFORDABILITY REQUIREMENTS**

Affordable housing is defined under New Jersey's FHA as a dwelling, either for-sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. Oldmans is in COAH's Region 6, which includes Atlantic, Cape May, Cumberland, and Salem Counties. These housing regions were established as part of the First Round rules. Moderate-income households are those with incomes exceeding 50% up to 80% of the regional median income. Low-income households are those with annual incomes 50% or less than regional median income. In 2008 the New Jersey Legislature created an additional sub-category of low income – very low-income – which has been defined as households with incomes 30% or less of the regional median income.

Regional median income had been defined by COAH annually using HUD income limits but stopped doing so in 2014. To fill this gap, the Affordable Housing Professionals of New Jersey now publish regional income limits annually for each housing region in New Jersey using COAH's formulas. Their use has been approved by many courts in affordable housing decisions. The Township was granted permission by the Court to use the AHPNJ tables annually to update income limits.



**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

See Table 1 for 2024 income limits for Region 6 below.

**Table 1. 2024 Income Limits for Region 6**

<b>Household Income Levels</b>	<b>1 Person Household</b>	<b>2 Person Household</b>	<b>3 Person Household</b>	<b>4 Person Household</b>	<b>5 Person Household</b>	<b>6 Person Household</b>
Median	\$68,852	\$78,688	\$88,524	\$98,360	\$106,228	\$114,097
Moderate	\$55,081	\$62,950	\$70,819	\$78,688	\$84,983	\$91,278
Low	\$34,426	\$39,344	\$44,262	\$49,180	\$53,114	\$57,049
Very Low	\$20,655	\$23,606	\$26,557	\$29,508	\$31,868	\$34,229

Source: 2024 Affordable Housing Regional Income Limits by Household Size. Affordable Housing Professionals of New Jersey, April 2024

Tables 2 and 3 provide illustrative sale prices and gross rents for 2024. The sample rents and sale prices are illustrative and are gross figures, which do not account for the specified utility allowance.

**Table 2. Illustrative 2024 Maximum Affordable Gross Rents for Region 6**

<b>Household Income Levels (% of Median Income)</b>	<b>1 Bedroom Unit Rent</b>	<b>2 Bedroom Unit Rent</b>	<b>3 Bedroom Unit Rent</b>
Moderate (60%)	\$799	\$881	\$1,037
Low (50%)	\$614	\$660	\$782
Very Low (30%)	\$245	\$217	\$270

Source: Affordable Housing Professionals of New Jersey Affordable Housing General Rent Calculator, April 2024.

**Table 3. Illustrative 2024 Maximum Affordable Sales Prices for Region 6**

<b>Household Income Levels (% of Median Income)</b>	<b>1 Bedroom Unit Price</b>	<b>2 Bedroom Unit Price</b>	<b>3 Bedroom Unit Price</b>
Moderate (65%)	\$83,514	\$109,511	\$133,775
Low (50%)	\$53,517	\$73,515	\$92,180
Very Low (30%)	\$13,522	\$25,520	\$36,719

Source: Affordable Housing Professionals of New Jersey Affordable Housing General Sales Price Calculator, April 2024.

## HOUSING CONDITIONS

The 2019-2023 American Community Survey (“ACS”) estimates that Oldmans Township has approximately 681 housing units, with 56, or 8.2%, vacant. The Township’s housing stock consists predominantly of single-family detached units (88.1%), but also contains a small percentage of multi-family units (6.2%). The share of single-family detached units in the Township is higher than for Salem County (74.3%) and that of the state (52.7%). In addition,

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

rental units comprise approximately 13.2% of total units, compared with 25.7% for the county and 33.4% for the state. See Table 4, Housing Units and Tenure of Occupant, for these details.

**Table 4. Housing Units and Tenure of Occupant, 2023**

Number of Units	Owner Occupied	Percent of Total	Renter Occupied	Percent of Total	Vacant	Percent of Total	Total Occupied	Total Units	Percent of Total
1, Detached	516	75.8%	65	9.5%	19	2.8%	581	600	88.1%
1, Attached	14	2.1%	25	3.7%	0	0.0%	39	39	5.7%
2	5	0.7%	0	0.0%	29	4.3%	5	34	5.0%
3 or 4	0	0.0%	0	0.0%	8	1.2%	0	8	1.2%
5 to 9	0	0.0%	0	0.0%	0	0.0%	0	0	0.0%
10 or more	0	0.0%	0	0.0%	0	0.0%	0	0	0.0%
Other	0	0.0%	0	0.0%	0	0.0%	0	0	0.0%
<b>Total</b>	<b>535</b>	<b>78.6%</b>	<b>90</b>	<b>13.2%</b>	<b>56</b>	<b>8.2%</b>	<b>625</b>	<b>681</b>	<b>100.0%</b>

Source: 2019-2023 American Community Survey 5-Year Estimate (B25032, DP04)

Table 5, Housing Units by Age, illustrates the age of the Township's housing stock. Close to half (45.3%) of the Township's housing stock was built prior to 1960. The Township experienced its second largest growth from 1960 to 1999, when nearly 30% of units were constructed, with the rate of housing construction declining in each subsequent decade until a slight uptick between 2010 and 2019.

**Table 5. Housing Units by Age, 2023**

Year Built	Total Units	Percent	Owner	Renter
2020 or later	19	3.0%	19	0
2010 to 2019	77	12.3%	68	9
2000 to 2009	65	10.4%	65	0
1980 to 1999	103	16.5%	85	18
1960 to 1979	78	12.5%	68	10
1940 to 1959	140	22.4%	106	34
1939 or earlier	143	22.9%	124	19
<b>Totals</b>	<b>625</b>	<b>100.0%</b>	<b>535</b>	<b>90</b>
Median Year Built	1967		1971	1956

Source: 2019-2023 American Community Survey 5-Year Estimate (Tables DP04, B25036, B25037)

Table 6, Number of Rooms per Housing Unit, shows that, of the housing stock in Oldmans Township, 40.2% of units have between four and six rooms, 37.4% of homes have seven or eight rooms, and 21.9% have nine or more rooms. The data from this table indicate that the housing stock in Oldmans is, on average, large in size as the majority (84.0%) of housing in

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

the Township contains six or more rooms. Further information on bedroom count details is found in Table 7, Number of Bedrooms per Housing Unit.

**Table 6. Number of Rooms per Housing Unit, 2023**

Rooms	Number of Units	Percent of Total
1	0	0.0%
2	0	0.0%
3	3	0.4%
4	15	2.2%
5	91	13.4%
6	168	24.7%
7	135	19.8%
8	120	17.6%
9+	149	21.9%
<b>Total</b>	<b>681</b>	<b>100.0%</b>
<b>Median</b>	<b>7.0</b>	

Source: 2019-2023 American Community Survey 5-Year Estimate (Table DP04)

**Table 7. Number of Bedrooms per Housing Unit, 2023**

Bedrooms	Number of Units	Percent of Total
Efficiency	-	0.0%
1	8	1.2%
2	102	15.0%
3	364	53.5%
4	175	25.7%
5+	32	4.7%
<b>Total</b>	<b>681</b>	<b>100.0%</b>

Source: 2019-2023 American Community Survey 5-Year Estimate (Table DP04)

Table 8, Value of Owner-Occupied Housing Units, shows that the median home value in Oldmans increased significantly (53.4%) between 2013 and 2023. By contrast, Salem County saw a much lower increase (17.2%) in median home values over the same period. The Township also had higher median values than the county in both 2013 (\$204,900 vs. \$190,200) and 2023 (\$314,400 vs. \$223,000). Although the overall number of owner-occupied units decreased from 2013 to 2023, the number of housing units valued between \$300,000 and \$499,999 increased by 86.4%.

Based on the 2024 Illustrative Sales Prices for Affordable Housing, approximately 10 (1.9%) of owner-occupied housing units in Oldmans Township may be affordable to very low-income

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

households. Meanwhile, approximately 48 (9.0%) units (depending on the number of rooms in the unit) may be affordable to low- and moderate-income households, exclusive of those units affordable to lower-income groups. In total, 58 owner-occupied units in the Township, or 10.9%, may be affordable to very low-, low- and moderate-income households.

**Table 8. Value of Owner-Occupied Housing Units, 2013 and 2023**

Housing Unit Value	2013 Units	Percent	2023 Units	Percent
Less than \$50,000	19	2.9%	10	1.9%
\$50,000 to \$99,999	35	5.3%	8	1.5%
\$100,000 to \$149,999	81	12.2%	40	7.5%
\$150,000 to \$199,999	187	28.1%	74	13.8%
\$200,000 to \$299,999	194	29.2%	116	21.7%
\$300,000 to \$499,999	110	16.5%	205	38.3%
\$500,000 to \$999,999	33	5.0%	68	12.7%
\$1,000,000 or more	6	0.9%	14	2.6%
<b>Total</b>	<b>665</b>	<b>100.0%</b>	<b>535</b>	<b>100.0%</b>
<b>Median Value</b>	<b>\$204,900</b>		<b>\$314,400</b>	

Source: 2019-2023 American Community Survey 5-Year Estimate (Table DP04)

Rents in Oldmans Township generally skew higher than in Salem County overall, with 75.6% of units in Oldmans renting for more than \$1,500 per month, compared to 23.4% of units in Salem County renting for that price. The median rent in Oldmans in 2023 was \$1,730, compared to \$1,185 across Salem County. See Table 9, Rent in Oldmans and Salem County.

**Table 9. Rent in Oldmans and Salem County, 2023**

Gross Rent	Units in Oldmans	Percent of Total	Units in Salem County	Percent of Total
Less than \$500	-	0.0%	790	11.1%
\$500 to \$999	13	14.4%	1,507	21.1%
\$1,000 to \$1,499	9	10.0%	2,817	39.4%
\$1,500 to \$1,999	50	55.6%	1,042	14.6%
\$2,000 to \$2,499	-	0.0%	398	5.6%
\$2,500 to \$2,999	18	20.0%	36	0.5%
\$3,000 or more	-	0.0%	196	2.7%
No cash rent	-	-	357	-
<b>Total</b>	<b>90</b>	<b>100.0%</b>	<b>7,143</b>	<b>100.0%</b>
<b>Median Rent</b>	<b>\$1,730</b>		<b>\$1,185</b>	

Sources: 2019-2023 American Community Survey 5-Year Estimate (Table DP04)

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

Based on 2024 Illustrative Rents for Affordable Housing, approximately 13 units, or 14.4%, may be affordable to low-income renters, depending on the number of bedrooms being rented. Similarly, approximately 9 units (10.0% of rental units) may be affordable to moderate-income renters, exclusive of those units affordable to lower-income groups. In total, approximately 22 rental units, or 24.4% of all renter-occupied housing units, may be affordable to low- and moderate-income households.

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 Oldmans Township, 20.9% of all households are spending more than 30% of their incomes on housing, and 64.6% of those cost-burdened households are in owner-occupied housing.

**Table 10. Housing Affordability, 2023**

<b>Monthly Housing Costs as Percent of Income</b>	<b>Owner-Occupied</b>	<b>% of Total</b>	<b>Renter</b>	<b>% of Total</b>	<b>All Occupied</b>	<b>% of Total</b>
Less than 20 Percent	363	58.4%	28	4.5%	391	62.9%
20 to 29 Percent	85	13.7%	16	2.6%	101	16.2%
30 Percent or More	84	13.5%	46	7.4%	130	20.9%
Zero/Negative Income	3	0.5%	0	0.0%	3	0.5%
No Cash Rent	0	0.0%	0	0.0%	0	0.0%
<b>Total*</b>	<b>532</b>	<b>85.5%</b>	<b>90</b>	<b>14.5%</b>	<b>622</b>	<b>100.0%</b>

\*units with no mortgage, no cash rent, or no positive income are excluded.

Source: Table S2503 Financial Characteristics, ACS 2019-2023

In 2023, no housing units were thought to lack adequate plumbing and kitchen facilities. Four units, all owner-occupied, were estimated to have more than one occupant per room, and 444 units were 50+ years old. These data can, but do not always, indicate substandard housing stock that needs to be rehabilitated. Overcrowded housing can sometimes be occupied by lower income households who share space to save on housing costs. These households may not be able to afford to maintain the home, leading to deteriorated conditions, so these data can, but do not always, indicate housing stock that needs to be rehabilitated.

**Table 11. Indicators of Housing Deficiency, 2023**

<b>Indicator</b>	<b>Incomplete Plumbing</b>	<b>Incomplete Kitchen</b>	<b>Crowded or Overcrowded, and Built Pre-1950</b>
Number of Units	0	0	4

Sources: 2019-2023 American Community Survey 5-Year Estimate (DP04, B25050)

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

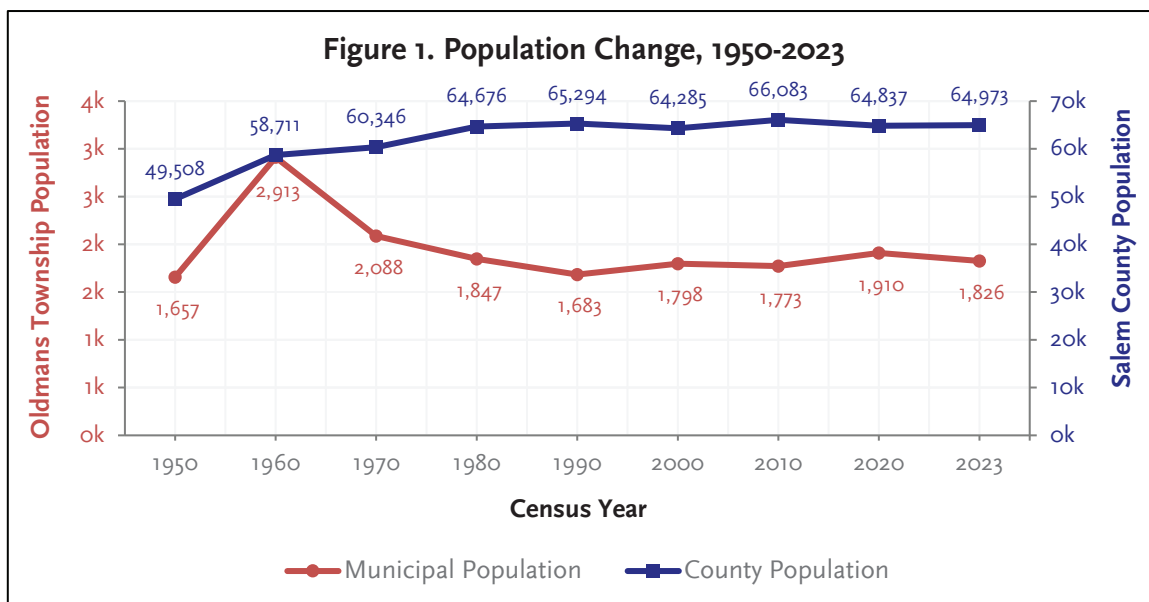
**POPULATION CHARACTERISTICS**

Between 1950 and 2023, the population of Oldmans saw its biggest increase from 1950 to 1960, where the population grew by 75.8%. Similarly, Salem County saw its biggest increase during the same period, with a population increase of 18.6%. Both the Township and the County experienced fluctuations in population in subsequent years. The population of Oldmans saw its biggest decline from 1960 to 1970, where the population experienced a 28.3% decline. In more recent years, the Township experienced a 4.4% decline from 2020 to 2023, a significant change from the increase from 2010-2020 (7.7%). In comparison, Salem County's population experienced a 0.2% increase from 2020-2023, whereas it saw a 1.9% decline from 2010-2020. See Table 12 and Figure 1, Population Change.

**Table 12. Population Change, Oldmans and Salem County, 1950 to 2023**

Year	Oldmans	Change since Last Census (%)	Salem County	Change Since Last Census (%)
1950	1,657	-	49,508	-
1960	2,913	75.8%	58,711	18.6%
1970	2,088	-28.3%	60,346	2.8%
1980	1,847	-11.5%	64,676	7.2%
1990	1,683	-8.9%	65,294	1.0%
2000	1,798	6.8%	64,285	-1.5%
2010	1,773	-1.4%	66,083	2.8%
2020	1,910	7.7%	64,837	-1.9%
2023	1,826	-4.4%	64,973	0.2%

Source: U.S. Decennial Censuses 1950-2020; 2019-2023 American Community Survey 5-Year Estimate (B01003)



**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

Between 2013 and 2023, there was a large decrease in the number of Oldmans residents between the ages 10 and 19 (-64.7%). The largest growth was in the age 85+ cohort, whose population grew 136.8% between 2013 and 2023. There were substantial decreases in older children cohorts, with the 15-19 cohort representing the largest decline (-53.8%). The growth in the Township of young families helped bring the median age down from 43.1 to 39.5 years from 2013 to 2023. See Table 13 and Figure 2, Age of Population, for additional detail.

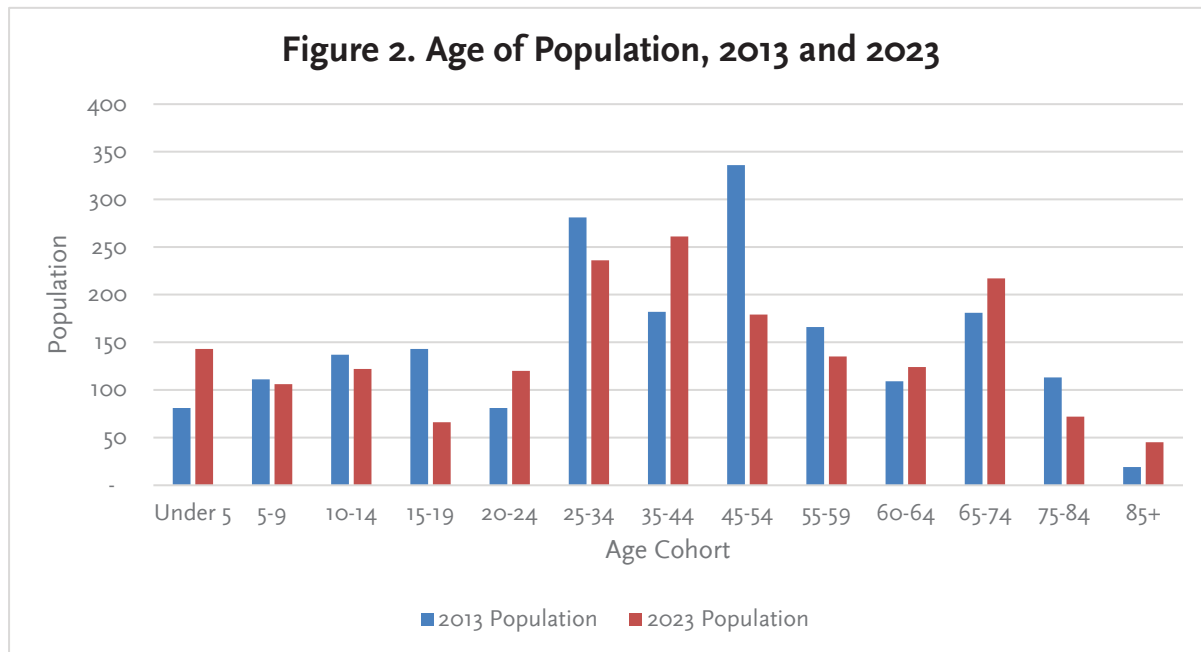
**Table 13. Age of Population, 2013 and 2023**

<b>Age in Years</b>	<b>2013</b>	<b>Percent of Total</b>	<b>2023</b>	<b>Percent of Total</b>	<b>Cohort Change 2013-2023</b>
Under 5	81	4.2%	143	7.8%	76.5%
5-9	111	5.7%	106	5.8%	-4.5%
10-14	137	7.1%	122	6.7%	-10.9%
15-19	143	7.4%	66	3.6%	-53.8%
20-24	81	4.2%	120	6.6%	48.1%
25-34	281	14.5%	236	12.9%	-16.0%
35-44	182	9.4%	261	14.3%	43.4%
45-54	336	17.3%	179	9.8%	-46.7%
55-59	166	8.6%	135	7.4%	-18.7%
60-64	109	5.6%	124	6.8%	13.8%
65-74	181	9.3%	217	11.9%	19.9%
75-84	113	5.8%	72	3.9%	-36.3%
85+	19	1.0%	45	2.5%	136.8%
<b>Total</b>	<b>1,940</b>	<b>100.0%</b>	<b>1,826</b>	<b>100.0%</b>	<b>-5.9%</b>
<b>Median Age</b>	<b>43.1</b>		<b>39.5</b>		

Source: 2019-2023 American Community Survey 5-Year Estimate (DP05)

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**



## HOUSEHOLD CHARACTERISTICS

A household is defined by the U.S. Census Bureau as those people who occupy a single room or group of rooms constituting a housing unit, who may or may not be related. More than half of Oldmans Township's households primarily consist of smaller households, though this number slightly decreased from 55.1% one or two person households in 2013 to 54.4% in 2023. In comparison, nearly 60% of Salem County's households consisted of one or two person households in 2013, and 64.9% of households in 2023. These trends are also reflected in the average household size, where the Township's average household size increased between 2013 (2.61) and 2023 (2.88), and the County's average household size decreased between 2013 (2.58) and 2023 (2.55). See Table 14, Household Size of Occupied Units.

**Table 14. Household Size of Occupied Housing Units, Oldmans, 2013-2023**

Household Size (Persons per Household)	2013		2023	
	Units	Percent	Units	Percent
1 Person	126	17.3%	116	18.6%
2 Persons	276	37.9%	224	35.8%
3 Persons	156	21.4%	160	25.6%
4+ Persons	171	23.5%	125	20.0%
<b>Total</b>	<b>729</b>	<b>100.0%</b>	<b>625</b>	<b>100.0%</b>
<b>Average Household Size</b>	<b>2.61</b>		<b>2.88</b>	

Sources: Table S1101 and Table S2501, U.S. Census Bureau 2019-2023 Five-Year American Community Survey



**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

As a subset of households, a family is identified as a group of people including a householder and one or more people related by blood, marriage or adoption, all living in the same household. In 2023, there were an estimated 625 households in Oldmans Township. Approximately 63.0% of the households are married couples, with or without children. Approximately 21.6% of the Township's households are non-family households, which include individuals living alone. See Table 15, Household Composition.

**Table 15. Household Composition, 2023**

<b>Household Type</b>	<b>No. of Households</b>	<b>Percent</b>
<b><i>Family households</i></b>	490	78.4%
Married-couple family	394	63.0%
With Children	143	22.9%
With No Children	251	40.2%
Male householder, no spouse present	27	4.3%
Female householder, no spouse present	69	11.0%
<b><i>Nonfamily households</i></b>	135	21.6%
Householder living alone	116	18.6%
<b>Total Households</b>	625	100.0%

Sources: 2019-2023 American Community Survey 5-Year Estimate (S2501 and DP05)

When the number of bedrooms in a unit (from Table 7 above) is considered vs. the size of households in Oldmans, there appears to be a mismatch: There are significantly more smaller households (three people or fewer; 80.0% of all households) than there are smaller units (one or two bedrooms; 16.2% 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, and Figure 3, next page, provide more detail.

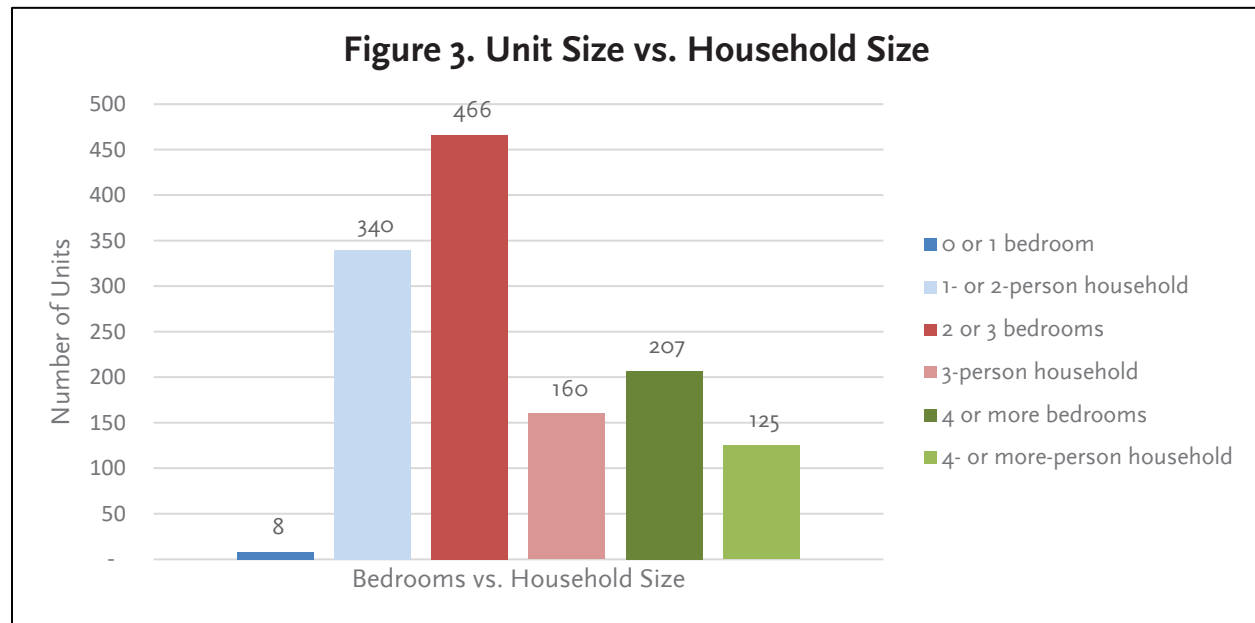
**Table 16. Unit Size vs. Household Size, 2023**

<b>Number of Bedrooms</b>	<b>Number of Units</b>	<b>Percent of Total Units</b>	<b>Household Size</b>	<b>Number of Households</b>	<b>% of Total Households</b>
0 or 1	8	1.2%	1 Person	116	18.6%
2	102	15.0%	2 Persons	224	35.8%
3	364	53.5%	3 Persons	160	25.6%
4 or more	207	30.4%	4+ Persons	125	20.0%
<b>Total</b>	<b>681</b>	<b>100.0%</b>	<b>Total</b>	<b>625</b>	<b>100.0%</b>

Sources: Table DP04, S1101 and S2501, U.S. Census Bureau 2019-2023 American Community Survey Five-Year Estimates

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**



### INCOME CHARACTERISTICS

Households and families in Oldmans have, on average, higher incomes than households in Salem County overall. Median income in 2023 in Oldmans was \$109,420 for households and \$129,883 for families; comparable figures for the county were \$78,412 for households and \$96,968 for families. Table 17, Household Income, Oldmans and Salem County, further illustrates these findings. The Township's poverty rates for individuals and families (7.0% and 6.7%, respectively) are less than the individual and family poverty rates for the county (12.8% and 8.6%, respectively). See Table 18, Individual and Family Poverty Rates, for the comparison.

**Table 17. Household Income, Oldmans and Salem County, 2023**

Household Income	Households in Oldmans	Percent	Households in Salem County	Percent
Less than \$10,000	15	2.4%	895	3.6%
\$10,000-\$14,999	24	3.8%	1,233	5.0%
\$15,000-\$24,999	9	1.4%	1,939	7.8%
\$25,000-\$34,999	15	2.4%	1,747	7.0%
\$35,000-\$49,999	19	3.0%	2,161	8.7%
\$50,000-\$74,999	93	14.9%	3,816	15.3%
\$75,000-\$99,999	89	14.2%	3,716	14.9%
\$100,000-\$149,999	145	23.2%	4,402	17.7%
\$150,000-\$199,999	78	12.5%	2,553	10.3%

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

Household Income	Households in Oldmans	Percent	Households in Salem County	Percent
\$200,000+	138	22.1%	2,419	9.7%
Total	<b>625</b>	<b>100.0%</b>	<b>24,881</b>	<b>100.0%</b>
Median Income	\$109,420		\$78,412	

Source: Table DP03, U.S. Census Bureau 2019-2023 American Community Survey Five-Year Estimates

**Table 18. Individual and Family Poverty Rates, 2023**

Government	Families	Individuals
Township of Oldmans	6.7%	7.0%
Salem County	8.6%	12.8%

Sources: Tables S1702 and DP03, Poverty Status in Past 12 Months, ACS 2019-2023

**EMPLOYMENT CHARACTERISTICS**

Table 19, Employed Residents by Industry Sector, shows the distribution of employment by industry for employed Oldmans Township residents. The three industries that employ the largest segments of the population were the education, health and social services industry at 18.9%; professional, scientific, management, administrative, and waste management services at 14.2%; transportation, warehousing, and utilities at 11.2%.

**Table 19. Employed Residents by Industry Sector, 2023**

Industry	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	43	5.0%
Construction	67	7.7%
Manufacturing	89	10.3%
Wholesale Trade	61	7.0%
Retail Trade	65	7.5%
Transportation, Warehousing, and Utilities	97	11.2%
Information	3	0.3%
Financing, Insurance, Real Estate, Renting, and Leasing	51	5.9%
Professional, Scientific, Management, Administrative, and Waste Management Services	123	14.2%
Educational, Health and Social Services	164	18.9%
Arts, Entertainment, Recreation, Accommodation and Food Services	66	7.6%
Other	23	2.7%
Public Administration	14	1.6%
<b>Total</b>	<b>866</b>	<b>100.0%</b>

Source: Table DP03 Selected Economic Characteristics, ACS 2019-2023

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

Table 20, Employed Residents by Occupation, identifies the occupations of employed residents of Oldmans. While Township residents work in a variety of industries, 44.7% of employed residents work in management, business, science, and arts and 19.5% are employed in sales and office occupations.

**Table 20. Employed Residents by Occupation, 2023**

<b>Occupation</b>	<b>Number</b>	<b>Percent</b>
Management, Business, Science, Arts	387	44.7%
Service	116	13.4%
Sales and Office	169	19.5%
Natural Resources, Construction, Maintenance	58	6.7%
Production, Transportation, Material Moving	136	15.7%
<b>Total</b>	<b>866</b>	<b>100.0%</b>

Source: Table DPO3 Selected Economic Characteristics, ACS 2019-2023

Between 2012 and 2023, the size of Oldmans' labor force decreased overall, reaching its nadir in 2020. Except for 2012 and 2013, the unemployment rate has consistently been higher than the state's rate, recently more than twice the rate. There is no obvious explanation for this trend. Table 21, Change in Employment, illustrates the employment situation.

**Table 21. Change in Employment, Oldmans Residents, from 2012-2023**

<b>Year</b>	<b>Labor Force</b>	<b>Employed Residents</b>	<b>Unemployed Residents</b>	<b>Unemployment Rate - Oldmans</b>	<b>Unemployment Rate - State</b>
2012	1,090	1,010	80	7.3%	9.4%
2013	1,074	990	84	7.8%	8.4%
2014	1,071	967	104	9.7%	6.7%
2015	994	902	92	9.3%	5.7%
2016	969	890	79	8.2%	4.9%
2017	945	902	43	4.6%	4.5%
2018	902	858	44	4.9%	4.0%
2019	868	838	30	3.5%	3.5%
2020	906	798	108	11.9%	9.4%
2021	931	823	108	11.6%	6.7%
2022	923	808	115	12.5%	3.9%
2023	970	866	104	10.7%	4.4%

Sources: Table DPO3 Selected Economic Characteristics, ACS 2019-2023; NJ Average Annual Unemployment Rate, NJ Dept. of Labor and Workforce Development

In contrast to Table 21, which indicates an estimate of the number of persons employed who are Oldmans residents, Table 22, Covered Employment Estimates in Oldmans and Salem

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

County, is intended to show how many jobs are available in the municipality – at least those jobs that are “covered” by unemployment insurance. It does not include the self-employed, unpaid family workers, most part-time or temporary employees, or certain agricultural and in-home domestic workers. In 2012, the number of working-age residents in Oldmans was 57.3% higher than the number of jobs available in the Township. By 2022, that relationship had reversed: The workforce was 15.3% smaller, but the number of jobs within Oldmans Township had grown by 138.7%, and was 79.2% higher than the number of working-age residents. Oldmans went from providing 3.3% of all jobs in Salem County to 8.1% of jobs. See Table 22, Covered Employment Estimates in Oldmans and Salem County, for additional detail.

**Table 22. Covered Employment Estimates in Oldmans and Salem County**

Year	Oldmans	Salem County	Oldmans as % of Salem County
2012	693	21,201	3.3%
2022	1,654	20,392	8.1%

Source: U.S. Census Bureau, Center for Economic Studies, OnTheMap Application, 2012, 2022 Work Area Profile Analysis, <http://onthemap.ces.census.gov> Note this is an economic survey and presents different estimates than in the previous table.

The most common commuting destination of employed residents of Oldmans is to Bridgeton City (8.5%), followed by workers commuting to Vineland City (6.4%). As shown in Table 23, Top Ten Commuting Destinations for Oldmans Residents below, the majority of top employment destinations for residents are within Cumberland County.

**Table 23. Top Ten Commuting Destinations for Oldmans Residents, 2023**

Destination	Jobs	Percent
Bridgeton City (Cumberland, NJ)	90	8.5%
Vineland City (Cumberland, NJ)	68	6.4%
Hopewell Township (Cumberland, NJ)	51	4.8%
Upper Deerfield Township (Cumberland, NJ)	41	3.9%
Millville City (Cumberland, NJ)	28	2.6%
Trenton City (Mercer, NJ)	23	2.2%
Harrison Township (Gloucester, NJ)	22	2.1%
Deerfield Township (Cumberland, NJ)	21	2.0%
Fairfield Township (Cumberland, NJ)	20	1.9%
Pittsgrove Township (Salem, NJ)	20	1.9%
All Other Locations	679	63.9%
<b>Total</b>	<b>1,063</b>	<b>100.0%</b>

Source: U.S. Census Bureau, Center for Economic Studies, On The Map Application, 2022 Work Destination Analysis, <http://onthemap.ces.census.gov>

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

**POPULATION PROJECTIONS**

The South Jersey Transportation Planning Organization (SJTPO), the Metropolitan Planning Organization area that includes Oldmans Township as well as the remainder of Salem County, published population and employment projections for the year 2060. SJTPO projects that from 2020 to 2060, the Township's population will not change, and employment will increase by 26.1%, respectively. As Table 24, Population, Household, and Employment Projections shows, these rates are higher than for the county as a whole.

**Table 24. Population, Household, and Employment Projections, 2020 to 2060**

<b>POPULATION</b>					
<b>Oldmans Population 2020</b>	<b>Township 2060</b>	<b>Percent Change 2020-2060</b>	<b>Salem County 2020</b>	<b>Salem County 2060</b>	<b>Percent Change 2020-2060</b>
1,900	1,900	0.0%	64,800	63,700	-1.7%
<b>EMPLOYMENT</b>					
<b>Oldmans Employment 2020</b>	<b>Township 2060</b>	<b>Percent Change 2020-2060</b>	<b>Salem County 2020</b>	<b>Salem County 2060</b>	<b>Percent Change 2020-2060</b>
2,300	2,900	26.1%	27,500	34,000	23.6%

Source: South Jersey Transportation Planning Organization (SJTPO), Population and Household Projections 2020-2060 and Employment Projections 2020-2060.

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). Annual certificate of occupancy issuance for residential construction in Oldmans Township during the years 2013 through 2023 averaged approximately 1.2 units. In addition to the average 1.2 certificates of occupancy issued per year, an average 0.4 demolition permits have been issued from 2013 to 2023. As a result, the average net new units per year has been 0.8 dwellings in Oldmans.

Oldmans approved a 48-unit development that is currently under construction, known as the Estates at Oldmans Creek. There are six dwellings left to build, and the project is expected to be completed by the end of 2025/early 2026. Based on trends, as well as the remaining six units to be constructed, the Township could expect to see approximately 14 net new housing units by the year 2033. See Table 25, Residential C.O.'s, Building Permits, and Demolition Permits Issued.

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

**Table 25. Residential C.O.'s, Building Permits, and Demolition Permits Issued, 2013-2023**

<b>Year</b>	<b>Building Permits</b>	<b>Certificates of Occupancy Issued</b>	<b>Demolition Permits Issued</b>	<b>Net New Housing Units</b>
2013	2	10	1	9
2014	1	1	1	0
2015	1	1	1	0
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	0	0	0	0
2020	1	0	1	-1
2021	14	1	0	1
2022	4	0	0	0
2023	0	0	0	0
<b>Total</b>	<b>23</b>	<b>13</b>	<b>4</b>	<b>9</b>
<b>Annual Average</b>	<b>2.1</b>	<b>1.2</b>	<b>0.4</b>	<b>0.8</b>
<b>10-Year Housing Projection to 2033</b>				<b>14 units</b>

Source: NJDCA Construction Reporter, Building Permits and Demolition Permits Yearly Summary data, and Housing Units Authorized by Certificates of Occupancy for New Construction, Yearly Reports.

## **CONSIDERATION OF LAND FOR AFFORDABLE HOUSING**

Land available for the construction of affordable housing in Oldmans Township is limited by significant environmental constraints, which are primarily freshwater wetlands, alluvial soils and floodplains. Available land appropriate for affordable housing is further subject to the limited additional public water and sewer capacity franchise areas, legal limits where such public infrastructure may be installed, and the extraordinary costs associated with such infrastructure development. With a small population and limited property ratable base, the Township's fiscal capability to finance any significant increase in utility capacity is heavily constrained.

Based on the 2020 Land Use/Land Cover (LU/LC) GIS data published by the New Jersey Department of Environmental Protection (NJDEP)<sup>19</sup>, almost 40% of the Township is constrained by wetlands. Only about 13% of the Township's land is currently classified as developed or urbanized. Approximately one-third of Oldmans' land is in active agricultural use (some of which is agricultural wetlands) but there is relatively little acreage that includes prime soils or soils of statewide importance, and consequently few acres that are preserved

<sup>19</sup> - Land Use/Land Cover of New Jersey 2020, NJDEP Bureau of GIS, accessed March 2025 via [https://gisdata-njdep.opendata.arcgis.com/datasets/2deaaa3cadd94166bdbff92a44ade284\\_5/about](https://gisdata-njdep.opendata.arcgis.com/datasets/2deaaa3cadd94166bdbff92a44ade284_5/about)



**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

farmland. The municipality has taken steps to preserve the best agricultural soils by adopting a Farmland Preservation Plan Element, dated February 21, 2023. In addition, application has been made with an expanded Farmland Preservation Plan Element to the State Agricultural Development Commission so that funding for preservation easements can be obtained.

Salem County's Wastewater Management Plan, which was adopted in 2013, notes that approximately 15.5% of Oldmans' land area is within the county's designated sanitary sewer service area (SSA). The plan estimates that 16.92% of people in the Township are located in the SSA<sup>20</sup>, which percentage is lower today as new development has occurred using on-site disposal systems. There is sewer service at the New Jersey Turnpike's John Fenwick rest stop and to the Gateway Business Park, but other non-residential parcels are on individual septic systems. Residential uses are not permitted to tie into these lines, and no residences in the Township currently have public sanitary sewer service.

Flow from the Turnpike and the business park is treated at the Carneys Point Sewage Treatment Plant. A buildout analysis that was done as part of the Wastewater Management Plan shows that there is insufficient capacity at the treatment plant to handle any significant growth in the Township: "The FWSA sanitary build-out analysis results indicate that Oldmans Township ... will need to identify alternative facilities to receive wastewater to support future wastewater management needs projected by the plan." A 2025 letter from the Carneys Point Sewerage Authority's legal counsel confirms that no excess treatment capacity exists. The chapter on Oldmans Township from the Salem County Wastewater Management Plan, and the attorney's letter, may be found in Appendix D.

The Wastewater Management Plan also analyzed public water service capacity in the Township, using data from New Jersey American Water Company ("NJAWC"), a major private water supply utility in South Jersey which serves some of the Township, and from the Auburn Water Works, which serves 53 houses in the hamlet of Auburn. Overall, the plan notes that 69.8% of Oldmans residents have public water service available. The analysis finds that NJAWC was only operating at 54% of its monthly allocation at the time, but would need to increase its monthly water allocation to serve additional development in the Township: "The FWSA potable water build-out analysis results indicate that the water purveyor [NJAWC] supplying ... Oldmans Township ... does not currently have sufficient water allocation to support future water demands projected by the plan." However, the report notes that NJAWC had recently completed some upgrades to its system that allowed it greater flexibility in where it directed its water allocations. Nonetheless, the report noted that NJAWC may need to make additional infrastructure improvements in order to supply water to the area.

This lack of treatment for sewerage and limited public water availability is the reason that Oldmans seeks a durational adjustment for its entire Fourth Round obligation as will be discussed further in the Fair Share Plan portion of this element. A durational adjustment permits developers that have found a means to provide the necessary infrastructure to petition the Township and be supported in its efforts to gain NJDEP approval for their project.

<sup>20</sup> - This appears to be erroneous since the SSA area is almost entirely coterminous with the Gateway Business Park which has no residential development.



However, the siting of affordable housing developments must also consider other factors that are important in providing suitable locations, not just where infrastructure may be planned, permitted and constructed. The following section considers siting factors for affordable housing development in the Township under the durational adjustment process.

### Potential Future Siting of Affordable Housing within Oldmans' Water Franchise Area

As stated in N.J.A.C. 5:93-5, affordable housing sites shall be available, approvable, developable, and suitable, as defined in N.J.A.C. 5:93-1.3 and align with the State Development and Redevelopment Plan (SDRP), per N.J.A.C. 5:93-5.4, for the production of very-low, low and moderate income housing. Given the limited availability of public sewer and water infrastructure in the Township, the following parameters would be most suitable for having affordable housing development in the Township.

- **Available** – Sites that are “available” have clear title and are free of encumbrances which preclude development.
- **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.
- **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.

**Environmental Conditions** – Potential affordable housing sites should be assessed based on any environmental constraints present, including steep slopes, wetlands, and flood plain areas.

**Proximity to Public Transportation** –There are six NJ Transit bus stops located in Oldmans along Route 130. Potential affordable housing sites should be located close to these bus stops to provide adequate public transportation for residents. Affordable housing sites located within 0.5 mile of these bus stops could provide an opportunity to implement smart growth planning and transit-oriented development within the Township.

	Bus Stop	Street Direction	Stop Number
1	US-130 at Perkintown Rd	N	28012
2	US-130 at Penns Grove-Pedricktown Rd	N	28013
3	US-130 at Porcupine Rd	N	28014
4	US-130 at Perkintown Rd	S	28015
5	US-130 at Penns Grove-Pedricktown Rd	S	28017
6	US-130 at Railroad Ave	N	28018

- **Consistent with State Development and Redevelopment Plan** – Areas for future siting of affordable housing should be located within Metropolitan Planning Area (P-1) and Suburban Planning Area (PA-2), which contain existing or planned infrastructure with capacity to support development.
- **Developable** – Sites that are “developable” have access to appropriate water and sewer infrastructure and are consistent with the areawide water quality management plan.

**Water Availability** – areas for future siting of affordable housing should be located where existing water utility infrastructure can be easily accessed to avoid excessive costs for providing public water.

**Sewer Availability** – where sewer is not available, areas for future siting of affordable housing should be located based on appropriate locations for the discharge of sanitary sewage via individual subsurface sewage disposal systems. Newly adopted regulations by NJDEP facilitate this process, discussed below.

On June 25, 2024, a new Master General Permit (NJ0309672) for Ground Water Sanitary Discharges (Category GWSD) was issued by the New Jersey Department of Environmental Protection, Division of Water Quality, which became effective on August 1, 2024. The permit authorizes the discharge of sanitary sewage to ground water via an individual subsurface sewage disposal system(s) where aggregate daily design flow of the property is greater than 2,000 gallons per day (gpd) but less than or equal to 20,000 gpd. The new rule aids in developing new affordable housing by creating an opportunity for sewer capacity within the permitted range in areas that otherwise lack existing sewer infrastructure. In conjunction with Oldmans’ water franchise areas currently served by NJAW, this plan discusses potential areas and sizing of affordable housing development utilizing the new general permit approval:

***Volume of Sanitary Sewage*** – pursuant to N.J.A.C. 7:9A-7.4:

- (a) Each component of the individual subsurface sewage disposal system shall be designed and constructed to adequately treat and dispose of the expected volume of sanitary sewage to be discharged from the premises to be served. The expected volume of sanitary sewage from single residential occupancy activities shall be determined based on the criteria set forth in (b) below. The expected volume of sanitary sewage from establishments which have activities other than single residential occupancy shall be determined based on the criteria set forth in (c) below. The total expected volume is based on a maximum use day and shall be calculated by adding the daily volume of sanitary sewage associated with all activities proposed and planned in accordance with municipal subdivision or site plan approvals.

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

(b) The criteria for estimating the volume of sanitary sewage from single residential occupancy activities shall be as follows:

1. The daily volume for each bedroom or dwelling unit shall be:

Volume, first bedroom	200 gallons per day (gpd)
Volume, each additional bedroom	150 gpd
Minimum volume per dwelling unit	350 gpd
Minimum volume per apartment	350 gpd

2. The administrative authority may approve the reduction of the daily design volume for a one-bedroom age-restricted unit or one-bedroom mobile home dwelling units less than 500 square feet in size to 200 gallons per day.

Utilizing these design numbers for gallonage per unit type, the following development could be sited where existing water utility infrastructure can be easily accessed and with a Master General Permit approval as described above:

- A 57-unit apartment development generating 19,950 gpd of effluent (based on the minimum volume per apartment).
- A 57-unit single-family dwelling development generating 19,950 gpd effluent (based on the minimum volume per dwelling unit).

However, under COAH's Second Round rules at N.J.A.C. 5:93-7.3 and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.4 (revised through December 19, 2024), non-age-restricted affordable units must adhere to the following bedroom distribution: no more than 20% may be one-bedroom or efficiency units, at least 30% must be two-bedroom units, and at least 20% must be three-bedroom units.

A 57-unit apartment development would contain the following bedroom distribution:

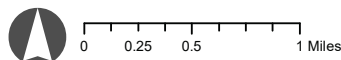
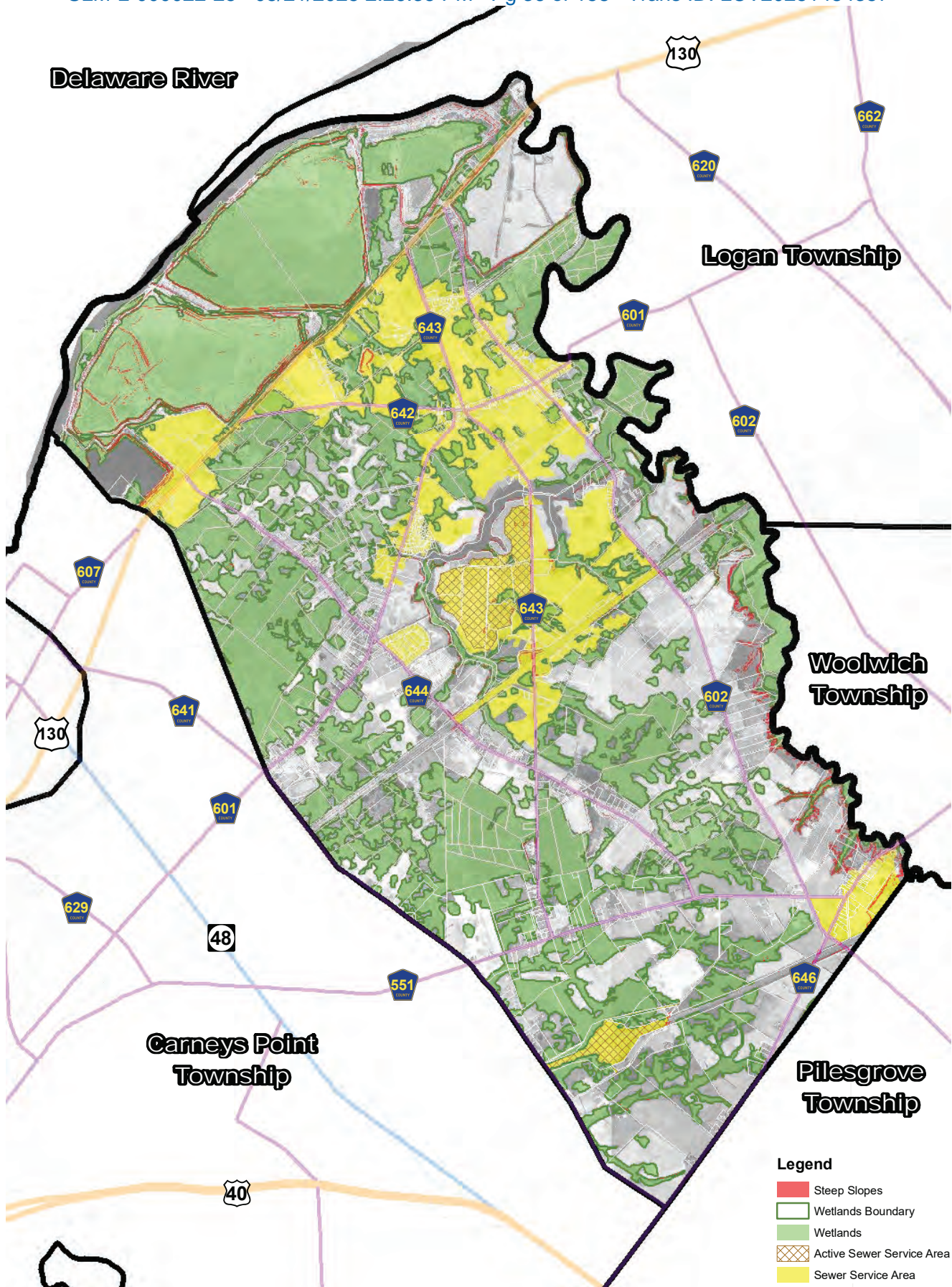
- 11 one-bedroom units [11-unit max. (20%)]
- 34 two-bedroom units [18-unit min. (30%)]
- 12 three-bedroom units [12-unit min. (20%)]

Applying the gpd for each unit type in accordance with the affordable housing rules, however, generates 20,100 gpd in total, which means only 56 units can be realized under the master permit application.

Map 1, Environmental Constraints, on the following page, depicts environmentally sensitive lands, the County's designated sanitary sewer service area, and the area of the Township that currently has sewer service available.

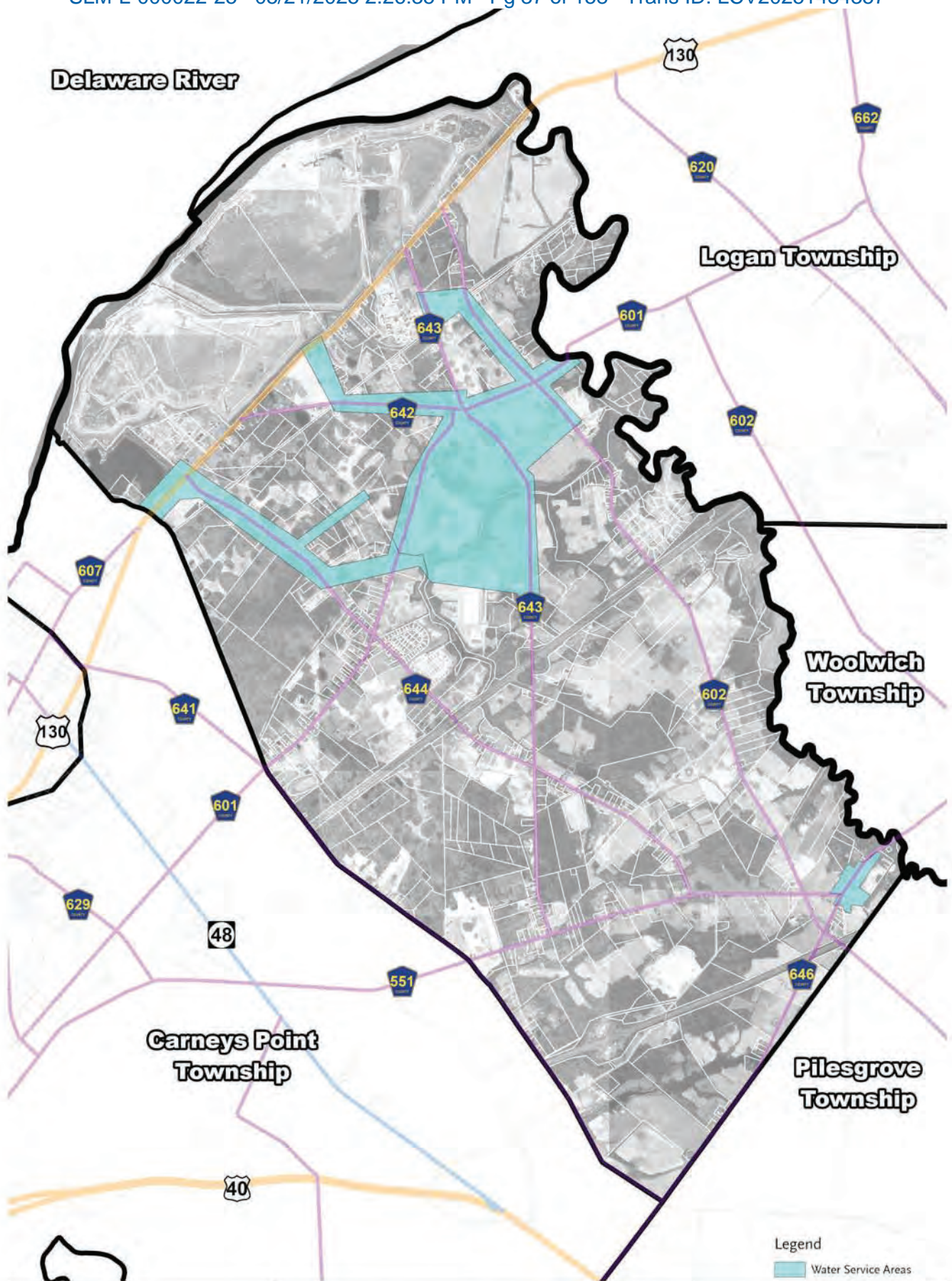
Map 2, Water Service Areas, following Map 1, depicts where existing water mains are located within the Township.





# Environmental Constraints





0 0.25 0.5 1 Miles

Clarke Caton Hintz

Architecture

Planning

Landscape Architecture

HOUSING ELEMENT & FAIR SHARE PLAN

## Water Service Areas

LOCATION:

Oldmans Township, Salem County, New Jersey

DATE

April 2025

## FAIR SHARE PLAN

### OLDMANS AFFORDABLE HOUSING OBLIGATIONS

There are four components to a municipality's affordable housing numbers: the Rehabilitation share, or Present Need, the Prior Round obligation, the Third Round obligation, and the Fourth Round obligation. By Order of the Hon. Robert G. Malestein, P.J.Ch., Oldmans Prior Round obligation is established as 125 units<sup>21</sup> and the Third Round obligation as 120 units (including both Gap Present Need and Future or Prospective Need). The judge's Order is dated April 12, 2024 and is included as Appendix B. In the Fourth Round, Oldmans declared as its Present Need 0 units and its Prospective Need as 84 units based on the calculations issued by NJDCA on October 18, 2024. The binding resolution declaring the municipal affordable housing obligations is included as Appendix A. Oldmans obligations have been accepted by the Court via Order, dated April 28, 2025.

#### Present Need Obligation

The Fair Housing Act, as amended by P.L. 2024, c.2, defines *present need* as "the number of substandard existing deficient housing units currently occupied by low- and moderate-income (LMI) households" and *deficient housing unit* as "housing that (1) is over fifty years old and overcrowded, (2) lacks complete plumbing, or (3) lacks complete kitchen facilities." As calculated by DCA according to the methodology described in the report titled Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background, the Township's Fourth Round present need obligation is 0 units.

#### Prior Round Obligation

The Prior Round obligation can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation. This time period corresponds to the First and Second Rounds of affordable housing. Calculation of the Prior Round obligation follows the New Jersey Supreme Court's 2013 decision affirming the validity of the Prior Round obligation. Oldmans' Prior Round obligation is 125 units/credits, reduced from 183 units so as not to exceed 20% of the Township's then-existing occupied housing stock.

#### Third Round Obligation

As previously stated, Oldmans Township and FSHC entered into a settlement agreement on December 12, 2023 to establish the Township's Rehabilitation Share, Prior Round Obligation, and Third Round obligation, which was approved by the Superior Court at a joint fairness hearing and compliance hearing on March 19, 2024, and reflected in a Court Order dated April 12, 2024. The court accepted the use of the Jacobson Methodology that calculated Oldmans' Gap Present Need at 82 units and Prospective Need at 38 units for a total Third

<sup>21</sup> - Originally 183 units, the Prior Round was capped at 125 units by application of the cap limiting the obligation to 20% of occupied housing units.

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

Round new construction obligation of 120 units/credits. The Court-approved obligation is summarized in Table 27.

**Table 27. Oldmans Affordable Housing Allocation, Third Round Summary**

<b>Affordable Housing Component</b>	<b>Number</b>
Rehabilitation Share	0
Prior Round Obligation (183 adjusted to 125 per COAH; 20% cap)	125
Third Round Obligation	120
<b>Total Obligation</b>	<b>245</b>

Sources: Econsult, Statewide and Municipal Obligations Under Jacobson Opinion, March 28, 2018; Council on Affordable Housing Municipal Low & Moderate Income Housing Need, October 11, 1993.

### **Fourth Round Obligation**

The New Jersey Fair Housing Act, as amended by P.L. 2024, c.2, 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, as the case may be, as a result of actual determination of public and private entities.” As calculated by DCA according to the methodology described in the report titled Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background, Oldmans Township’s obligation includes two parts: a present need (rehabilitation) of 0 units and a prospective need (new construction) of 84 units. A summary of the Fourth Round obligation is summarized in Table 28.

**Table 28. Oldmans Affordable Housing Allocation, Fourth Round Summary**

<b>Affordable Housing Component</b>	<b>Number</b>
Fourth Round Present Need	0
Fourth Round Prospective Need	84
<b>Total Obligation</b>	<b>84</b>

Sources: NJDCA, Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background, October 18, 2024.

## **OLDMANS MEANS OF ADDRESSING ITS AFFORDABLE HOUSING OBLIGATIONS**

### **Present Need**

N.J.A.C. 5:93-5.2(b) identifies the purpose of a rehabilitation program as the renovation of deficient housing units occupied by low- and moderate-income households. Deficient housing units are those “with health and safety code violations that require the repair or replacement of a major system,” including “weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load-bearing structural system.”



**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

Although census figures show Oldmans as having no housing units that currently meet the census definition of substandard, and DCA calculated a Present Need obligation of 0 units, the Township's active participation in the Small Cities Grant program and a visual survey of properties in the Township suggest there is, in fact, a need in the community. The Township has operated a program in the Third Round in the past and plans to continue it in the Fourth Round by offering rehabilitation funds to income-qualified households, including those in rental units. Accordingly, the Township is in the process of establishing a municipally administered Township-wide rehabilitation program, available for both owner-occupied and renter-occupied dwellings, as long as the occupant is income-qualified. A draft manual for the operation of this program is included as Appendix E.

The municipality's goal will be to rehabilitate four units during the Fourth Round via this municipally sponsored program. It is anticipated that sufficient revenue will be generated from development fees to fund the rehabilitation program, as detailed in the Spending Plan, attached as Appendix M. Administrative services will be provided by the Township's Administrative Agent, who will provide such services by annual contract with the municipality. The continuing rehabilitation program will adhere to the regulations in N.J.A.C. 5:93-5.2(c) through -(e), including being administered by an experienced administrative agent, who will provide operating manuals as needed, including updates; marketing the program to both owner-occupied and renter-occupied properties; maintaining all required files concerning applicants to the program; imposing 10-year affordability controls on each rehabilitated unit; providing recommendations for payments to contractors to the municipal CFO for action by the Township Committee; and providing all required monitoring reports on the program. The program will adhere to N.J.A.C. 5:97-6.2(b)2 for minimum eligible costs.

**Lack of Infrastructure and Realistic Development Potential**

The Fair Housing Act at N.J.S.A. 52:27D-307(c)(2)g, and COAH's Second Round rules at N.J.A.C. 5:93-4.3, permit a municipality to seek to have all or part of its affordable housing obligation deferred if it can demonstrate a lack of appropriate water or sewer infrastructure to serve the new housing units that would be required. This is known as a durational adjustment from the statute at -4.3(c), "The lack of adequate capacity, in and of itself, shall constitute a durational adjustment of the municipal housing obligation. The requirement to address the municipal housing obligation shall be deferred until adequate water and/or sewer are made available."

The Township is seeking a durational adjustment of its entire Fourth Round obligation as a result of the lack of public sewer and water infrastructure to serve new development. With one minor exception, new residential construction in Oldmans has used well and on-site wastewater disposal for single-family detached development, which is disfavored for the production of affordable housing due to the costs of both production and maintenance for the low- or moderate-income household that would occupy such a unit. In addition, while the Township has some public water infrastructure, it has limited additional firm water capacity to address new residential units.



Consequently, the Township currently has no sewer and water capacity to create a realistic opportunity for the development of affordable units. Oldmans is building upon the durational adjustment Court approval for its entire Prior Round and Third Round obligations of 245 units and will defer all 84 units for the Fourth Round.

Such a deferral would remain in effect until the necessary infrastructure becomes available.

In accordance with COAH's Second Round Rules, the Township will reserve any future water allocation or new sewer capacity for sites meeting the site suitability criteria for low- and moderate-income housing detailed in N.J.A.C. 5:93-1 et seq. The Township will endorse all applications to the NJDEP or its agent to provide additional water and/or sewer capacity and it will permit development of low- and moderate-income housing where the NJDEP or its designated agent approves a proposal to provide infrastructure to a site for such development. Should a developer approach the Township with a proposal for development for which the developer is willing to assume the cost of providing sanitary sewer and public water service, the Township will support application for WQMP amendments to facilitate the proposal and shall otherwise comply with N.J.A.C. 5:93-4.3.

The Township, however, reserves the right to seek a waiver from the durational requirements under N.J.A.C. 5:93-4.5 for hardship or use of the entire resource in addressing the municipal obligation.

### **Prior Round Obligation**

Oldmans obtained a durational adjustment for the entire Prior Round obligation of 125 units, as approved by Superior Court at a joint Fairness Hearing and Compliance Hearing on March 19, 2024, and as reflected in a Court Order dated April 12, 2024.

### **Third Round Obligation**

Oldmans obtained a durational adjustment for the entire Third Round obligation of 120 units, as approved by Superior Court at a joint Fairness Hearing and Compliance Hearing on March 19, 2024, and as reflected in a Court Order dated April 12, 2024.

### **Additional Affordable Housing Efforts**

Although the Township is seeking a durational adjustment for its entire Fourth Round affordable housing obligation, it continues to make efforts to create affordable units from within its existing housing stock. It currently has one affordable for-sale unit developed by Habitat for Humanity, it owns another abandoned residence that it intends to deed-restrict as an affordable for-sale unit, it is in the process of completing two low-income rental units through a Market-to-Affordable program and will attempt to create up to four more affordable units through this program, and it has completed a four-bedroom group home for developmentally disabled adults in the Township. Documentation for these efforts is included in Appendices F and H. The Township received two credits for the existing affordable for-sale units and 10 credits for the proposed Market-to-Affordable units as approved by the Court in

the Township's Third Round Judgment of Compliance and Repose. Despite advertising for the Market-to-Affordable program and working with one interested party for several years, the Township has been unable to complete any project. Consequently, the program has been scaled back to a more realistic level.

#### **Habitat for Humanity (100% Affordable Site)**

In February 2017, Habitat for Humanity purchased the abandoned and foreclosed three-bedroom single-family home at 54 S. Railroad Avenue, Block 9, Lot 3. Oldmans provided \$27,500 from its affordable housing trust fund for extensive rehabilitation on the property, after which Habitat sold it to an income-qualified purchaser who financed the purchase via the USDA's Section 502 Single-Family Housing Direct Home Loan program. The standard term of such a loan is 33 years, and the purchaser must meet USDA moderate-income or low-income requirements. The purchaser qualified as low-income under both USDA's and COAH's regulations, and the sale price was below the permitted maximum for a three-bedroom, low-income unit. The Township's Administrative Agent will administer the unit going forward. The Township's development agreement with Habitat, resolution authorizing the disbursement of funds, and the executed deed restriction are in Appendix G.

The residence was approved for one (1) credit by the Court in the Township's Third Round Judgment of Compliance and Repose.

#### **78 Perkintown Road (100% Affordable Site)**

The Township owns an abandoned residence at 78 Perkintown Road, Block 43, Lot 10. It has expended trust funds on debris removal and to replace a failing septic system on the property, and has explored the possibility of partnering with a nonprofit such as Habitat for Humanity to take title to the property, have it rehabilitated, and sell it as a deed-restricted for-sale unit to an income-qualified buyer. However, Habitat has indicated it is not interested in this property, so the Township is in the process of exploring other options for selling it to an entity that will rehabilitate it using trust funds, and then deed-restrict the property for at least 30 years to income-qualified occupants. The Township recently received interest from a developer to purchase the property and is awaiting their response.

The Township will continue to look for similarly available abandoned/vacant properties, and will work with a nonprofit partner such as Habitat for Humanity whenever possible to have the properties rehabilitated and deed-restricted as affordable for-sale units. All such units will be administered by the Township's Administrative Agent.

The residence was approved for one (1) credit by the Court in the Township's Third Round Judgment of Compliance and Repose.

#### **155 Perkintown Road (Alternate Living Facility)**

Allies, Inc. owns and operates a group home for developmentally disabled adults at Block 35, Lot 19.01, licensed by NJDHS since December 23, 2021. This group home has four bedrooms

for very-low income individuals, and the Township seeks four credits for the four special needs bedrooms towards its Fourth Round obligation. The unit addresses COAH's regulations for alternative living arrangement credit at N.J.A.C. 5:93-5.8.

### **Market-to-Affordable**

The New Jersey Supreme Court did not specifically invalidate COAH's Third Round rules at N.J.A.C. 5:97-6.9, which allow a municipality to meet up to 10 units of its affordable housing obligation by subsidizing the creation of dwellings from existing market-rate units.

Oldmans Township will offer subsidies for up to four willing property owners to deed-restrict their housing for affordable rental dwellings. In addition, while there is not a large inventory of suitable housing units currently for sale in Oldmans, the Township will also offer such subsidies to income-qualified buyers who choose to purchase and then income-restrict existing market-rate units for a period of at least 30 years. The Township will operate the program until five rental and five for-sale dwellings are deed-restricted to low- and moderate-income households during the Fourth Round. The program has been operating for approximately six years and some interest from eligible parties has been expressed. Potentially, two new low-income rental apartments located at 21 and 23 Cherry Street, Pedricktown, respectively, may be ready for occupancy by the end of 2025. The flyer for these properties is found in Appendix H. The program is administered by the Township's Administrative Agent, who has an operating manual for the program.

All such units will conform to COAH's Third Round rules (N.J.A.C. 5:97-6.9), as follows:

- At least \$25,000 per unit will be provided as a subsidy for moderate income units and \$30,000 for low-income units. However, the Township anticipates offering property owners a subsidy of up to \$70,000 to create a moderate-income unit and up to \$100,000 to create a low-income unit. The Township will endeavor to create one very low-income unit, and will allocate \$125,000 toward that effort;
- The units will be rented or sold in accordance with the affordability averages established in N.J.A.C. 5:80-26.3(d) and -(e);
- The owner or Township will place a 30-year deed restriction and/or mortgage lien on each unit limiting occupancy to a low or moderate income household;
- Prior to occupancy, the restricted dwellings will be certified to be in sound condition as a result of an inspection performed by the Township construction code official.
- The Township's Administrative Agent will:
  - Qualify and place income-eligible households in low- and moderate-income units upon initial occupancy;
  - Place income-eligible households in low- and moderate-income units as they become available during the 30-year term of affordability controls;
  - Enforce the terms of the deed restriction and mortgage lien;

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

- Set up a separate interest-bearing escrow account for the market-to-affordable funds from the municipality;
- Sponsor a homeownership counseling program and post-purchase session for prospective purchasers for homes sold to income-qualified buyers;
- Encourage the dispersal of these units throughout the municipality; and
- Proactively identify units on an ongoing basis that meet the requirements of a Market-to-Affordable program.

**Alternative Living Arrangements**

As part of the additional housing efforts for the Third Round, the Township sought to work with at least one provider of services to physically or developmentally disabled adults to create one or two additional group homes in the Township. As previously discussed, the Township is now working with Allies, Inc., who owns and operates a group home for the developmentally disabled at 155 Perkintown Road, Block 35, Lot 19.01, licensed by NJDHS since December 23, 2021. This group home has four bedrooms for very-low income residents, and the Township seeks four credits for the four special needs bedrooms towards its Fourth Round obligation.

**SUMMARY OF CREDITS FOR OLDMANS' OBLIGATIONS**

Table 29, Summary of Credits for Oldmans' Obligations, lists the total credits for the Fourth Round. Though not required where a municipality seeks a durational adjustment for the entirety of its Prospective Need, Oldmans continues to seek out opportunities to address affordable housing using the limited means at its disposal.

**Table 29. Summary of Credits for Oldmans' Obligations**

<b>Oldmans Township's Obligation: 329 units/credits</b>	<b>Credits</b>	<b>Rental Bonuses</b>	<b>Totals</b>
<b>Durational Adjustment</b>	<b>329</b>		<b>329</b>
<b>100% Affordable Site – completed</b>			
Habitat for Humanity (1 unit) - family for-sale	1	-	1
<b>100% Affordable Site – proposed</b>			
78 Perkintown Road (1 unit) - family for-sale	1	-	1
<b>Market-to-Affordable (100% affordable) – proposed</b>			
2 family rentals/2 family for-sale (4 units)	2	-	2
<b>Alternate Living Facility – completed</b>			
155 Perkintown Road (4 units) – special needs bedrooms	4	-	4
<b>Totals</b>	<b>337</b>	<b>-</b>	<b>337</b>

### **VERY LOW-INCOME UNITS**

In N.J.S.A. 52:27D-329.1, municipalities are required to address the means to provide affordable units for very low-income households equal to 13% of all affordable units approved and constructed after July 1, 2008. This constitutes 5 total affordable units, of which 13% is 0.65 unit rounded up to one unit. Allies, Inc., owns and operates a group home for the developmentally disabled at 155 Perkintown Road which has four bedrooms and equals four very low income credits. Consequently, 4 of 5 affordable housing units, or 80% are earmarked for very low income persons in Oldmans. While this does not satisfy the very low income family obligation, it does provide housing for the very low income population.

Should any additional new affordable units be developed in Oldmans through the durational adjustment or new affordable housing initiatives as described in this housing plan, the Township will require that at least 13% of them are affordable to very low-income households and as family units to address the imbalance in the existing unit count.

The Township's Municipal Housing Liaison and Administrative Agent will track the progress of potential units for future crediting purposes.

### **COST GENERATION**

The Township's Land Use Ordinance has been reviewed to determine if there are unnecessary cost-generating standards, and has not identified any that could be characterized in that manner. Development applications containing affordable housing will be reviewed for consistency with the Land Use Ordinance, Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.), the Municipal Land Use Law (N.J.S.A. 40:55D-40.1 through -40.7), and the mandate of the FHA regarding unnecessary cost-generating features. Oldmans will comply with N.J.A.C. 5:93-10.1(a), procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.1(b), and requirements for special studies and escrow accounts where an application contains affordable housing (N.J.A.C. 5:93-10.3).

### **MONITORING**

In accordance with the new requirements of the Fair Housing Act, by February 15 of each year of the Fourth Round, the municipality will provide to NJDCA a detailed accounting of all residential and non-residential fees collected, interest earned, payments in lieu of constructing affordable units, and other income collected and deposited into Oldmans affordable housing trust fund during the prior calendar year. The Township will also provide a detailed accounting of all expenditures of affordable housing trust funds during the prior calendar year, including purposes and amounts, and document the balance remaining in the affordable housing trust fund as of December 31 of that year.

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

**AFFORDABLE HOUSING ORDINANCE, MUNICIPAL HOUSING LIAISON, ADMINISTRATIVE AGENT, AND AFFIRMATIVE MARKETING**

The Township adopted an Affordable Housing Ordinance (Chapter 110, Article X “Affordable Housing Procedures” of the Township Code) on December 8, 2021 by Ordinance No. 2021-12 as part of the Township’s Third Round substantive certification. This ordinance governs the creation, administration, and occupancy of affordable units, the required low- and moderate-income set-asides; development fees; the programs that might be implemented to provide an opportunity for affordable housing; and outlines eligibility requirements and occupancy standards. Since UHAC predates the very low-income requirements established in mid-2008, the Affordable Housing Ordinance includes a modification that addresses the amended Fair Housing Act in this regard. The ordinance was approved as part of its Third Round HEFSP by Judge Malesin. The adopted ordinance may be found in Appendix I. New UHAC regulations have been promulgated as emergency rules and are in the process of being amended. Once the rules have been revised and adopted, Oldmans commits to amending its Affordable Housing Ordinance within 60 days as necessary to comport with the new regulations.

In 2006 the Township established in §30-6 of the Township Code the position of Municipal Housing Liaison. On December 8, 2021, the Township adopted an ordinance to amend Chapter 30, Article II “Municipal Housing Liaison” of the Township Code by Ordinance No. 2021-11 to update and incorporate the list of the Municipal Housing Liaison’s responsibilities. The Township has appointed Township Clerk Melinda Taylor to serve as the Township’s Municipal Housing Liaison; the adopted ordinance and appointing resolution may be found in Appendices I and J. New UHAC regulations have been promulgated as emergency rules and are in the process of being amended. Once the rules have been revised and adopted, Oldmans commits to amending its Municipal Housing Liaison description within 60 days as necessary to comport with the new regulations.

In 2014 the Township established the position of Municipal Housing Finance Officer via Ordinance No. 2014-11, to administer the Township’s affordable housing trust funds. On December 8, 2021, the Township adopted Ordinance No. 2021-11 to amend Chapter 30, Article IV “Municipal Housing Finance Officer” of the Township Code in its entirety. The Municipal Housing Finance Officer position is currently filled by Diane Elwell, the Chief Financial Officer of the Township. The adopted ordinance may be found in Appendix I. New UHAC regulations have been promulgated as emergency rules and are in the process of being amended. Once the rules have been revised and adopted, Oldmans commits to amending its Municipal Housing Finance Officer description within 60 days as necessary to comport with the new regulations.

The Township has retained the services of CGP&H, an experienced and qualified Affordable Housing Administrative Agent, to provide general Administrative Agent services for the Township. The agreement and authorizing resolution may be found in Appendix K.



**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

On December 8, 2021, the Township adopted an Affirmative Marketing Plan by Resolution No. 2021-128, intended to govern the marketing of all affordable units in the Township. Affirmative marketing 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 or work in Housing Region 6, consisting of Atlantic, Cape May, Cumberland and Salem Counties. The Affirmative Marketing Plan was approved as part of Oldmans Third Round HEFSP by Judge Malesin. See Appendix L for the Affirmative Marketing Plan and adopting resolution. New UHAC and/or NJDCA regulations have been or will be promulgated affecting affirmative marketing plans. Once the rules have been revised and adopted, Oldmans commits to amending its Affirmative Marketing Plan requirements within 60 days as necessary to comport with the new regulations.

The costs of implementing the Affirmative Marketing Plan are the responsibility of the developers/owners of affordable units. This requirement is included in the Township's Affordable Housing Ordinance.

#### **DEVELOPMENT FEE ORDINANCE**

Oldmans Township originally adopted a development fee ordinance in 2006. This was amended in December 2021 as part of the adoption of the Third Round HEFSP and submitted for approval in Superior Court. The revised development fee ordinance was approved as part of Oldmans Third Round HEFSP by Judge Malesin. The updated development fee ordinance was recodified as §110-66 in the Township's Code of Ordinances and may be found in Appendix I.

#### **AFFORDABLE HOUSING TRUST FUND**

As of February 10, 2025, the Township had approximately \$1,116,830.76 in its affordable housing trust fund. Since the fund's inception the Township has collected \$1,260,307.99 in development fees and \$67,848.20 in interest. The Spending Plan accompanying this Housing Element and Fair Share Plan is based on the reconciled account through February 10, 2025. Upon approval of the Township's Spending Plan, annual trust fund monitoring reports will be provided to the appropriate state entity, posted on the Township's website and provided to FSHC based on the date of a judgment of compliance and repose.

#### **SPENDING PLAN**

The Township's Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, was prepared in accordance with N.J.A.C. 5:93-5.1(c) and is included as Appendix M to this Plan. 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 Spending Plan. In general, the Township anticipates using the funds for its rehabilitation and Market-to-Affordable programs, and to acquire and deed-restrict abandoned



**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

or foreclosed homes in the Township and provide additional affordability assistance as fees permit. The Township may, in the future, seek to amend its Spending Plan and obtain the approval of a court of competent jurisdiction 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; and
- Administration of the implementation of the Housing Element and Fair Share Plan.

At least 30% of development fees and interest collected shall 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. Additionally, no more than 20% of the revenues collected from development fees 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, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.

The adoption of the Township's Spending Plan will constitute a "commitment" for expenditure per the FHA at N.J.S.A. 52:27D-329.2 and -329.3, with a four-year time period for expenditure that will start with the entry of the Superior Court's Judgment of Compliance and Repose.

**SUMMARY**

The Township of Oldmans has consistently demonstrated good-faith efforts to create affordable units in the Township, despite environmental constraints on much of its vacant land and the absence of appropriate water and sewer infrastructure to support future development. Much of the Township's open lands comprise alluvial soils, or are located in wetlands or in the flood plains of Oldmans Creek or the Delaware River, causing a substantial reduction in the amount of land that is suitable for the production of affordable housing. The lack of additional water capacity, sewage treatment capacity and the absence of sanitary sewer infrastructure present severe restrictions on the Township's ability to develop new affordable homes. Because of this lack of infrastructure and capacity, the Township seeks an additional durational adjustment for all 84 units of Prospective Need for the Fourth Round and continued durational adjustment of its Prior and Third Round obligations of 245 units.

**Township of Oldmans**  
**Housing Element and Fair Share Plan**

**Adopted May 19, 2025**

While the NJDCA calculations assign the Township no Present Need obligation, it is the Township's belief based on local knowledge that there is a demonstrable need for housing rehabilitation for low- and moderate income households. Consequently, it intends to allocate a portion of its affordable housing trust funds for that purpose as outlined in this housing plan.

The Township currently has two deed-restricted affordable for-sale units and has subsidized the development of one new special-needs group home in the Township. It intends to use affordable housing trust funds as subsidies to owners or purchasers of existing units to deed-restrict them through a Market-to-Affordable program, and intends to provide affordability assistance expenditures, particularly for construction of individual subsurface sewage disposal systems for affordable housing sites with available water yet lacking sewer infrastructure, in an effort to create more affordable units.

Should expanded water and sewer infrastructure become available before 2035, the Township is committed to prioritizing the development of additional affordable units as required by the durational adjustment provisions in the extant rules.

## Appendix A

### **Declaratory Judgment of the Township's Fourth Round Obligation and Binding Resolution; Order Confirming Oldmans' Fourth Round Obligations**

**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**

311 Broadway, Suite A  
 Point Pleasant Beach, NJ 08742  
 (732) 612-3100

By: Michael J. Edwards: mje@surenian.com (Attorney ID: 032112012)  
*Attorneys for Declaratory Plaintiff, Township of Oldmans*

**IN THE MATTER OF THE  
 APPLICATION OF THE TOWNSHIP OF  
 OLDMANS, 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 Oldmans, County of Salem, State of New Jersey (hereinafter, “Oldmans” or the “Township”), a municipal corporation of the State of New Jersey, with principal offices located at 40 Freed Road, PO Box 416, Pedricktown, NJ 08067, 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.** The Township of Oldmans is a municipal corporation of the State of New Jersey.
- 2.** The Planning Board of the Township of Oldmans (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 Oldmans’ Master Plan.
- 3.** Through this DJ Action, Oldmans 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 Oldmans’ 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 Oldmans’ 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**

**4.** The Township of Oldmans 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.

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

**6.** 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.

7. 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.

8. Oldmans 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**.

9. Based on the foregoing, Oldmans 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 Oldmans 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); and/or (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 (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 Oldmans 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 OLDMANS**

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

**11.** 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.

**12.** The DCA issued its report on October 18, 2024.<sup>1</sup>

**13.** Pursuant to the October 18, 2024 report, the DCA calculated Oldmans’ present and prospective affordable housing obligations as follows:

<b>PRESENT NEED (REHABILITATION OBLIGATION)</b>	<b>FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)</b>
0	84

**14.** 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.

**15.** Oldmans adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as Exhibit 1 to this DJ Action.

**16.** The binding resolution maintains that the Present (“Rehabilitation”) Need obligation of Oldmans is 0 and its Prospective Need obligation is 84.

**17.** Oldmans 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

---

<sup>1</sup> The report may be found here: [https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation\\_Methodology.pdf](https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf)

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.

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

**19.** Pursuant to the binding resolution, Oldmans 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 Oldmans 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 Oldmans under the Act;
- c.** Declaring the approval of Oldmans' 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); and/or (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 (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 Oldmans 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**

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

**21.** 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.

**22.** Oldmans 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 6) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

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

- a.** Declaring that Oldmans 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 Oldmans under the Act;
- c.** Declaring the approval of Oldmans' 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); and/or (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 (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d.** Declaring that the Township of Oldmans 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 Oldmans 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 IV**

#### **CONFIRMATION OF IMMUNITY**

**23.** The Township of Oldmans repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

**24.** Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

**25.** The Township of Oldmans has met the deadline for the adoption and filing of its binding resolution (and the filing of this DJ Action in accordance with Directive # 14-24) not later



than January 31, 2025 by adopting the binding resolution attached to this DJ Action as Exhibit 1, and has committed to the adoption of its HEFSP by the June 30, 2025.

**26.** Without waiving any judicial immunity from exclusionary zoning litigation that Oldmans possesses as a result of any applicable Judgment of Compliance and Repose entered in favor of the Township in Round 3, Oldmans has qualified for continued immunity under the Act while pursuing its certification of compliance in the instant matter.

**WHEREFORE**, the Township of Oldmans 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 Oldmans under the Act;
- c.** Declaring the approval of Oldmans' 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); and/or (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 (vi) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that Oldmans 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 Oldmans 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.

**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**  
*Attorneys for the Declaratory Plaintiff*  
*Township of Oldmans*

*Michael J. Edwards*

By: \_\_\_\_\_  
 Michael J. Edwards, Esq.

Dated: January 28, 2025

**CERTIFICATION PURSUANT TO R. 4:5-1**

Michael J. Edwards, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, Township of Oldmans.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject

and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.

3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**  
*Attorneys for the Declaratory Plaintiff*  
*Township of Oldmans*

*Michael J. Edwards*

By: \_\_\_\_\_  
Michael J. Edwards, Esq.

Dated: January 28, 2025

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, notice is hereby given that Michael J. Edwards, Esq., attorney for the Declaratory Plaintiff, Township of Oldmans is designated as trial counsel in the above captioned matter.

**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**  
*Attorneys for the Declaratory Plaintiff*  
*Township of Oldmans*

*Michael J. Edwards*

By: \_\_\_\_\_  
Michael J. Edwards, Esq.

Dated: January 28, 2025

**CERTIFICATION PURSUANT TO R. 1:38-7(b)**

Michael J. Edwards, Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, Township of Oldmans.
2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**  
*Attorneys for the Declaratory Plaintiff*  
*Township of Oldmans*

*Michael J. Edwards*

By: \_\_\_\_\_  
Michael J. Edwards, Esq.

Dated: January 28, 2025

**OLDMANS TOWNSHIP  
RESOLUTION 2025-40**

**RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF  
OLDMANS COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE  
NEED AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Township has a demonstrated history of voluntary compliance as evidenced by its Round 3 record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on April 7, 2022, the Township of Oldmans (hereinafter “Oldmans” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

**WHEREAS**, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

**WHEREAS**, this means that the regional need equates to 40% of regional household growth; and

**WHEREAS**, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

**WHEREAS**, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for “inclusionary zoning”; and

**WHEREAS**, inclusionary zoning most typically requires a 15% or 20% set aside; and

**WHEREAS**, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and



**WHEREAS**, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the prospective need (new construction obligation), irrespective of the growth in that particular municipality; and

**WHEREAS**, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

**WHEREAS**, this is a substantially higher annual number than was imposed by COAH in the “Prior Round” or any iteration of its Round 3 regulations; and

**WHEREAS**, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

**WHEREAS**, instead, A4 required the Department of Community Affairs (“DCA”) to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 (“DCA Report”); and

**WHEREAS**, the DCA Report calculates the Township’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 units and a Prospective Need or New Construction Obligation of 84 units; and

**WHEREAS**, A4 further provides that, irrespective of the DCA’s calculation, municipalities are to determine “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”; and

**WHEREAS**, this resolution satisfies the requirements of A4 by accepting the DCA estimate of need as described in the DCA Report; and

**WHEREAS**, Section 3 of A4 provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

**WHEREAS**, Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of A4; and

**WHEREAS**, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

**WHEREAS**, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful



challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

**WHEREAS**, in addition to the foregoing, the Township reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in light of the above, the Mayor and Committee finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action in the form of a declaratory judgment complaint “. . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED** on this 21<sup>st</sup> day of January by the Committee of the Township of Oldmans, Salem County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Mayor and Committee hereby commit to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 84 units as described in this resolution subject to all reservations of rights, which specifically include:

a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;

b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;

c) All rights to take any contrary position in the event of a third party challenge to the obligations.

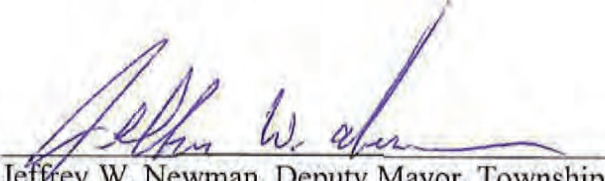
3. The Township hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint within 48 hours after adoption this resolution attaching this resolution.

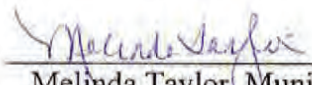
4. The Township hereby directs its Affordable Housing Counsel to file this Resolution with the "Program" pursuant to the requirements on A4.

5. This resolution shall take effect immediately, according to law.

### **CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Committee of the Township of Oldmans at a regular meeting held on the 27th of January, 2025, a quorum being present and voting in the majority.

  
\_\_\_\_\_  
Jeffrey W. Newman, Deputy Mayor, Township of Oldmans

  
\_\_\_\_\_  
Melinda Taylor, Municipal Clerk



**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  
OLDMANS, 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-22-25

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 OLDMANS (“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)*”,<sup>1</sup> 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 84 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.

---

<sup>1</sup> See [https://nj.gov/dca/dlps/pdf/FourthRoundCalculation\\_Methodology.pdf](https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf)

2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as 84 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-22-25, 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.

## Appendix B

### Court Order Approving the Township's Third Round Obligation



**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**

311 Broadway, Suite A  
 Point Pleasant Beach, NJ 08742  
 Telephone 732-612-3100

By: Jeffrey R. Surenian (Attorney ID: 024231983); JRS@Surenian.com  
 William E. Olson (Attorney ID: 381082022); WEO@Surenian.com

*Attorneys for Declaratory Plaintiff, Township of Oldmans*

**IN THE MATTER OF THE APPLICATION  
 OF THE TOWNSHIP OF OLDMANS,  
 COUNTY OF SALEM**

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

**DOCKET NO.: SLM-L-64-22**

**CIVIL ACTION – MOUNT LAUREL**

**ORDER APPROVING FSHC  
 SETTLEMENT AGREEMENT AND  
 GRANTING A FINAL ROUND 3  
 JUDGMENT OF COMPLIANCE AND  
 REPOSE**

**THIS MATTER** having been opened to the Court by Surenian, Edwards, Buzak & Nolan LLC, on behalf of Declaratory Plaintiff, Township of Oldmans (hereinafter “the Township” or “Oldmans”) via a Declaratory Judgment Complaint (hereinafter “DJ Action”) filed on April 7, 2022, to approve the Township’s Housing Element and Fair Share Plan (hereinafter “Fair Share Plan,” “Affordable Housing Plan,” or “HEFSP”), as may be amended, in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J.1 (2015) (“Mount Laurel IV”); and the Court having granted the Township temporary immunity from all Mount Laurel lawsuits from the time of filing of the Township’s DJ Action to the present; and the Court having appointed Jennifer Beahm, PP/AICP as the Special Master (hereinafter the “Court Master”); and Fair Share Housing Center (“FSHC”) having been granted the status of interested party in this matter; and the Township and FSHC having entered into a Settlement Agreement, dated December 12, 2023 (“FSHC Agreement”) after

engaging in good-faith negotiations; and the Court having held a Joint Fairness and Compliance Hearing (hereinafter “Hearing”) on March 19, 2024 to determine:

- (a) Whether the Township’s Settlement Agreement with FSHC (Exhibit P1) is fair and reasonable to very low-, low- and moderate-income households; and
- (b) Whether the Township’s Affordable Housing Plan (Exhibit P3) is compliant with applicable affordable housing laws and regulations and satisfies the Township’s affordable housing obligations;

and the Township having provided proper public and direct notice of the Hearing; and the Township’s Notice having set a date of March 4, 2024 as the deadline for the filing of all written objections with the Court, the Special Master and all counsel of record regarding the approval of the Township’s Settlement Agreement with FSHC and its Affordable Housing Plan; and the Township having prepared a Notice Certification of William E. Olson, Esq. (Exhibit P-14) to document that proper notice of the Hearing had been given; and written objections to the Township’s application for approval of its Settlement with FSHC and its affordable housing plan having been received on March 4, 2024, from Keith Davis, Esq. of the firm Nehmad, Davis, & Goldstein, on behalf of Tri County Real Estate Maintenance Corporation (hereinafter “Tri County”) (Exhibit P6); and the Township having responded to Tri County’s objection on March 19, 2024 (Exhibit P7); and the Court Master having submitted her Report dated March 15, 2024 (Exhibit P13); and appearing for the March 19, 2024, Hearing: William E. Olson, Esq., of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, the Township of Oldmans; Ashley Lee, Esq. of Fair Share Housing Center; Keith Davis, Esq. and Rachael Koutishian, Esq., of Nehmad Davis & Goldstein on behalf of Tri County; and the Court having heard testimony during the Hearing from the Township’s Affordable Housing Planner, Brian Slaugh, PP/AICP

(Exhibit P15), Ashley Lee, Esq., on behalf of Fair Share Housing Center, and the Court's Special Master wherein she recommended the Court approve the FSHC Agreement and the Affordable Housing Plan and grant the Township a Judgment of Compliance and Repose (hereinafter "JOR"); and the Court having reviewed all of the documents submitted into evidence during the Joint Hearing; and the Court and having considered all of the testimony provided; and the Court being satisfied that the Township and FSHC are entitled to approval of their Settlement Agreement and that the Township is entitled to approval of its Affordable Housing Plan; and this form of order having been reviewed and approved by FSHC and the Court's Special Master; and for good cause having been shown:

**IT IS HEREBY ORDERED** on this 12<sup>th</sup> day of April, 2024, as follows:

1. The Court finds and determines pursuant to the judicial standards prescribed by East/West Venture v. Borough of Fort Lee, 289 N.J. Super. 311 (App. Div. 1996) and Morris County Fair Housing Council v. Boonton Tp., 197 N.J. Super. 359 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986) and through analysis of the FSHC Settlement Agreement (Exhibit P-1); and on the basis of the testimony taken during the Joint Fairness and Compliance Hearing on March 19, 2024, that the FSHC Settlement Agreement is fair, reasonable and adequately protects the interests of very low-, low- and moderate-income households. Accordingly, the Court hereby approves the Settlement Agreement.
2. The Court finds and determines pursuant to the standards that the Supreme Court directed trial judges to follow in Mount Laurel IV, the Township of Oldmans' HEFSP with Appendices and accompanying manuals (Exhibit P-3) satisfies the Township's affordable housing obligations. Accordingly, the Court hereby issues a Judgment of Compliance and Repose formally declaring, subject to the conditions in Paragraph 12 of this Order, that the

Township's Housing Element and Fair Share Plan satisfies its Rehabilitation Share, its prior Round Obligation (1987-1999), and its Third Round Obligation (1999-2025), pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) ("FHA"), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et. seq.) ("UHAC"), applicable Council on Affordable Housing (hereinafter "COAH") substantive rules, and Mount Laurel case law, including the New Jersey Supreme Court's Mount Laurel IV decision.

3. The Township's Judgment of Compliance and Repose shall remain in effect beginning on April 7, 2022, and ending on July 2, 2025, and during this period, the Township shall have repose from all exclusionary zoning lawsuits inclusive of any builder's remedy suit by a developer or Mount Laurel lawsuit by a non-profit. This limitation shall not apply to actions brought to enforce the terms of the FSHC Settlement Agreement or the Court's Orders.
4. As per the Court-approved Settlement Agreement, and as established in the Township's Housing Element and Fair Share Plan (Exhibit P3), the Township's Rehabilitation Share is 0 units; the Township's Prior Round Obligations (1987-1999) is 125 units, and the Township's Third Round Obligation (1999-2025) is 120 units.
5. **Satisfaction of the Rehabilitation Obligation:** The Township has a 0-unit rehabilitation obligation. Nonetheless, the Township shall capture any potential future rehabilitation opportunities by continuing to use NJ Dept. of Community Affairs, Division of Housing & Community Resources Grant monies. The Township has funded 9 creditworthy units to date using the State program.
6. **Satisfaction of the Prior Round and Third Round Obligations:** Although the Township has a 125-unit Prior Round obligation and a 120-unit Third Round obligation, it does not

have adequate water and sewer capacity to satisfy its entire Prior Round and Third Round obligations.

7. **Durational Adjustment:** Pursuant to N.J.A.C. 5:93-4.3 and in accordance with paragraph 7 of the FSHC Agreement (Exhibit P1), the Township is entitled to a durational adjustment for its entire Prior Round and Third Round obligations.

8. **Credits/Reductions Applicable to Prior Round and Third Round Obligations.** The Township will apply the following credits and reductions to this combined obligation from sites that already have been developed and/or have been approved and have adequate water and sewer (or on-site wastewater disposal treatment) capacity existing or anticipated in the near future to proceed with development, subject to the reduction in the obligation by the acceptance of the proposed credits set forth below:

<b>Development</b>	<b>Type</b>	<b>Tenure</b>	<b>Status</b>	<b>Units</b>	<b>Bonus</b>	<b>Credits</b>
Habitat for Humanity (54 S. Railroad Avenue, Block 9, Lot 3)	100% Affordable	Family Sale	Approved and occupied	1		1
78 Perkintown Road (Block 43, Lot 10)	100% Affordable	Family Sale	Proposed	1		1
Market-to-Affordable	100% Affordable	Family Rental/Family Sale	Proposed	5 Rentals 5 For-Sale	TBD	10
Alternative Living	Group Home <sup>1</sup>	Special Needs Rental	Proposed	TBD	TBD	TBD

<sup>1</sup> The Township reports that a property has been purchased for purposes of providing group home bedrooms to developmentally disabled adults. The Township's Municipal Housing Liaison and Administrative Agent will track the progress of this property for future crediting purposes.

<b>Development</b>	<b>Type</b>	<b>Tenure</b>	<b>Status</b>	<b>Units</b>	<b>Bonus</b>	<b>Credits</b>
Arrangements Anticipated Group Home						
Alternative Living Arrangements Future Group Homes for Physically or Developmentally Disabled Adults	Group Home <sup>2</sup>	Special Needs Rental	Proposed	TBD	TBD	TBD
<b>Total</b>				<b>TBD</b>	TBD	TBD

## **9. Reporting and Monitoring Requirements:**

- a. **Affordable Housing Trust Fund.** Starting on February 15, 2025, and every anniversary thereafter, the Township shall provide an annual Affordable Housing Trust Fund accounting report to the New Jersey Department of Community Affairs, , Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed

---

Very Low-Income Units: 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 after July 1, 2008. While Oldmans Township is seeking a durational adjustment for its entire Prior Round and Third Round affordable housing obligation, it will endeavor to create at least one very low-income bedroom in the potential group homes. Should any other new affordable units be developed in Oldmans, the Township will endeavor to ensure that at least 13% of them are affordable to very low-income households.

<sup>2</sup> The Township is exploring a partnership with at least one provider of services to developmentally disabled adults to develop one or two additional group homes in the Township. Oldmans will work with the facility sponsor to ensure as many bedrooms as possible are affordable to very-low income residents. Footnote 3 above shall also apply to this provision.



for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or as otherwise acceptable to the special master and FSHC. The annual report shall detail all expenditures from and deposits into the Township's Affordable Housing Trust Fund.

- b. **Affordable Housing Activity**: Starting on February 15, 2025 and every anniversary thereafter, the Township shall provide an annual report on the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the FSHC. In addition to the foregoing, the Township shall also post such activity in the CTM system and/or file a copy of its report with the State Department of Community Affairs. The annual report shall detail the status of all affordable units in the Township's HEFSP. The Township shall promptly respond to any requests from the Court or FSHC for additional information.
- c. **Midpoint Review**: The midpoint realistic opportunity review shall be due on January 1, 2025 in accordance with the required contents as prescribed in N.J.S.A. 52:27D-313, notwithstanding any other document to the contrary, and the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet any unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic

opportunity and should be replaced and whether the mechanisms to any meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.

- d. **Very Low income**: For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, by January 31, 2025, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low-income requirements. The posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low-income housing obligation under the terms of this settlement.

**10.** The Court hereby approves the Spending Plan the Township adopted on December 8, 2021 (Exhibit P-10, P-11).

**11. Income Limits**: The Township is hereby authorized to utilize the income limits developed by the Affordable Housing Professionals of New Jersey (AHPNJ) issued annually following the U.S. Department of Housing and Urban Development's issuance of regional income median incomes.

**12. Conditions**: Within 120 days of the date of this Order, the Township shall satisfy the following conditions:

- i. The Township shall adopt the proposed draft Affordable Housing Ordinance (Exhibit P8).
- ii. The Township shall adopt the proposed draft Development Fee Ordinance (Exhibit P9).

iii. The Township may combine the two ordinances into one unified amending Ordinance.

**13.** The Court retains jurisdiction over this matter solely for the purposes of enforcement of this Judgement and the FSHC Settlement Agreement

**14. Exhibits Marked into Evidence at Hearing:**

- Exhibit P1: Settlement Agreement with FSHC dated 12/12/23
- Exhibit P2: Resolution authorizing execution of the FSHC Settlement Agreement
- Exhibit P3: Adopted and endorsed Housing Element and Fair Share Plan & Appendices ("HEFSP")
- Exhibit P4: Planning Board Resolution adopting Housing Element and Fair Share Plan, dated 11/15/21
- Exhibit P5: Governing Body Resolution endorsing HEFSP, dated 12/8/21
- Exhibit P6: Tri County Real Estate Maintenance Corporation ("Tri County") Objection letter dated 3/4/24
- Exhibit P7: Township's Response to Objection dated, 3/15/20
- Exhibit P8: Proposed Affordable Housing Ordinance
- Exhibit P9: Proposed Development Fee Ordinance
- Exhibit P10: Adopted 2021 Spending Plan
- Exhibit P11: Resolution adopting Spending Plan, dated 12/8/21
- Exhibit P12: Developers Agreement with Tri County, dated 4/1/09
- Exhibit P13: Special Master's Report of Jennifer Beahm, PP/AICP
- Exhibit P14: Notice Certification of William E. Olson, Esq., dated 3/15/24
- Exhibit P15: Resume of Affordable Housing Planner, Brian Slaugh, PP/AICP

**15.** A copy of this Order shall be deemed served on all counsel of record via eCourts. Counsel for the Township shall provide a copy to the Special Master via email.




---

**Honorable Robert G. Malestein, P.J.Ch.**

     **Opposed**  
  X   **Unopposed**

## **Appendix C**

### **Resolution of Adoption by the Planning Board Resolution of Endorsement by the Township Committee**



**OLDMANS TOWNSHIP PLANNING BOARD**

**RESOLUTION 2025-13**

**ADOPTION OF FOURTH ROUND HOUSING  
ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Township of Oldmans (hereinafter the “Township” or “Oldmans”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on April 7, 2022, the Township of Oldmans filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

**WHEREAS**, the Township continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

**WHEREAS**, the Township adopted a “binding resolution” accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 27, 2025, establishing its Fourth Round Present Need of 0 and Prospective Need of 84; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Township filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution, on January 28, 2025; and

**WHEREAS**, the filing of the DJ Complaint gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the Township did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the Township’s Fourth Round obligations on March 1, 2025; and

**WHEREAS**, now that the Township has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt and endorse a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

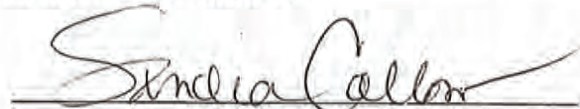


**WHEREAS**, in accordance with the Amended FHA, the Township's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on April 21, 2025; and

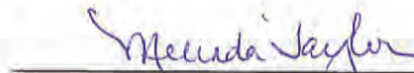
**WHEREAS**, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's current Master Plan, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Oldmans, County of Salem, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan attached hereto as **Exhibit A**.

  
Sandy Collom  
Chairman of the Planning Board

#### **CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Planning Board of Township of Oldmans at a regular meeting held on the 19<sup>th</sup> day of May 2025.

  
Melinda Taylor, Planning Board Secretary



**RESOLUTION # \_\_\_\_ - 2025****RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF OLDMANS ENDORSING THE TOWNSHIP'S ROUND 4 HOUSING  
ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on \_\_\_\_\_, the Planning Board of the Township of Oldmans, County of Salem State of New Jersey, adopted a Fourth Round Housing Element and Fair Share Plan ("Fair Share Plan"); and

**WHEREAS**, the Fourth Round Fair Share Plan addresses the Township's constitutional affordable housing obligations under Mount Laurel; and

**WHEREAS**, the Township of Oldmans remains committed to complying with its constitutional Mount Laurel obligations by voluntarily providing its "fair share" of affordable housing, as adjusted based upon lack of available sewer and water.

**NOW THEREFORE BE IT RESOLVED** that the Committee of the Township of Oldmans, County of Salem, State of New Jersey, hereby endorses the Fair Share Plan as adopted by the Oldmans Township Planning Board on \_\_\_\_\_; and

**BE IT FURTHER RESOLVED** that the Committee of the Township of Oldmans, pursuant to the provisions of N.J.S.A. 52:27D-301 et. seq. hereby authorizes its professionals to file the adopted and endorsed Fair Share Plan and all other relevant documents with the Court to the extent Court-approval is necessary to effectuate the programs specified in the HEFSP and Spending Plan.

\_\_\_\_\_  
William Ferrell III  
Mayor of Oldmans Township

I hereby certify that this is a true copy of the resolution endorsing the amended Housing Element and Fair Share Plan of the Township of Oldmans, County of Salem, on \_\_\_\_\_.

\_\_\_\_\_  
Melinda Taylor,  
Township Clerk

## **Appendix D**

### **Salem County Wastewater Management Plan Oldmans Township Chapter**

#### **Carneys Point Sewerage Authority Capacity Letter**

## **Chapter IX.7**

# **WASTEWATER MANAGEMENT PLAN FOR SALEM COUNTY, NEW JERSEY LOWER DELAWARE WATER QUALITY MANAGEMENT PLANNING AREA**

## **OLDMANS TOWNSHIP CHAPTER**

### **PREPARED BY:**

**SICKELS & ASSOCIATES, INC.  
SHERWOOD MEWS  
833 KINGS HIGHWAY  
WOODBURY, NEW JERSEY 08096**



**Chapter IX.7****TABLE OF CONTENTS**

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
A.	Status of Previous Approved WMPs .....	2
B.	Current Wastewater Services .....	2
C.	Current Water Services .....	3
D.	Overview of Environmental, and Local Considerations to Wastewater Services ..	3
E.	Overview of Major Water Resource Management Issues .....	4
F.	Overview of Future Wastewater Services.....	4
G.	Summary of Significant Actions.....	5
<b>II.</b>	<b>EXISTING INFRASTRUCTURE AND TREATMENT FACILITIES .....</b>	<b>5</b>
A.	Wastewater Treatment Plant .....	5
B.	Major Transmission Piping and Pumping Stations.....	5
C.	Existing On-site, Non-industrial Wastewater Facilities.....	6
D.	Existing Industrial Wastewater Facilities .....	6
E.	General Wastewater Management Areas for Septic Systems.....	7
F.	Existing Wastewater Flows.....	7
G.	Existing Wastewater Treatment.....	8
H.	H. Existing Public Water Supply Infrastructure .....	8
I.	Existing Public Water Supply Allocation and Daily Demands .....	9
<b>III.</b>	<b>ENVIRONMENTAL AND OTHER LAND FEATURES .....</b>	<b>11</b>
<b>IV.</b>	<b>DELINATION OF SEWER SERVICE AREAS AND PLANNING INTEGRATION</b>	<b>11</b>
A.	Environmentally Sensitive Areas Map .....	12
B.	Sewer Service Areas in Environmentally Sensitive Areas .....	13
C.	Exceptions to the Use of Geographic or Political Boundaries.....	13
D.	Environmentally Sensitive Areas – Data Sources .....	14
<b>V.</b>	<b>FUTURE WASTEWATER DEMAND AND FACILITIES.....</b>	<b>14</b>
A.	Conformance and Nonconformance with Zoning and Prior Land Use Approvals	15
B.	Municipal Zoning and Composite Zoning.....	15
C.	Calculating Future Wastewater and Water Supply Needs and Capacity .....	16
D.	Municipal Demand Projections in Urban Municipalities .....	16
E.	Municipal Demand Projections in Non-urban Municipalities .....	16
<b>VI.</b>	<b>ANALYSIS OF CAPACITY TO MEET FUTURE WASTEWATER NEEDS.....</b>	<b>19</b>
A.	Adequacy of Sewage Treatment Plant Capacity.....	19
B.	Analysis and Selection of Treatment Alternatives.....	20
C.	Antidegradation Analysis for New and Expanded Domestic Treatment Works ..	20

---

**Sickels & Associates, Inc.**

***Wastewater Management Plan for  
Salem County, New Jersey  
Oldmans Township Chapter***

<b>VII. FUTURE WATER SUPPLY AVAILABILITY.....</b>	<b>20</b>
A. Sufficiency of Water Supply.....	20
<b>VIII. MAPPING REQUIREMENTS .....</b>	<b>24</b>
A. Basis for Service Area Delineations .....	24
B. Mapping Classification .....	24

## **LIST OF TABLES**

### **SECTION 1: INTRODUCTION**

Table 1.1: Historic Population
Table 1.2: Projected Population

### **SECTION 2: EXISTING INFRASTRUCTURE AND TREATMENT FACILITIES**

Table 2.C.1: Non-Industrial NJPDES Wastewater Facilities
Table 2.D.1: Industrial NJPDES Wastewater Facilities
Table 2.F.1: Wastewater Treatment Plant Capacity and Flows 2010
Table 2.F.2: Existing Wastewater Flows
Table 2.H.1: Existing Water Supply Wells
Table 2.I.1: Water Allocation and Demand 2010
Table 2.I.2: Annual Water Demand Summary

### **SECTION 4: DELINEATION OF SEWER SERVICE AREAS AND PLANNING INTEGRATION**

Table 4.D.1: Information Sources for Environmentally Constrained Areas
--

### **SECTION 5: FUTURE WASTEWATER DEMAND AND FACILITIES**

Table 5.B.1: Summary of Municipal Zones
Table 5.E.2.1: FWSA Build-Out Projections

### **SECTION 6: ANALYSIS OF CAPACITY TO MEET FUTURE WASTEWATER NEEDS**

Table 6.A.1: Wastewater Treatment Plant Capacity
--

### **SECTION 7: FUTURE WATER SUPPLY AVAILABILITY**

Table 7.A.1.1: FSA Water Supply Build-Out Projections
Table 7.A.3.1: Water Supply Capacity

### **SECTION 8: MAPPING REQUIREMENTS**

Table 8.B.4.1: Zoning Regulations
-----------------------------------

---

**Sickels & Associates, Inc.**

***Wastewater Management Plan for  
Salem County, New Jersey  
Oldmans Township Chapter***

## I. INTRODUCTION

This chapter represents the Oldmans Township portion of the WMP. The WMP has been submitted to the New Jersey Department of Environmental Protection for approval so that it may be incorporated into the Lower Delaware Water Quality Management Plan via the Plan Amendment Procedure (NJAC 7:15).

The sewer service area for the Township of Oldmans includes the entire township's area of 12,814 acres (20.0 square miles). The planning area does not include any areas that lay within adjacent municipalities.

The Township of Oldmans is located in the Delaware River Drainage Basin and lies within the Lower Delaware Water Quality Management Planning Area. The Planning Area is not located within the jurisdiction of the Pinelands Commission nor is it located within the Coastal Area Facility Review Act (CAFRA) area.

The Township of Oldmans is mainly an agricultural based municipality bounded by the Delaware River to the northwest, and three (3) municipalities including: Pilesgrove Township to the southeast, Carneys Point Township (to the southwest), and Logan Township of Gloucester County (bounded by Oldmans Creek along the northeast of the municipality). Oldmans Township encompasses a total area of 12,814 acres (20.02 square miles) including approximately 146.2 acres of surface water (ponds, lakes, reservoirs) and 59.7 miles of streams (shown in Map No.1) flowing in the municipality. This municipality is largely undeveloped, though commercial, industrial, and residential developments can be found throughout the central region of the municipality bounded by Rt.130, Railroad Avenue, I-295, and Perkintown Road. Other than this region, the land is mostly forested or wetlands, used as public area or as residential/agricultural plots. For this reason, the Oldmans Township has one of the lowest population densities in Salem County (approximately 90 people/sq mi), according to (2010) U.S. Census data.

Oldmans Township has a population of 1,773 persons. The municipality's population trend over the last decade can be seen as a -1.39% decrease in population each year (-13.9% over ten years), according to the most recent (2010) U.S. Census data. Table 1.1 is a summary of the historic population and trends for the Township of Oldmans. In terms of population change over the next three decades, Oldmans Township is expected to have steady slow growth according to the most recent study by the South Jersey Transportation Planning Organization, prepared in 2011. A summary of the SJTPO projected population can be found in Table 1.2:

Table 1.1: Oldmans Township- Historic Population			
Year	Population	Population Change	
		#	avg yearly %
1980	1,847		
1990	1,683	-164	-0.89%
2000	1,798	115	0.68%
2010*	1,773	-25	-0.14%

~Source: U.S. Census Bureau, \*2010 U.S. Census

Table 1.2: Oldmans Township- Projected Population			
Year	Population	Population Change	
		#	avg yearly %
2010*	1,773		
2020	1,785	12	0.07%
2030	1,796	11	0.06%
2040	1,806	10	0.06%

~Source: SJTPO, 2011



## **A. STATUS OF PREVIOUS APPROVED WMPs**

The Township of Oldmans has submitted several Wastewater Management Plans (WMP's) / Amendments since 1991. These amendments, submitted in coordination with the Carneys Point Sewerage Authority, have included proposed expansions to an existing industrial WWTP, expansions of the Carneys Point Sewerage Authority (CPSA) SSA to serve small areas in Oldmans Township and the inclusion of the Gateway Business Park.

The current WMP in effect for Oldmans Township is an amendment to the Lower Delaware WQMP submitted on behalf of the Carneys Point Sewerage Authority, which was adopted on July 9, 2001 and associated revision dated July 20, 2007. The enclosed plan reflects current zoning with proposed sewer service areas consistent with the Municipality's Master Plan. The Oldmans Township WMP has been incorporated within the overall Salem County Wastewater Management Plan. The proposed plan, upon adoption, will remain in force and in effect until the expiration date noted in the Chapter 1, Salem County Summary.

## **B. CURRENT WASTEWATER SERVICES**

The Township of Oldmans is primarily served by individual septic system. Various facilities within Oldmans Township are served by sanitary sewer collection systems. All sanitary flow collected by the system is sent to the Carneys Point Wastewater Treatment Plant for treatment. In all, the Carneys Point Sewerage Authority (CPSA) serves approximately 300 persons within sewer service area located in Oldmans Township. This equates to 0.45 percent of the total Salem County population (66,083 persons, 2010 U.S. Census) that are served by the wastewater treatment plant.

The Carneys Point Sewerage Authority receives flows from the following facilities in Oldmans Township:

- The NJ Turnpike Service Area 1S, Clara Barton.
- The NJ Turnpike Service Area 1N, John Fenwick
- Auburn Village

Sewer service areas may include industrial facilities that discharge process wastewater to the collection system for treatment. The existing sewer service limits, delineated on Map No.2, are maintained by the NJ Turnpike Authority and contribute sanitary flow to the Carneys Point Sewerage Authority system. The limits were derived from existing sanitary sewer infrastructure currently constructed and/or approved. The treatment process and information for the Carneys Point Sewerage Treatment Plant (STP) is located within the Carneys Point municipal chapter.

### **C. CURRENT WATER SERVICES**

The New Jersey American Water Company serves approximately 1,238 persons within the Oldman Township planning area, and is currently the largest provider of water service to the municipality according to current NJDEP data. This equates to 1.87 percent of the total Salem County population (66,083 persons, 2010 U.S. Census) being served by the water provider. In addition, Oldmans Township is also served by the smaller Auburn Village Water Supply, which provides water to approximately 300 persons, or 0.5% percent of the total Salem County population. The remaining population within Oldmans Township is served by individual private water wells.

Oldman's Township does not own or operate its own public community water supply system, and is served by the New Jersey American Water Company (NJAW). NJAW presently draws from seven (7) ground water wells, all located within Carneys Point. Two of the wells pump water from the lower PRM and the other five draw from the upper PRM, as noted in Table 2.H.1. In addition, NJAW completed improvements in 2010 to interconnect their Penns Grove water system and Logan Township water system to allow for operational flexibility. The Logan system of NJAW draws from five (5) ground water wells, as noted in Table 2.H.1.

Map No.1 depicts the areas actively served by existing public water supply facilities. As with sewer service, "actively served" means that the distribution lines exist and that the property either is connected or has all regulatory approvals necessary to be connected with no further review.

### **D. OVERVIEW OF ENVIRONMENTAL, AND LOCAL CONSIDERATIONS TO WASTEWATER SERVICES**

Wastewater Management Planning is part of the continuing planning process required by the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.) and Section 208 of the federal Clean Water Act. The intent of the continuing planning process is to align federal, State, regional and local land use planning to ensure that these land use plans do not conflict with each other.

The provision of environmental infrastructure, in particular centralized sewer service, has a profound influence on development patterns and intensity. The wastewater management planning process is intended to assign an appropriate wastewater management treatment alternative to geographic areas based on environmental sensitivity and other land use planning objectives such as regional center-based development or farmland preservation. The extension of public sewers into areas designated for protection by federal, State, regional or local land use plans would be inconsistent with those protection objectives.

The adopted Water Quality Management Planning Rules (N.J.A.C. 7:15) generally exclude the extension of sewer service into large contiguous areas, defined as 25 acres or more, of wetlands, category one water buffers, Natural Heritage Priority Sites and/or endangered and threatened species habitat. The extension of sewer service into these areas would encourage their development and thus conflict with the Department of Environmental Protection's statutory mandate to protect these resources.

It should be noted that under limited circumstances environmentally sensitive areas that meet the 25 acre threshold may be included in the sewer service area as necessary to preserve the investment in projects having already received certain local and State approvals, to relate sewer service areas to recognizable geographic features, or to accomplish center based development proposed by the local land use planning authority and approved by the Department of Environmental Protection through the plan endorsement process. Additional local land use planning objectives used in delineating appropriate areas for public sewer service are discussed in this municipal chapter.

#### **E. OVERVIEW OF MAJOR WATER RESOURCE MANAGEMENT ISSUES**

Oldmans Township does not currently own or operate a public community water supply system or wastewater treatment plant. The Township's sewer service area is primarily served by the Carneys Point WWTP and NJAW. The Township's water supply is sufficient to meet the current demand. However, an additional source of water supply will be necessary in order to accommodate development within the FWSA. Other than the need for additional water supply in the future, the municipality has not identified any other issues regarding water quality or concerns with non-sewered areas.

#### **F. OVERVIEW OF FUTURE WASTEWATER SERVICES**

The Township of Oldmans has identified the future sewer service area necessary to implement a portion of the goals and objectives of the Township's Master Plan. Those areas have been reduced to account for the environmental constraints pertaining to wetlands, the habitats of Threatened and Endangered Species, Riparian Corridors, FW-2 Waters. The proposed Sewer Service Area is identified on Map No.3.

The proposed future sewer service areas delineated on Map No.3 consist of proposed future areas outside the existing sewer service area. The remaining areas, not designated as a sewer service area will continue to be serviced by Individual Subsurface Sewerage Disposal Systems (ISSDS's) with wastewater flows less than or equal to 2,000 gpd.

Based on the environmental, and local land use planning objectives discussed above and the identified areas that are currently built but do not currently have adequate wastewater treatment, Map 2 and Map 3 identify areas presently served by public sewers and the appropriate areas to be served by public sewers in the future. These maps also identify sites that are served by an on-site treatment works, if applicable, that are regulated under a New Jersey Pollutant Discharge Elimination System permit. Each sewer service area is keyed to a specific sewage treatment plant which is the facility authorized under this plan to accept and treat wastewater from that sewer service area. Each sewage treatment plant identified in this plan has an accompanying facility table that provides information concerning that facility's owner, operator, permitted flow, existing flow, remaining permitted flow, projected build-out flow summarized by municipality.

Based on the build-out analysis of each sewer service area and the existing permitted capacity of the sewage treatment plants identified in this plan, insufficient wastewater treatment capacity exists to accommodate the complete buildout of the FWSA, in its entirety. Future expansion of the identified treatment works or identification of an alternative treatment works will be required to meet the future wastewater generation needs of the municipality.

#### **G. SUMMARY OF SIGNIFICANT ACTIONS**

Amendments to the Water Quality Management Planning Rules adopted on July 7, 2008, 40 N.J.R. 4000(a), necessitated a modification to certain sewer service areas based on environmental sensitivity and local planning objectives as described in this document. In accordance with the regulatory requirements, undeveloped lands within the existing sewer service area have been removed based on the limits of environmental constrained areas. In addition, areas have been added based on local planning objectives and an environmental sensitivity assessment. Maps No.2 and No.3 reflect the changes in sewer service area as a result of this wastewater management plan.

1. All areas not proposed to be included in the WSA sewer service areas in this WMP will be served by ISSDS's with 2,000 gpd or less flows.
2. Construction of a new treatment facility or interconnection with an existing treatment facility along with the installation of infrastructure will be required to meet the future wastewater generation needs of the municipality, as wastewater treatment facilities are not currently available .

## **II. EXISTING INFRASTRUCTURE AND TREATMENT FACILITIES**

### **A. WASTEWATER TREATMENT PLANT**

Map No. 2 depicts the areas actively served by existing wastewater facilities, and the facilities tables in Chapter 7 (VII) provide detailed information on each facility. As with sewer service, the term “actively served” means that the collection lines exist and that the property either is connected or has all regulatory approvals necessary to be connected. This Section is not applicable as Oldmans does not own or operate a wastewater treatment plant. Refer to the Carneys Point municipal chapter regarding information pertaining to the receiving treatment facility.

### **B. MAJOR TRANSMISSION PIPING AND PUMPING STATIONS**

The Township of Oldmans does not own or operate any wastewater treatment or conveyance systems, though areas within the municipality are served by small-scale collection systems. All wastewater generated from collection systems is conveyed to the Carneys Point WWTP via approximately 10.3 miles of force mains and two (2) pump stations. Further discussion of the sanitary sewer system is more clearly defined within the Carneys Point municipal chapter of this report. Map No.2 depicts the areas actively served by existing wastewater facilities, and the tables in Chapter 7 (VII) provide detailed information on each facility. The term “actively served” means that the collection lines exist and that the property either is connected or has all regulatory approvals necessary to be connected.

### C. EXISTING ON-SITE, NON-INDUSTRIAL WASTEWATER FACILITIES

These facilities serve single developments, sites or other properties under single ownership, but do not treat industrial flows. These facilities typically provide wastewater treatment for apartment complexes, commercial properties and businesses where regional sewerage is not available. Table 2.C.1 lists all existing on-site, non-industrial treatment facilities that discharge 2,000 gallons per day or more of domestic wastewater and are regulated under a NJPDES permit. The Wastewater Facilities Tables provided in Chapter 7 (VII) list all existing on-site, non-industrial treatment facilities that discharge 2,000 gallons per day or more of domestic wastewater and are regulated under a NJPDES permit.

<b>Table 2.C.1: Non-Industrial NJPDES Wastewater Facilities</b>				
<b>Municipal Map Designation</b>	<b>Facility Name</b>	<b>NJPDES Permit Number</b>	<b>Discharge Type (Groundwater or Surface Water)</b>	<b>Facility Table Number</b>
17	Fort Dix - Pedricktown Sup Fac	NJ0024635	DSW- A	17
18	Oldmans Township School	NJ0137707	DGW-T1	18
19	295 Auto Truck Plaza Inc	NJG0100684	DGW- T1	19

### D. EXISTING INDUSTRIAL WASTEWATER FACILITIES

Some industrial land uses have independent wastewater treatment facilities that treat and discharge manufacturing process waste or sanitary sewage, rather than other types of effluent such as non-contact cooling water. They may be discharged to ground water or to surface water. Table 2.D.1 lists all existing industrial treatment works that discharge 2,000 gallons per day or more of process and wastewater and are regulated under a NJPDES permit. The Wastewater Facilities Tables provided in Chapter 7 (VII) list all existing industrial treatment facilities that discharge 2,000 gallons per day or more of domestic wastewater and are regulated under a NJPDES permit.

<b>Table 2.D.1: Industrial NJPDES Wastewater Facilities</b>				
<b>Municipal Map Designation</b>	<b>Facility Name</b>	<b>NJPDES Permit Number</b>	<b>Discharge Type (Groundwater or Surface Water)</b>	<b>Facility Table Number</b>
16	Polyone Corp - Pedricktown	NJ0004286	DSW -B	16

#### **E. GENERAL WASTEWATER MANAGEMENT AREAS FOR SEPTIC SYSTEMS**

Generally the remaining areas of the Municipality, not otherwise designated as service areas for treatment facilities requiring a NJPDES permit, are included within a general wastewater management area for septic systems and other small treatment works that treat less than 2,000 gallons per day of wastewater and discharge to ground water.

#### **F. EXISTING WASTEWATER FLOWS**

This Section is not applicable as Oldmans does not own or operate a wastewater treatment plant or sanitary sewer conveyance system consisting of major interceptors, trunk lines and pumping stations associated with public wastewater treatment facilities.

The existing wastewater flows conveyed to the Carneys Point WWTP were calculated based on information provided by the Carneys Point Sewerage Authority. The present average flow includes residential, commercial and industrial flows. The following Table 2.F.1 summarizes the permitted capacity and associated average daily flows of 2010 for the wastewater treatment plant serving Oldmans Township.

<b>Table 2.F.1: Wastewater Treatment Plant Capacity and Flows 2010</b>				
<b>WWTP</b>	<b>NJPDES Permit No.</b>	<b>Permitted Capacity (MGD)</b>	<b>Average Daily Flow 2010 (MGD)</b>	<b>Build-Out Projection (mgd)</b>
Carneys Point WWTP	NJ0021601	1.3	1.069	1.362

The existing average daily flows identified above include wastewater contributed by both Carneys Point and Oldmans Township. The flows from these connections are identified within the Carneys Point municipal chapter or facilities tables provided within Chapter 7 (VII) of this report. Monthly wastewater flow data estimates specific to Oldmans Township are identified for 2010 in Table 2.F.2 below.



<b>Table 2.F.2: Existing Wastewater Flows</b>	
<b>Month</b>	<b>Monthly Average Flow to Carneys Point WWTP (MGD)</b>
Jan-10	0.0137
Feb-10	0.0112
Mar-10	0.0131
Apr-10	0.0161
May-10	0.0211
Jun-10	0.0243
Jul-10	0.0279
Aug-10	0.0264
Sep-10	0.0264
Oct-10	0.0281
Nov-10	0.0236
Dec-10	0.0230
<b>Yearly Average</b>	<b>0.021</b>

#### **G. EXISTING WASTEWATER TREATMENT**

This Section is not applicable as Oldmans Township does not own or operate a wastewater treatment plant or sanitary sewer conveyance system consisting of major interceptors, trunk lines and pumping stations associated with public wastewater treatment facilities. Refer to the Carneys Point municipal chapter regarding information pertaining to the receiving treatment facility.

#### **H. EXISTING PUBLIC WATER SUPPLY INFRASTRUCTURE**

Map No.1 depicts the areas actively served by existing public water supply facilities. Oldmans Township does not own or operate its own public community water supply system, and is primarily served by the New Jersey American Water Company (NJAW). In addition, Oldmans Township is also served by the Auburn Village Water Supply, which provides water to a smaller portion of the municipality. The public water supply infrastructure of this system consists of approximately 11.1 miles of water main ranging in size from 1 - 12 inch diameter.

The following Table 2.H.1 summarizes the potable water well information for the community water supply facilities currently serving this municipality. All wells supplying the NJAW (Penns Grove) system are located within the Carneys Point Township municipal boundary. In addition, the five (5) ground water wells included as part of the NJAW (Logan System) have also been identified within the table. The franchise areas are depicted on Map No.1.

<b>Table 2.H.1: Existing Water Supply Wells</b>				
<b>Water System</b>	<b>Well Permit Number</b>	<b>Well Designation</b>	<b>Pump Capacity (gpm)</b>	<b>Aquifer</b>
Auburn Village Water Supply	3000001151	1	N/A	N/A
	3000011400	2	N/A	N/A
NJAW Penns Grove System	3000000563	7	500	Lower PRM
	3000001113	2	500	Upper PRM
	3000001815	4	450	Upper PRM
	3000003310	RF1A	250	Upper PRM
	3000003535	RF3A	100	Upper PRM
	3000008511	RF2B	250	Upper PRM
	3000019273	11A	250	Lower PRM
NJAW Logan System	3000001371	2	800	Mid PRM
	3000009444	4	590	Mid PRM
	3000005212	5	100	Mid PRM
	3000014797	6	600	Mid PRM
	E201002435	7	800	Mid PRM

## **I. EXISTING PUBLIC WATER SUPPLY ALLOCATION AND DAILY DEMANDS**

New Jersey American Water (NJAW) is currently the primary source of water to Oldmans Township. NJAW purchased the Penns Grove Water System in 2007. NJAW operates under permit No.WAP070002 to provide water to a service area, which includes Carneys Point Township, Borough of Penns Grove and Oldmans Township. As a result, a specific allocation for each of these municipalities has not been established.

General information presented within this municipal chapter regarding the water systems overall annual demand and the estimated yearly demand for each municipality from 2008 through 2010 has been obtain from NJAW. Projected average daily demand values have been estimated for each of the three (3) municipalities served by this system. This was necessary as NJAW meters each connection to their system and not the municipality as a whole. Based on available water demand information provided, between 2008 through 2010, the following average demand percentages have been used to represent the water supplied by NJAW to the three municipalities: Borough of Penns Grove 30.5%, Carneys Point Township 62.5% and Oldmans Township 7%.

The Township of Oldmans currently has an estimated average daily demand of approximately 0.100 million-gallons per day based upon the 2010 calendar year. The Township's peak annual and monthly water demand over a period of 5 years between 2006 through 2010 was shown to occur in the month of July 2008, which is based on the peak month of the system supplier. Estimates of monthly flows to Oldmans Township from 2006-2010 were made based on data supplied by NJAWC. Monthly data was formulated by adjusting total water supplied by NJAW by the associated demand percentage utilized by Oldmans Township as indicated above. The reduction in average

demand, over the last few years, is partially due to the enforcement of water restrictions and water conservation appurtenances in residential and commercial buildings and improvements/replacements within the system's infrastructure.

The following table 2.I.1 summarizes current water demands and allocation diversion limits permitted for the Auburn Village Water Supply and the greater New Jersey American Water system (which includes the Borough of Penns Grove and Carneys Point Township as well as Oldmans Township).

Table 2.I.1: Water Allocation and Demand 2010								
Water Company (Breakdown by Municipality)		Permit No. / Program Interest ID	2010 Water Allocation *		Average Demand 2010		Build-Out Projection	
			(MGM)	(MGY)	(MGM)	(MGY)	(MGM)	(MGY)
Auburn Village Water Supply		N/A	N/A	N/A	0.38	4.55	N/A	N/A
New Jersey American Water (Penns Grove System)	% of System Demand	WAP070002/ 5328	70.4	753	37.95	455.409	140.07	1649.66
Penns Grove	30.5	N/A	N/A	N/A	11.299	135.586	2.05	24.57
Oldmans Township	7.0	N/A	N/A	N/A	2.653	31.842	53.54	630.41
Carneys Point Township	62.5	N/A	N/A	N/A	23.998	287.981	84.48	994.68

\*Source: The Average Demand indicated above represents data obtained from DEP water use results.

The following table 2.I.2 summarizes historical daily, monthly and annual water demand estimates specific to the demands of Oldmans Township on the Auburn Village and NJAW (Penns Grove) water system. The districts and franchise areas are depicted on Map No.1.

<b>Table 2.I.2: Annual Water Demand Summary</b>				
<b>Service Provider</b>	<b>Year</b>	<b>Annual Demand Total (MGY)</b>	<b>Average Daily Demand (MGD)</b>	<b>Average Monthly Demand (MGM)</b>
<b>Auburn Village Water Supply</b>	2006	5.343	0.015	0.45
	2007	4.836	0.013	0.40
	2008	4.248	0.012	0.35
	2009	3.809	0.010	0.32
	<b>2010</b>	<b>4.552</b>	<b>0.012</b>	<b>0.38</b>
<b>New Jersey American Water</b>	2006	34.800	0.095	2.90
	2007	36.024	0.099	3.00
	2008	33.168	0.091	2.76
	2009	33.295	0.091	2.77
	<b>2010</b>	<b>31.842</b>	<b>0.087</b>	<b>2.65</b>

### III. ENVIRONMENTAL AND OTHER LAND FEATURES

A full description of the mapping of environmental features for the County can be found in Chapter I of this report. This section includes a summary of the environmental features and public open space for the municipality that were taken into account when preparing the mapping. These features are significant to wastewater management planning for three reasons: they may influence the delineation of sewer service areas, they may reduce the potential future wastewater generation due to existing regulatory programs, or they may be subject to federal grant limitations that prohibit the extension of sewer service into these areas. Some of this mapping has been used in the development of a map of environmentally sensitive areas where the extension of sewer service areas is restricted (see Delineation of Sewer Service Areas, below).

Development in areas mapped as wetlands, flood prone areas, designated river areas, or other environmentally sensitive areas may be subject to special regulation under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Depiction of environmental features is for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.

The following environmental features have been identified within the County map set:

- A. Surface Waters and Classifications—Refer to Map No.5A of County map set
- B. Riparian Zones -- Refer to Map No.5C of County map set
- C. Flood Prone Areas – Refer to Map No.5A of County map set
- D. Freshwater Wetlands -- Refer to Map No.5B of County map set
- E. Coastal Wetlands –Refer to Maps 5A and 5B of County map set
- F. Public Open Space and Recreation Areas –Refer to Map No.5B of County map set
- G. Preserved Agricultural Areas and Other Conservation Easements on Private Lands –Refer to Map No.5C of County map set
- H. Suitable Habitat for Threatened and Endangered Species – Refer to Maps 5B and 5C
- I. Natural Heritage Priority Sites –Refer to Map No.5C of County map set

### IV. DELINATION OF SEWER SERVICE AREAS AND PLANNING INTEGRATION

The results of the environmental analyses, summarized in Section III above, provide justification for the established service area delineations by demonstrating consistency with all applicable NJDEP requirements and criteria. This WMP chapter provides the most current planning efforts within the municipalities WMP planning area. The WQMP rules at NJAC 7:15-5.22 require coordination with and solicitation of comments or consent from certain agencies, entities and plans, and consistency with other plans. These requirements are addressed in the Chapter 1, Salem County Summary within this document.

This chapter provides the method used to delineate future sewer service areas based on the mapping of significant environmentally sensitive areas, and consistency with other regional plans.

## **A. ENVIRONMENTALLY SENSITIVE AREAS MAP**

Under the Water Quality Management Planning Rules, large contiguous environmentally sensitive areas, generally defined as 25 acres or greater in size should be excluded from sewer service areas except under certain circumstances such as providing service to development that has already secured prior approvals or center based development approved by the Department of Environmental Protection through the Plan Endorsement process. Maps 5A, 5B and 5C, of the County map set, reflect the final results for the mapping of environmentally sensitive areas, based on the information described above and the WQMP rules. These maps were created using the following process:

1. Identify areas (to the extent that GIS interpretations are available) where pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) provide for restriction of sewer service to environmentally sensitive areas, and then delete areas (if any) where a map revision or grant waiver has been approved by USEPA. Note: pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas are unaffected by adoption of this WMP and compliance is required.
2. Merge the GIS layers for wetlands, Category One riparian zones, Natural Heritage Priority Sites, and Threatened and Endangered Species habitats, and any others used by the County areas into a single composite GIS coverage.
3. Correct the composite areas by eliminating areas designated as urban in the most recent land use land cover layer (2002) to address land use/land cover modifications that have occurred since the environmental feature layers were prepared.
4. Identify and delete any composite areas less than 25 acres in size from the map of environmentally constrained areas. The resulting map shows the final environmentally sensitive areas, which is used to eliminate the potential for sewer service areas except where sewer service already exists, or exceptions are allowed for infill development or approved endorsed plans. It is noted for public information purposes that the excluded areas will be protected through other NJDEP regulatory programs such as the Flood Hazard Area Control Act and Freshwater Wetlands Act rules, and may be protected by municipal ordinances as well.

## **B. SEWER SERVICE AREAS IN ENVIRONMENTALLY SENSITIVE AREAS**

The WQMP rules allow for inclusion of environmentally sensitive areas under limited conditions. The following modifications were considered for the WMP:

1. Where a development has secured approval under the Municipal Land Use Law and possesses a valid wastewater approval, the site may be included in the sewer service area if consistent with that valid wastewater approval. This information was gathered in consultation with municipalities.
2. Where a project has an approved site-specific water quality management plan and wastewater management plan amendment from the Department the project may be included in the wastewater management plan consistent with that approved site specific amendment for a period of six years from the date the amendment was adopted. The general locations of these developments are indicated on Map No.3, if applicable, and are keyed to a list of qualifying developments in each municipal chapter.
3. Where environmentally sensitive areas are bordered on either side by areas with existing sewer service, and where the infill development would generate 2,000 gpd or less of sewage based on existing zoning and where the area to be included does not include habitat critical to the recovery potential or the survival of a local population of an endangered or threatened species.
4. Where sewer service is necessary to support for center based development under an “endorsed plan” (through the State Planning Commission relative to the State Development and Redevelopment Plan) and would not remove habitat critical to endangered or threatened species. Where such modifications have been made, they are noted in the individual municipal chapters.
5. Where necessary to create a linear boundary that related to recognizable geographic features and would not remove habitat critical to the recovery potential or the survival of a local population of an endangered or threatened species. Where necessary to create a linear boundary that related to recognizable geographic features and would not remove habitat critical to the recovery potential or the survival of a local population of an endangered or threatened species.

## **C. EXCEPTIONS TO THE USE OF GEOGRAPHIC OR POLITICAL BOUNDARIES**

The existing Sewer Service Area boundary was derived from existing sanitary sewer infrastructure currently constructed or approved. These boundaries hold tightly to geographical features and political boundaries within the municipality. No exceptions were made for the delineations used in this WMP.



## D. ENVIRONMENTALLY SENSITIVE AREAS – DATA SOURCES

The information described above with regard to the mapping of proposed sewer service areas and Environmentally Sensitive Areas was obtained from various sources. Table 4.D.1 below highlights the information and sources used to delineate environmentally constrained areas.

<b>Table 4.D.1: Information Sources for Environmentally Constrained Areas</b>				
<b>Category</b>	<b>Source</b>	<b>Source Location</b>	<b>Original Date</b>	<b>Date Last Revised</b>
Wetlands	NJDEP	<a href="http://www.state.nj.us/dep/gis">www.state.nj.us/dep/gis</a>	11/9/99	
Floodplains	FEMA	<a href="http://www.msc.fema.gov/webmap/wcs">www.msc.fema.gov/webmap/wcs</a>	1/9/03	
Stream Corridors	NJDEP	<a href="http://www.state.nj.us/dep/gis">www.state.nj.us/dep/gis</a>	8/1/08	12/1/10
Threatened & Endangered Species	NJDEP	<a href="http://www.njfishandwildlife.com">www.njfishandwildlife.com</a>	11/1/09	2/13/09
Parks, Preserves, & Open Space	Green Acres Recreation Program & NJDEP	<a href="http://www.state.nj.us/dep/gis">www.state.nj.us/dep/gis</a>	2/13/09	
Preserved Agricultural Lands	NJ SADC	<a href="http://www.nj.gov/agriculture/sadc">www.nj.gov/agriculture/sadc</a>	July, 2011	
Surface Water Quality Standards	NJDEP	<a href="http://www.state.nj.us/dep/gis">www.state.nj.us/dep/gis</a>	10/1/07	1/19/11
National Heritage Priority Sites	NJDEP	<a href="http://www.state.nj.us/dep/gis">www.state.nj.us/dep/gis</a>	2/13/09	
Zoning	Municipality	Current Master Plan	N/A	7/2/08

## V. FUTURE WASTEWATER DEMAND AND FACILITIES

Proposed future sanitary sewer flows conveyed to the Salem City WWTP projected under build-out conditions were evaluated based on two sets of data; sanitary flows projected within the existing sewer service area and proposed flows for the future sewer service area. Future flows within the existing sewer service area utilize a “parcel based” method for calculating the flows of infill development. Whereas, future sanitary flows within the expanded sewer service area utilize a “zoning based” method for calculating the build-out. The build-out data is then converted to a projected future wastewater flow by applying the planning flow criteria from N.J.A.C. 7:14A based on the type of development projected.

All projected flows were separated into residential, commercial, and industrial components. Total projected build-out flow for residential, commercial and industrial development was determined based on the available developable land and current zoning ordinances for the municipality within areas proposed as the future sewer service area. Environmental constraints with required buffers were also considered and indicated within the Mapping section of this report.

For example, single-family residential development is assumed to consist of houses having three or more bedrooms per house, and each projected new house is multiplied by 300 gallons per day to predict the future wastewater generated. For non-residential land uses the anticipated floor area is multiplied by 0.1 gallon per day to predict future wastewater generation. A more detailed explanation of build-out flow calculations and criteria used is provided in the tables below.

The build out method used for the wastewater demand was also used to predict future water supply demand, except that the flow multiplier used to predict future water supply demand is slightly higher than that used for wastewater demand. The results of the analysis are presented within this chapter and in the facilities tables found in the appendices at the end of this document.

#### **A. CONFORMANCE AND NONCONFORMANCE WITH ZONING AND PRIOR LAND USE APPROVALS**

Where the WMP build out deviates from either current zoning or prior land use approvals, such deviation and the reasons for the deviation are explained in this chapter

#### **B. MUNICIPAL ZONING AND COMPOSITE ZONING**

The municipal zoning information provided below is specific to this chapter. Because municipal zoning ordinances are not uniform in their nomenclature or definitions, a composite zoning map has not been developed. Table 5.B.1 below identifies the zoning specific to this chapter and was been utilized for the associated build-out analyses.

“SSA Developable Area” includes both undeveloped and underdeveloped parcels within the proposed sewer service area. “Undeveloped” parcels are those where no development exists and the land has not been restricted from development through dedicated open space or agricultural preservation programs. “Underdeveloped” parcels are those where some level of development exists, but at a density less than allowed by zoning and where deed restrictions do not prevent further development.

<b>Table 5.B.1: Summary of Oldmans Municipal Zones</b>			
<b>Zone Name</b>	<b>Zone Description</b>	<b>Municipal Area (ac)</b>	<b>SSA Developable Area (ac)</b>
AR	AGRICUTURAL RESIDENTIAL	6,988.2	65.46
C	COMMERCIAL	18.1	14.98
C/I	COMMERCIAL/INDUSTRIAL	1,266.6	339.54
I	INDUSTRIAL	310.7	152.61
IPRA	INDUSTRIAL PARK REDEVELOPMENT AREA	148.1	20.14
P	PUBLIC	1,926.9	96.80
R	RESIDENTIAL	2,008.4	484.21
VC	VILLAGE COMMERCIAL	53.2	44.55
VR	VILLAGE RESIDENTIAL	146.8	115.64

### **C. CALCULATING FUTURE WASTEWATER AND WATER SUPPLY NEEDS AND CAPACITY**

Using the municipal information provided above regarding existing wastewater and water supply facilities, sewer service area delineation, environmentally sensitive areas, and municipal zoning to project build-out or 20 year growth projections for the listed urban municipalities, an analysis of wastewater and water supply demands was performed to determine whether existing infrastructure capacity or zoning is a constraining factor.

There are two methods used for projecting future wastewater management needs: a 20-year projection for urban municipalities or a build out based on existing zoning for non-urban municipalities. An urban municipality is defined as those municipalities where less than 10 percent of the total land area of the municipality is “available land for development” after subtracting out permanently preserved open space.

### **D. MUNICIPAL DEMAND PROJECTIONS IN URBAN MUNICIPALITIES**

The Township of Oldmans does not meet the definition of an urban municipality as defined above. Consequently, future wastewater build out projections are based on existing zoning identified below.

### **E. MUNICIPAL DEMAND PROJECTIONS IN NON-URBAN MUNICIPALITIES**

Development of vacant land will be the predominant factor in determining future wastewater treatment needs. Further, because external market and economic forces, such as interest rates, are a dominant factor in determining the rate of construction, this analysis assesses the ability to provide wastewater treatment while protecting surface and ground water quality for the entire projected build out allowable by zoning. There are two separate methods employed for calculating future wastewater generation at build out, based on the wastewater service area designation.

#### **1. Future Wastewater from Non-Urban Municipalities’ Sewer Service Areas**

In designated sewer service areas the following features have been removed prior to the application of zoning to the undeveloped land area because they are unlikely to generate wastewater in the future: wetlands, riparian zones, permanently preserved farmland, permanently preserved open space, steep slopes, floodplains, and cemeteries. The existing zoning is then applied to the remaining developable land area within the sewer service area(s) to project a build out condition for use in estimating the future wastewater management needs of each sewer service area. Build out data for each municipality has been provided on a compact disk (cd) for reference. The Township’s sewer service is defined on Map No.3.

## 2. Sewer Service Area Build Out Analysis

Oldmans Township currently contains an existing SSA consisting of the industrial park and turnpike interchanges: and Camp Pedricktown. The area consists of the above-mentioned areas contributing to the Carneys Point Wastewater Treatment Plant. The build-out of the FWSA consisted of evaluating residential, commercial and industrial flow projections to the extent of development that could occur according to applicable zoning in developable areas. The projections are based on the potential for development of existing infill lots within areas zoned for each use and the most current land use regulations for the municipality. Generally, infill development of the existing sewer service area was prepared utilizing a “parcel based” build-out approach.

The total number of potential units within each residential, commercial and industrial district was then multiplied by the maximum percent building coverage specified in the zoning ordinances to reach a maximum building area at build-out. Residential flows were projected assuming 300gpd / dwelling unit. Commercial and Industrial flows were projected assuming 0.1 GPD/sq.ft of building area.

Table 5.E.2.1 summarizes the build-out flow projections for the FWSA. In addition, the table reflects a breakdown of the acreage of land available for development (i.e., either undeveloped or underdeveloped, and not constrained due to environmentally sensitive areas) within each general zone of the municipality, based on the build-out analysis.

<b>Table 5.E.2.1: FWSA Build-Out Projections</b>					
<b>Zone</b>	<b>Developable Acres</b>	<b>Zoned Lot Areas</b>	<b>Potential Units</b>	<b>Average Daily Flow (GPD)</b>	<b>Total ADF (GPD)</b>
	<i>See Note (a)</i>		<i>See Note (b)</i>	<i>See Note (c)</i>	<i>See Note (d)</i>
AR	65.46	2 Acres	26	300	7,800
C	14.98	1 Acre	12	1,089	13,068
C/I	339.54	2 Acre	129	6,534	842,886
I	152.61	2 Acres	33	6,534	215,622
IPRA	20.14	2 Acres	0	4,356	0
P	96.80	N/A	0	0	0
R	484.21	1 Acre	424	300	127,200
VC	44.55	10,000 SF	147	300	44,100
VR	115.64	10,000 SF	372	300	111,600
<b>Total FWSA Projected Sanitary Flows (GPD)</b>					<b>1,362,276</b>
<b>Total FWSA Projected Sanitary Flows (MGD)</b>					<b>1.362</b>

The notes referenced below are indicated in the above table.

Notes:

- (a) “Developable Acres” represents the developable acreage per zone, within the sewer service area, excluding the environmentally constrained areas..
- (b) “Potential Units” represent the projected number of units that may be constructed within each zone within the FWSA.
- (c) Average Daily Flow has been calculated based on current NJDEP regulations.
- (d) TOTAL ADF represents the potential build-out within the FWSA. Individual parcels with less than the minimum lot size for each zone have not been assessed an average daily flow value.

### **3. Future Sewer Service Area Build-out Analysis**

Generally, the future sewer service area build out is prepared utilizing a “zoning based” build out approach. The build-out of future sewer service areas typically consists of evaluating residential, commercial and industrial flow projections to the extent of development that could occur according to applicable zoning in developable areas, which are outside of the existing SSA.

All proposed sanitary sewer flows for the Township, included as part of this WMP submission, are identified within section 5.E.2.1 above.

## VI. ANALYSIS OF CAPACITY TO MEET FUTURE WASTEWATER NEEDS

This section of the wastewater management plan analyzes whether there is sufficient wastewater treatment capacity to meet the needs of the Municipality based on the projections described above. For sewer service areas this requires a comparison of the projected future demand to the existing capacity of the sewage treatment plant.

### A. ADEQUACY OF SEWAGE TREATMENT PLANT CAPACITY

Table 6.A.1 provides a comparison of existing wastewater treatment capacity with existing and future flow demands within the municipality. The final column determines whether existing capacity is or is not adequate for the projected flows. Where capacities are inadequate, the issue is addressed in later sections. Details of the projections are included within the appendices and municipal chapters, which also address any needs for new or expanded treatment facility discharges.

<b>Table 6.A.1: Wastewater Treatment Plant Capacity</b>						
<b>Treatment Works</b>	<b>Permit #</b>	<b>Treatment Capacity (mgd)</b>	<b>Average Daily Flows 2010 (mgd)</b>		<b>FWSA Build-Out Projection (mgd)</b>	<b>Remaining Treatment Capacity of System (mgd)</b>
			<b>Oldmans Township</b>	<b>Entire System</b>		
<b>Carneys Point WWTP</b>	<b>NJ0021601</b>	<b>1.3</b>	<b>0.021</b>	<b>1.069</b>	<b>1.362</b>	<b>-1.131</b>

The total treatment capacity (1.3 mgd) of the wastewater treatment plant (Carneys Point WWTP) that serves the municipality is less than the projected flows necessary to support existing demands and proposed development within the Oldmans Township FWSA. The calculations were based on the proposed build-out projections and average daily flow values utilized within the regulations for each type of development. Based on the analysis presented above, sufficient wastewater treatment capacity is not currently available to accommodate the FWSA.



## **B. ANALYSIS AND SELECTION OF TREATMENT ALTERNATIVES**

The FWSA sanitary buildout analysis results above indicate that Oldmans Township) does not have sufficient wastewater treatment capacity to support future wastewater management needs projected by the plan. The wastewater treatment plant does have sufficient capacity to support existing flows from this municipality and marginal capacity for growth in the future. Due to the current economic climate, projected growth rate of the population and the anticipated short-term need for additional capacity, the municipality is not proposing new or expanded facilities at this time.

Oldmans Township will begin to review the potential process improvements and available treatment alternatives based on the direction of the governing body. It is anticipated that the Township would consider the Gloucester-Salem County Regional Alternative to meet future development needs.

The Salem County Pollution Control Financing Authority conducted a sanitary sewer study in an effort to conceptualize a regional sewage system plan for the County. The intent of the plan is to convey sanitary sewer to a newly constructed treatment facility to be located on the Dupont Chambers Works property in Carneys Point Township. The planning of this effort is ongoing and currently in the environmental assessment and preliminary engineering stage of development.

## **C. ANTIDEGRADATION ANALYSIS FOR NEW AND EXPANDED DOMESTIC TREATMENT WORKS**

This section is not applicable to this municipality as new or expanded wastewater facilities are not being proposed at this time.

# **VII. FUTURE WATER SUPPLY AVAILABILITY**

The purpose of the Depletive/Consumptive Water Use Analysis is to determine if there is sufficient water supply to serve the proposed development of the municipality. The analysis should compare the build out water supply need with the existing permitted water allocation. To complete the objective of this analysis, water allocation and drinking water within the existing sewer service area are compared. A build-out projection of the proposed sewer service area is then prepared to determine the additional water demands that may result. Finally, the demands are compared to the water allocation to verify whether sufficient water supply exists to serve the proposed development. The information provided was made available by NJAW or obtained from DEP online sources. The comparison of water allocation and projected build-out for the proposed sewer service area is summarized in the table below.

## **A. SUFFICIENCY OF WATER SUPPLY**

The Township of Oldmans 's current water allocation and existing average water demands are identified in Section 2 of this municipal chapter. Development of vacant land was the predominant factor in determining future water supply needs. Further, because external market and economic forces, such as interest rates, are a dominant factor

in determining the rate of construction, this analysis assesses the ability to provide potable water while protecting surface and ground water quality for the entire projected build out allowable by zoning.

Proposed daily demands required to support development within the future sewer service area utilized the same method of analysis as was performed for the sanitary sewer analysis. Future demands are generally evaluated and projected based on two sets of data; water demands projected within the existing sewer service area and proposed water demands for the expanded sewer service area. Future water demands within the existing sewer service area utilize a “parcel based” method for calculating the demand of infill development. Whereas, future water demands within the expanded sewer service area utilize a “zoning based” method for calculating the demand.

Water demand was evaluated based on current zoning of identified developable land. All projected flows were separated into residential, commercial, and industrial components. Total projected build-out flow for residential, commercial and industrial development was determined based on current zoning ordinances for the municipality within areas proposed as the future sewer service area. Environmental constraints with required buffers were also considered and indicated within the Mapping section of this report.

Proposed daily demands were evaluated and projected based on two sets of data. This included identified developable land within the existing sewer service area or infill development as well as proposed future development within the expanded sewer service area. The summaries for each of these sets of data are provided below.

### **1. Existing Sewer Service Area: Water Build Out Analysis**

The build-out of the existing sewer service area consisted of evaluating residential, commercial and industrial flow projections to the extent of development that could occur according to applicable zoning in developable areas. The projections are based on the potential for development of existing infill lots within areas zoned for each use and the most current land use regulations for the municipality. Generally, infill development of the existing sewer service area was prepared utilizing a “parcel based” build-out approach.

The total number of potential units within each residential, commercial and industrial district was then multiplied by the maximum percent building coverage specified in the zoning ordinances to reach a maximum building area at build-out. Residential flows were projected utilizing 400gpd / dwelling unit. Commercial and Industrial flow flows were projected assuming 0.125 gpd/sq.ft. of building area.

Table 7.A.1.1 summarizes the build-out flow projections for the existing sewer service area. In addition, the table reflects a breakdown of the acreage of land available for development (i.e., either undeveloped or underdeveloped, and not constrained due to environmentally sensitive areas) within each general zone of the municipality, based on the build-out analysis.

<b>Table 7.A.1.1: FWSA Water Supply Build-Out Projections</b>				
<b>Zone</b>	<b>Developable Acres</b>	<b>Potential Units</b>	<b>Average Daily Flow (GPD)</b>	<b>Total ADF (GPD)</b>
	<i>See Note (a)</i>	<i>See Note (b)</i>	<i>See Note (c)</i>	<i>See Note (d)</i>
AR	65.46	26	400	10,400
C	14.98	12	1,361	16,332
C/I	339.54	129	8,168	1,053,672
I	152.61	33	8,168	269,544
IPRA	20.14	0	5,445	0
P	96.80	0	0	0
R	484.21	424	400	169,600
VC	44.55	147	400	58,800
VR	115.64	372	400	148,800
<b>Total FWSA Projected Water Demand (GPD)</b>				<b>1,727,148</b>
<b>Total FWSA Projected Water Demand (MGD)</b>				<b>1.73</b>
<b>(mgm)</b>				<b>53.54</b>
<b>(mgy)</b>				<b>630.41</b>

The notes referenced below are indicated in the above table.

Notes:

- (a) “Developable Acres” represents the developable acreage per zone, within the sewer service area, excluding the environmentally constrained areas..
- (b) “Potential Units” represent the projected number of units that may be constructed within each zone within the FWSA.
- (c) Average Daily Flow has been calculated based on current NJDEP regulations.
- (d) TOTAL ADF represents the potential build-out within the FWSA. Individual parcels with less than the minimum lot size for each zone have not been assessed an average daily flow value.

## **2. Future Sewer Service Area: Water Build-out Analysis**

All proposed potable water demand for the Township, included as part of this WMP submission, are identified within section 5.E.2.1 above.

## **3. Analysis of Water Capacity to Meet Supply Needs**

This section of the wastewater management plan analyzes whether there is sufficient potable water treatment capacity to meet the needs of the Municipality based on the projections described above. This requires a comparison of the projected future demand to the existing capacity of the water supply system.

Table 7.A.3.1 provides a comparison of existing water allocation with existing and future flow demands within the municipality. The final column determines whether existing capacity is sufficient to support projected daily demands. Where capacities are inadequate, the issue is addressed in later sections. Details of the projections are included within the appendices and municipal chapters, which also address any needs for new or expanded treatment facility discharges.

**Table 7.A.3.1: Water Supply Capacity**

Water Company (Breakdown by Municipality)		Permit # / Program Interest ID	2010 Water Allocation / Avg. Demand*		Total Projected Water Demand		Remaining Water Allocation	
			(MGM)	(MGY)	(MGM)	(MGY)	(MGM)	(MGY)
New Jersey American Water (Logan System)		WAP100001/ 5003	60	392	N/A	N/A	(Alternative Source)	
<b>New Jersey American Water (Penns Grove System)</b>	<b>% of System Demand</b>	<b>WAP070002/ 5328</b>	70.4 / 37.95	753 / 455.41	178.02	2,105.07	-107.62	-1,352.07
Penns Grove	30.5	n/a	n/a	n/a	13.35	160.16	n/a	n/a
Oldmans	7	n/a	n/a	n/a	56.19	662.25	n/a	n/a
Carneys Point Township	62.5	n/a	n/a	n/a	108.48	1,282.66	n/a	n/a
<b>Note: Total Projected Water Demand reflects the Average Daily Demand in 2010 and additional demand associated with the FWSA build-out projections.</b>								

Based on the analysis presented above, the total monthly water allocation for the water purveyor (NJAW), supplying the Carneys Point Township, Oldmans Township and the Borough of Penns Grove water systems (70.4mgm/ 753mgY) is less than the water supply necessary to support existing demands and proposed development within the Oldmans Township FWSA. The projected calculations were based on the proposed build-out projections and average daily demand values utilized within the regulations for each type of development.

Oldmans Township will need to obtain additional water supply to support the FWSA in its entirety, as the population increases and development expands. Due to the current economic climate, projected growth rate of the population, and the anticipated short-term need for additional water supply, these municipalities are not seeking additional water supply at this time. As NJAW is only operating at 54% of their monthly allocation and approximately 60% of their annual diversion limit, the existing water capacity is sufficient to support existing demands and short-term development in the future, based on the current water utilization indicated above. However, it should be noted that NJAW system has additional water production capabilities and could supply more than the current allocation.

NJAW supplies water to Penns Grove Boro, Oldmans and Carneys Point Townships through its Penns Grove system, which receives water from its local sources, as permitted by the Department, and from the Tri-County pipeline. NJAW completed improvements in 2010 to interconnect their Penns Grove water system and Logan Township water system to allow for operational flexibility. The Logan system of NJAW draws from five (5) ground water wells, as noted in Table 2.H.1. Therefore, NJAW could supply more than the current allocation if necessary. This may require NJAW to make adjustments or infrastructure improvements to its water system in order to supply additional water to the area.

## **VIII. MAPPING REQUIREMENTS**

### **A. BASIS FOR SERVICE AREA DELINEATIONS**

The results of the required environmental analyses, summarized in Section III and the delineation of the sewer service areas identified in section IV above provide justification for the established service area delineations by demonstrating consistency with all applicable NJDEP requirements and criteria. The Salem WMP provides the most current planning efforts within the Sewer Service Area.

The Salem WMP proposed Sewer Service Area encompasses the future sewer service area necessary to implement the goals and objectives of the municipality. Those areas have been reduced to account for the buffer requirements regarding wetlands, the habitats of Threatened and Endangered Species and Riparian Corridors.

The proposed Oldmans Township WMP Sewer Service Area does not contain any areas located within the Pinelands. Areas located within the watershed of a Fresh Water One (FWI) stream, as classified in the Surface Water Quality Standards, and/or that have Class I-A ground water (Ground Water of Special Ecological Significance), as classified in the Ground Water Quality Standards, are identified as "Non-degradation water areas based on the Surface Water Quality Standards at NJ.A.C. 7:9B, and/or the Ground Water Quality Standards at NJ.A.C. 7:9-6." Areas so designated are included on Map No.3. Non-degradation water areas shall be maintained in their natural state (set aside for posterity) and are subject to restrictions.

### **B. MAPPING CLASSIFICATION**

The mapping for this municipal chapter of the WMP was created by using available data from NJDEP, online GIS data sets and has been prepared in accordance with NJDEP WMP guidelines. The maps included within this submission reflect the requirements for preparing a Water Quality Management Plan Amendment. Five (5) maps with specific features have been provided. Supplemental maps have been included to clarify information in an effort to clearly depict the required information. Each map has been provided with a complete and readily understandable legend. All 30" x 42" maps have been developed using New Jersey Department of Environmental Protection Geographic Information System digital data at a scale of 1" = 1 mile'. Additional 11" x 17" maps have been provided within each report for convenience. The maps are classified below:





**5. Map No.5A: Environmental Features (Refer to County Map Set)**

The map depicts environmental features indicated in N.J.A.C. 7:15-5.17 including major drainage basin boundaries (U.S.G.S. Hydrologic Unit Code (HUC) 11 Watersheds), CAFRA boundary and flood prone areas (FEMA). Map No.5A shows any New Jersey and Federal Wild and Scenic Rivers, FW 1-Trout Production or FW 2 Trout Production or farmlands preservation areas. Streams with FW2-NTC1/SE1 and FW2-NT/SE1 ranking are also shown.

**6. Map No.5B: Environmental Features (Refer to County Map Set)**

The map depicts environmental features indicated in N.J.A.C. 7:15-5.17 including wetlands, required wetlands buffers, public open space and recreation areas greater than or equal to (10) ten acres. Additional information including major drainage basin boundaries (U.S.G.S. hydrologic unit code (HUC) 11 watersheds), landscape project areas for grasslands, emergent and forested areas with rankings of 3, 4 and 5 are also shown. MapNo.5B shows any New Jersey and Federal Wild and Scenic Rivers, FW 1 Trout Production or FW 2 Trout Production or farmlands preservation areas.

**7. Map No.5C: Environmental Features (Refer to County Map Set)**

The map depicts environmental features indicated in N.J.A.C. 7:15-5.17 including the natural heritage priority sites for threatened and endangered species. Landscape Project Areas for Forested Wetlands and Bald Eagle Foraging are shown on this map. Map No.5C shows any New Jersey and Federal Wild and Scenic Rivers, FW 1-Trout Production or FW 2 Trout Production or Farmlands Preservation areas. C-1 water bodies are identified on the map as well. Sewer service areas are excluded from the 300ft buffers of C-1 water bodies and on all tributaries within the HUC 11 watershed.



95 Market Street  
Salem, New Jersey 08079  
(856) 759-4790  
(856) 385-7132 (Fax)  
[www.telseylegal.com](http://www.telseylegal.com)

Adam I. Telsey, Esquire  
[atelsey@telseylegal.com](mailto:atelsey@telseylegal.com)

February 19, 2025

Melinda Taylor, Clerk  
Township of Oldmans  
Town Hall  
Feed Road, Post Office Box 416  
Pedricktown, New Jersey 08067

**RE: Carneys Point Sewer Capacity**

Dear Ms. Taylor:

Please accept this letter as an update from my prior letter to you dated August 21, 2019. As explained in that prior letter, the Carneys Point Township Sewerage Authority did not have sewer capacity which it could provide to the Township of Oldmans. As of today's date, and for the foreseeable future, the Carneys Point Township Sewerage Authority still does not have sanitary sewer capacity that it can provide to Oldmans Township.

Should you have any questions, please feel free to contact me.

Very truly yours,

**TELSEY LAW, LLC**

*/s Adam I. Telsey*  
Adam I. Telsey

AIT:mcc

## Appendix E

### Rehabilitation Documentation



# Oldmans Township, Salem Township

## Owner-Occupied Rehabilitation Program Policy and Procedures Manual

May 2025

## Table of Contents

I.	PURPOSE.....	1
II.	PROGRAM ADMINISTRATION.....	1
III.	PROGRAM MARKETING AND OUTREACH .....	1
IV.	RESPONSIBILITIES OF THE TOWNSHIP .....	2
V.	ELIGIBILITY REQUIREMENTS.....	2
VI.	WAITING LIST MANAGEMENT .....	5
VII.	OWNER-OCCUPIED REHABILITATION PROGRAM WAITING LIST MANAGEMENT.....	5
VIII.	ELIGIBLE IMPROVEMENTS AND UPGRADES.....	6
1.	Priority I- Housing Systems .....	6
2.	Priority II- Architectural Barrier Removal .....	6
4.	Priority IV- Energy Efficiency Upgrades.....	7
5.	Priority V- Allowable, Additional Improvements .....	7
6.	Luxury Items .....	8
IX.	SELECTION AND CLEARANCE OF CONTRACTORS .....	8
X.	INSURANCE REQUIREMENTS FOR CONTRACTORS.....	10
XI.	CONTRACT DOCUMENTS AND INSPECTIONS .....	10
XIII.	NON-USE OF LEAD BASED PAINT .....	11
XIV.	GENERAL SPECIFICATIONS .....	12
XV.	CHANGE ORDERS.....	12
XVI.	PAYMENT OF CONTRACTORS.....	13
XVII.	WARRANTY .....	14
XVIII.	HOMEOWNER OBLIGATION.....	14
XIX.	PROCEDURES FOR FILING LIENS – PARTIALLY FORGIVABLE LOAN PROGRAM .....	14
XX.	SUBORDINATION .....	15
XXI.	MULTIPLE ASSISTANCE .....	15
XXII.	VARIANCES FROM POLICY.....	16
XXIII.	RIGHTS AND RESPONSIBILITIES OF THE HOMEOWNER.....	16
XXIV.	RIGHTS AND RESPONSIBILITIES OF CONTRACTORS.....	16
XXV.	SEQUENCE OF EVENTS SUMMARY.....	17
XXVI.	GRIEVANCE PROCEDURES.....	19
1.	Initial Determination to Deny Assistance.....	20
2.	Informal Reviews.....	20
3.	Notice of Decision.....	20
XXVII.	FRAUD AND PROGRAM ABUSE POLICY .....	21
•	Investigation.....	21
•	Enforcement.....	21



- Appeals .....21
- Repayment Schedule.....22
- Referral to HUD.....23

Appendix A .....24

- Commercial General Liability Insurance.....24
- Automobile Liability .....24
- Workers' Compensation and Employers' Liability .....24
- Other Insurance Provisions .....24

Appendix B.....25

II. General Requirements .....25

Appendix C.....28

Township of Oldmans.....28

HOMEOWNER ACKNOWLEDGEMENT .....29

## **I. PURPOSE**

The basic goals of the Oldmans Township Owner-Occupied Rehabilitation Program (“Program”) are:

- to bring the eligible homeowner’s dwelling into compliance with applicable locally adopted housing rehabilitation standards thereby reducing ongoing and future maintenance costs for the homeowner,
- to promote energy efficiency, and preserving affordable owner-occupied housing within the Township,
- to provide safe, decent housing for qualified lower income homeowners,
- to stimulate broad interest in neighborhood preservation,
- to partner with other programs for maximum impact to achieve these goals.

The Program will assist in providing decent, safe and sanitary housing for the citizens of the Township whose primary residence are in need of repair but lack the resources to make these repairs. With competing requests for the available federal assistance, it continues to be difficult to meet the needs of all citizens requiring help. As a result, the Township has established a subsidy limit up to \$25,000.00. This amount may be amended at the discretion of the Township based on funding availability and program policy requirements.

## **II. PROGRAM ADMINISTRATION**

The Program is funded by federal grant funds awarded to the Oldmans Township by the U.S. Department of Housing and Urban Development (HUD) and/or the U.S. Department of Agriculture (USDA) through the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program, and/or USDA Housing Preservation Grant (HPG).

Oldmans Township will administer the Program and is responsible for executing all program activities in compliance with the adopted policies, procedures, and applicable HUD regulations and is responsible for general oversight of the program, which include policy oversight and community relations issues associated with the program. All policies contained herein became effective on the date of adoption by the Oldmans Township Committee and apply to all current and future applicants.

Program funds are issued to contractors that perform specified repairs to the dwellings of eligible homeowners. The total amount of the repairs to a dwelling is secured to the property in the form of loan that is partially forgivable.

Except for special needs circumstances, in the event the rehabilitation exceeds this amount the Township may deny assistance to that homeowner. Additionally the Township can amend the scope of work to be undertaken. Each instance will be evaluated on a case-by-case basis.

## **III. PROGRAM MARKETING AND OUTREACH**

The Township will continually apply and implement a program marketing plan consistent with the following objectives:

- publicize the program to interested and potentially qualified clients,
- affirmatively market the program to minorities, persons with disabilities or other protected groups, and
- meet all State of New Jersey Fair Housing Requirements.

To insure that those citizens for whom the rehabilitation program is designed are aware of the assistance that is available the Township shall provide website information that summarizes the Program and the qualification criteria, periodic newsletters to show the progress of the Program, and interface with social service agencies that may be able to refer applicants conduct periodic meetings with interested groups.

#### **IV. RESPONSIBILITIES OF THE TOWNSHIP**

The Township's Clerk's Office is responsible for the following with regard to individual rehabilitation projects:

- A. application intake, eligibility review, verification of documentation, and loan approval determination,
- B. communicating with the homeowner and contractor regarding all administrative procedures that affect completion of the work on behalf of the homeowner,
- C. making reasonable accommodation with both parties regarding scheduling of inspections,
- D. documenting project files in compliance with all applicable HUD regulations,
- E. advising the homeowner regarding code requirements and housing rehabilitation standards which may affect the prioritizing and possible exclusion of work items,
- F. clarifying with the homeowner the eligibility of certain repairs,
- G. negotiating with the contractor regarding necessary change orders and providing approval for increased loan amount and/or extension of time,
- H. following up with contractors to ensure that necessary warranty work is completed as required during the warranty period(s),
- I. processing for the CFO so that payment to the contractor, upon receipt of required certificate of completion, final inspection, and Lien waiver, maybe made.

#### **V. ELIGIBILITY REQUIREMENTS**

Qualification of applicants is determined by Oldmans Township according to the following guidelines.

- A. Applicants for rehabilitation assistance must reside within the Township and must have owned the dwelling for at least three (3) years. Applicants must certify that the home is not being offered for sale and is their primary residence, as indicated per the Township/Municipal tax records.
- B. Applicants have gross household annual incomes at or below the applicable low-income limits established by (HUD) for the jurisdiction of Oldmans Township, New Jersey. The applicable low-income limits for determining program eligibility are published by HUD in

the federal register and updated annually. The low income limit shall mean the cumulative gross annual income of all the persons who occupy the dwelling unit to be rehabilitated that does not exceed 80 percent of the area median income, adjusted for family size, as established by HUD. The occupant household's gross annual income (for the purpose of determining program eligibility) shall be calculated according to the HUD regulations identified in the Code of Federal Regulations.

The calculation used to determine gross annual household income shall be consistent with HUD regulations and HUD's definition of income including the sources of income that are to be included or excluded from the calculation. Income of all household residents age 18 or over, unless they are a full-time student, will be included in the total annual gross household income determination.

Gross Annual Income, includes but is not limited to child support, Social Security, pensions, income from annuities, interest income on savings, etc. The annual income limits for the Township increase based on the number of persons in the household. Family size will be determined by the number of occupants living in the dwelling to be rehabilitated on a regular basis. Household residents under the age of 18 qualify as dependents of the head of household according to the HUD regulations identified in 24 CFR, Part 813.102 and are eligible for a dependent deduction. If an applicant is a full time student, the applicant will be required to provide their parents' income information so that HCD can determine if the applicant has been claimed as a dependent on their parents Federal Income Tax return.

- C. Applicants with physical disabilities who also meet the income eligibility requirements will be eligible for the removal of architectural barriers in their dwelling<sup>1</sup>. Improvements to the dwelling to remove architectural barriers that restrict mobility and accessibility may be authorized for owner occupied households that include elderly or physically disabled persons. The necessity for such improvements shall be supported by appropriate written notification from the applicant's physician, referring social service agency, or a similar outside authority familiar with the applicant's living situation. Receipt of social security disability or supplemental security income can also be used as verification of disability. Architectural barrier removal does not include portable items such as wheelchairs, walking-aids, vehicle lifts or other portable personal assistance items. ADA compliant wheelchair ramps to provide egress in and out of the home may be provided as a \$2,500 subsidy grant. This activity will not require a lien but is subject to all other eligibility criteria.
- D. For Applicants residing in a Mobile Home, the Township has established a subsidy limit at a maximum of \$5,000.00 for conditions where there is no heat<sup>2</sup> and/or running water. This activity will not require a lien but is subject to all other eligibility criteria.
- E. Verification or certification of income and assets will be required to determine program eligibility for all federally funded projects. The applicant and any other family member must execute a release of information form authorizing any depository or private source of income,

---

<sup>1</sup>- Mobile Homes are not eligible for general construction or ADA improvements.

<sup>2</sup>- Only during the winter season as defined by regulations governing when heat must be made available to tenants and when utility companies cannot issue shut off notices.

or any federal, state or local agency, to furnish or release to the Township of Oldmans such information as determined to be necessary.

Certification of income and assets means the applicant certifies that all information provided is true and correct. TOWNSHIP shall also require the family to submit documentation determined to be necessary if it is required for purposes of determining or auditing an applicant's eligibility to receive program assistance, for determining the applicant's or applicant's family members gross annual income. The use or disclosure of information obtained from an applicant or applicant's family member or from another source pursuant to this consent to release information form shall be limited to purposes directly connected with administration of the Program.

Assets shall include checking, savings, other bank accounts, stocks, bonds, CDs, trusts, real estate and cash held by any household member. Value of an asset shall be computed by the greater of either the current market income from the asset or the imputed value of the asset using the current passbook rate as determined by HUD.

- F. In order to be considered eligible for participation in the Program the subject property taxes and utility (water/sewer – where applicable) must be current. Property taxes must not be delinquent for any tax year unless the homeowner has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement.
- G. Standard property insurance must be maintained on the property (with coverage adequate to insure the Township's lien position). If a property is located in a flood plain, flood insurance must also be maintained (with coverage adequate to insure the Township's lien position).
- H. Land record searches will be obtained on all properties. Evidence of ownership of the property will be confirmed through the Township Tax Assessor's office online database.
- I. The Township will only accept a first or second lien position. In a case where the second lien is due to participation in a down payment assistance program to secure the initial purchase of the property, the Township may accept a third lien position.
- J. Households receiving reverse mortgages will be disqualified from receiving assistance through the Program.
- K. Homes whose market value as determined by the Oldmans Township Tax Assessor online database exceeds the current annual FHA 203(b) (single family, one-unit residence) limit for this area are excluded from this program.
- L. To determine the economic feasibility of the rehabilitation activity, the total amount spent on each home will not exceed 50 percent of the after rehabilitation value (ARV) of the home. After rehabilitation value will be determined by adding 25 percent of the rehabilitation loan amount (RG) to the Tax Assessor's market value (MV).  $[MV + (.25 \text{ of } RG)] = ARV * 50\% > RG$ .
- M. The homeowner must be current with his/her mortgage (the payments due and payable to the mortgage company may not be more than 30 days past due) in order to receive assistance under the Program.

## VI. WAITING LIST MANAGEMENT

The Program waiting list will be maintained in accordance with established policies and procedures. The Township will maintain a list of those applicants requesting homeowner rehabilitation who have completed their application and have provided all supporting documentation. A priority will be placed on an applicant who documents an “Emergency Repair”. At the present time, the Township defines an “Emergency repair” as a unit without heat or without running water.

Households will be placed on the list and will be selected in the order their applications are completed. Note, should a household not provide the necessary documentation within 10 days to be placed on the list, they will be allowed to re-apply at a later date. Updated information may be required to re-apply to the program.

Applicants will be selected from the waiting list in chronological order based on the date on their completed application (first in – first out) including any established preferences or priorities for providing assistance. When the application reaches the top of the waiting list, the Township will then process the applicant to verify the information provided and to confirm that the applicant meets all program requirements.

If an applicant meets the eligibility criteria, the dwelling unit will be inspected to determine the scope of work to be performed to bring the dwelling up to applicable code. If insufficient funding or other resources are available to assist the applicant at the time of application, the application will be placed on the Program waiting list.

The Township will schedule the property for a physical inspection to determine the scope of work required to bring the structure into compliance with program guidelines and objectives as outlined below in Section VII “Eligible Improvements”. If the property can be rehabilitated in accordance with the requirements of Section VII and the cost of the rehabilitation does not exceed the economic feasibility, program expenditure limits and other required regulatory requirements, the application will be approved based on available funding. *An applicant’s eligibility for assistance is based on the approved policies and procedures that are in effect at the time the applicant is selected for processing from the waiting list.*

It is the responsibility of the applicant to notify the Township of any changes in occupancy, household income, family composition, or any other information on the application. Notice of changed information must be submitted to the Township in writing within 30-days of the effective date of the change. Upon receipt of the notice of change, HCD will record and date stamp the changes received and place the notice of changed information in the applicant’s file. An applicant must meet all applicable eligibility requirements, as described in Section V of these policies, at the time their name is selected from the waiting list. If the homeowner cannot meet the requirements for eligibility, the homeowner will be informed of the determination of ineligibility. The homeowner may appeal to HCD determination as outlined in the appeal process - Section XXV of this policy manual.

## VII. OWNER-OCCUPIED REHABILITATION PROGRAM WAITING LIST MANAGEMENT

Eligible applicants applying for assistance under the Program will be ordered on the waiting list based on date and time of the receipt of their application and any other established preference. The Township will select applicants from the waiting list according to the date and time of receipt of application and



established preferences. The preferences applicable to the Program are identified below.

- **Preference 1** – Elderly homeowners whose total income does not exceed 80 percent of the area median income, adjusted for family size, as established by HUD.
- **Preference 2** – Disabled homeowners who are applying for housing rehabilitation assistance and the removal of architectural barriers whose total income does not exceed 80 percent of the area median income, adjusted for family size, as established by HUD.

Elderly is defined as 62 years of age or older. Disabled is defined as a person who has a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423), or is determined to have a physical, mental, or emotional impairment that is expected to be of long continued and indefinite duration. This disability must substantially impede his/her ability to live independently, and be of such a nature that such ability could be improved by more suitable housing conditions. A disabled person is also defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C 6001(5)).

## **VIII. ELIGIBLE IMPROVEMENTS AND UPGRADES**

A project may be determined infeasible if the cost to complete all needed repairs exceed the respective program limits outlined below. The process to calculate the cost will be determined either from estimates determined by the inspector and/or designee and/or from the Contractor's bid received on a project. The Program will provide up to \$25,000 for the repair of the dwelling of low- income owner-occupied households as permitted by program funding availability and policy. The Program will perform the general rehabilitation necessary to bring the structure into compliance with the local applicable written code, rehabilitation standards, and lead-based paint regulations. The Program addresses actual and incipient code violations, as well as necessary removal of architectural barriers, and weatherization, which may also be performed as part of any housing rehabilitation project authorized under this program. Weatherization improvements such as attic insulation, roofing, exterior doors, storm doors, and storm windows may be completed on all projects depending on the availability of repair funds.

Housing rehabilitation assistance may only be provided to cover the cost of rehabilitation necessary to bring the property in compliance with locally adopted, written property standards, and applicable federal, state and local codes. All conditions described in Priorities I thru IV must be addressed before Priority V (allowable, additional improvements) can be considered. Physical improvements to the dwelling will be made based on priority and funding availability and must fall in one of the following priority categories in order to be eligible.

### **1. Priority I- Housing Systems**

- Electrical wiring, fixtures or systems
- Heating, venting and air-conditioning<sup>3</sup>
- Roofs
- Plumbing
- Removal or Replacement of attached building components (deck, porch) that were specifically cited as a code violation and hazard by the local code official
- Health and safety items

### **2. Priority II- Architectural Barrier Removal**

- Widening of doors

- Installation of ramps
- Roll-in showers (as space permits)
- Grab bars and permanently attached physical-assist apparatus
- Air-conditioning (if medically necessary)
- Hearing-impaired smoke detection equipment
- Specialty plumbing fixtures
- Lowering of light switches
- Other permanently attached fixtures determined to be of assistance in removing architectural barriers

3. **Priority III- Incipient Code Violations** (*Deficiencies or conditions of deterioration, if left unattended, would continue to deteriorate into or contribute to a code violation.*)

- Replacement of building components (roofs, water heaters, HVAC systems) that have exceeded their life expectancy or, due to condition, is expected to fail within a two-year period from the date of inspection.
- The current edition of the HUD Residential Rehabilitation Inspection Guide, Appendix C entitled “Life Expectancy of Housing Components” shall be used as the standard to determine the life expectancy of building components for the purpose of eligibility for replacement.
- Unsafe & unused fireplaces with a deteriorated or unsafe chimney should be disassembled to below the roof line and sealed (roof will be patched over area that chimney penetrated the roof). Unsafe & used fireplaces will be repaired or an alternate exhaust system will be installed.

4. **Priority IV- Energy Efficiency Upgrades**

- weather stripping/caulking
- insulation
- storm doors
- windows and doors
- heating, venting and air-conditioning
- energy efficient water heater

5. **Priority V- Allowable, Additional Improvements**

Under no circumstance will an allowable, additional improvement take priority over a Priority I, II, III or IV repair. Allowable, additional improvements will be eliminated by a change order to remedy unforeseen code violations, emergency, mechanical, foundation, or weatherization repairs found after the initial inspection or ongoing inspections.

Allowable additional improvements include the following:

- interior and exterior paint
- refinishing or replacement of kitchen or bathroom cabinets
- countertop replacement
- tile flooring (will be used in high-traffic areas if cost-effective)
- wood flooring – if comparable in cost to vinyl or carpet
- refrigerator, stove and dishwasher

- door replacement and trim improvements

## 6. **Luxury Items**

The following (not all inclusive) are considered luxury items and are **NOT** allowed:

- flooring such as tile, hard wood floors, etc. that exceeds the comparable cost of vinyl or carpet
- hot tubs, whirlpool baths, steam showers
- patios or decks
- room additions
- installation of fireplaces
- window treatments other than standard grade mini-blinds
- carports or garages
- items above standard grade or in excess of approved specifications

## **IX. SELECTION AND CLEARANCE OF CONTRACTORS**

Selection of a contractor in the Program is the responsibility of the homeowner, with guidance from the Township. The Township will maintain a list of pre-qualified contractors to provide services and will allow homeowners to bring in contractors to qualify for submission of proposals. The value of the contract amount will be determined by the lowest responsible quote received by the proposals submitted from the eligible contractors. The Township will conduct a Request for Quotes from contractors, with offering, awards and contract execution coordinated by Oldmans. Contractors may not be identified on HUD's or New Jersey's list of debarred or suspended contractors and must be registered, insured (and licensed, if required) with the State of New Jersey. Rehabilitation work will be undertaken only through a written contract between the contractor and the homeowner receiving the assistance.

Oldmans will obtain a minimum of three (3) quotes on the planned repairs, based on the preliminary work write-up prepared by the Township's inspector and/or designee. The quotes are to be returned to the Program Administrator on the specific due date. If less than three bids/quotes are received, a second attempt will be required and if only two quotes are received, one quote maybe selected. If all quotes received are 20% higher than the Township construction official estimate, a second offering cycle will also be required. The total amount of the quote and the date and time the quote was received will be recorded. The submitted quotes to determine which quotes are eligible. Quotes are considered eligible when the following conditions are met:

- A. The submitting contractor currently meets all program requirements and is not debarred or suspended from participating in the Program.
- B. The contractor is not on probation or debarred.
- C. The quote is received by HCD prior to the submission deadline date and time stated in the offering documents.
- D. The total amount of the quote is within 20% of the total cost estimate listed on the initial work write-up prepared by the HCD Inspector and/or Designee and does not exceed the maximum dollar limits of the program.

If none of the quotes solicited is within 20% of the preliminary work write-up initially or by negotiation, the quote must be rejected and other quotes must be obtained that are within the specified cost limits. Any quotes received outside of the estimated range of housing rehabilitation will be rejected and the homeowner will be notified in writing. Contracts will not be awarded until HCD has completed its contractor certification and the contractor has met the requirements. This exclusion may be appealed by the homeowner as stated in Section XXV- Grievance Procedures.

Contractors new to the Program will only be able to have one contract in progress at any time until they have successfully completed at least three (3) contracts. Successful completion of three contracts removes this restriction and the contractor may have more than one rehabilitation project at any given time.

When an acceptable, eligible quote has been secured and the general contractor is selected by the homeowner, the contractor is notified that they must furnish the Township with a current Certificate of Insurance, a completed Contractor Information Form, and a statement concerning the non-use of lead-based paint. Information will be verified for accuracy and completeness of the forms submitted by the contractor. If all submitted documents are in order and the contractor is not on the list of parties debarred or suspended from participation in federal procurement or non-procurement programs or if the contractor is not suspended or debarred from participation in the Program, the Township will proceed with the preparation of contract documents.

General contractors are responsible to obtain all permits that are required to perform the authorized scope of work. The contractor must comply with all the regulations governing the issuance and inspections of any work permitted. Furthermore, all general contractors and subcontractors must possess trade or other professional licenses as may be required by the State of New Jersey in order to perform such functions that are subject to licensing. Each contract between a contractor and a homeowner shall contain language denying participation to contractors who fail to perform in a satisfactory manner.

Contractors proven to provide poor service or quality of workmanship and/or who exhibit behavior that is not professional in the opinion of the Township will be debarred or suspended from any future contracts with the Program.

This section sets forth requirements and procedures with respect to contractor qualifications and construction contracts for housing rehabilitation assistance.

- A. **CONTRACTOR** – The term “Contractor” applies to the firm submitting quotes on work or receiving an award. The firm must hold a current registration with the New Jersey Division of Consumer Affairs as a General Contractor and license, as required, for specific classification (plumbing, electrical, lead based paint).
- B. **INSURANCE** – Before commencing work, the contractor shall submit to HCD a current certificate of insurance as evidence of the coverage required.
  1. The contractor shall carry or require that there be carried Workers’ Compensation Insurance for all employees and those of subcontractor engaged in work at the site in accordance with New Jersey State Workers’ Compensation Laws.
  2. The contractor shall carry or require that there be carried General Liability Insurance. The Township must be named as an additional insured under the general contractor’s protective coverage. General contractors or agents participating in the Program must furnish the homeowner with a copy to the Township, written notice

of any change and/or cancellation of the required coverage no less than thirty (30) days before any such change is effective. Coverage must be verified by the HCD staff before contract execution.

- C. **FORM OF CONTRACT** – The contract documents to be executed by the homeowner and the contractor will be prepared by HCD staff after a preconstruction conference is held. At this preconstruction conference, the homeowner and contractor will agree to work condition, use of facilities and other construction related matters. Such documents must be fully executed prior to beginning the work. These contract documents shall state a specific date for commencement of the work (no earlier than the three (3) day rescission period), a schedule for anticipated completion of work, and a copy of the final work write-up. An executed copy of the contract shall be furnished to the homeowner, contractor, and HCD.

## **X. INSURANCE REQUIREMENTS FOR CONTRACTORS**

To execute a contract in connection with the Program, a contractor must submit to the Township a *Certificate(s) of Insurance on ACCORD Form 25* from a satisfactory insurer(s) stating that such general contractor carries the types and amounts of coverage required for this program, as stated in Appendix A, *Contractor Insurance Requirements*.

## **XI. CONTRACT DOCUMENTS AND INSPECTIONS**

- A. Contract documents to be executed by the homeowner and the general contractor for the specific rehabilitation work to be performed will be prepared by the Township after a preconstruction conference is held. The homeowner and the Township will simultaneously execute a separate loan agreement for payment and additional mortgage documents.
- B. At the preconstruction conference, the homeowner and contractor will agree to work condition, use of facilities and other construction related matters. Such documents must be fully executed prior to beginning the rehabilitation work.
- C. These contract documents shall state a specific date for commencement of the work (a minimum of 3 days after the Right of Rescission period pursuant to the Homeowner's loan agreement with the Township), a schedule for anticipated completion of work, and a copy of the contractor's quote of the rehabilitation final work write-up.
- D. An executed copy of the Rehabilitation Contract shall be furnished to the homeowner, contractor, and to be retained by the Township.
- E. Inspections will be made by the Township and/or its Designee while the work is in progress. The required plumbing, electrical, structural and mechanical inspections will be conducted by local code officials where permits are required while the work is in progress. The contractor (or relevant sub-contractor) will schedule all required inspections with client during repairs.
- F. Upon completion of the work, a final inspection will be conducted by the construction official and/or its Designee and the homeowner. The general contractor's presence is recommended, but not required, at such final inspection.
- G. The construction official and/or its Designee will not process an invoice without an executed *Certificate of Completion and Lien Waiver* until all work has been completed and approved by the homeowner. In a situation where the homeowner refuses to approve the completed



work, a written complaint must be filed with the Township by the homeowner within ten (10) business days (see Section XXV). Failure to file a written complaint within the specified timeframe shall indicate acceptance of the work and the contractor will be paid in full.

- H. Under no circumstances shall any outside agreement exist between the homeowner, contractor, or any other agency during the construction period regarding repair/remodel/modification of the home. Failure to comply with this provision will result in the termination of the contract and require immediate payback of the funds expended by the Township of Oldmans. If the contractor performing other repairs/remodels/modifications is the same as selected by the homeowner for the Owner-Occupied Rehabilitation Program, then all funding due that contractor will be forfeited and the forgivable loan will be adjusted or cancelled, as required.

## **XII. TIME FOR COMPLETION**

- A. Upon execution of the contract documents by the homeowner and the contractor, a *Notice to Proceed* ("Notice") will be issued by the Township.
- B. If a lien is to be filed, work may begin immediately after the expiration of the three day right of rescission period. Once the notice has been received by the contractor, work authorized by a forgivable loan award must begin within ten (10) calendar days of the specified commencement date and be completed within sixty (60) calendar days of receipt of the Notice, unless otherwise approved by the homeowner and accepted by the Township (including the allotment for time for special ordering of materials).
- C. A copy of the final work write-up will be provided to the homeowner. Prior to beginning work, the contractor must have a copy of the final work write-up signed by the homeowner and approved by the Township.
- D. The contractor must begin work within ten (10) calendar days from the date noted on the Notice. Any contractor who does not begin or complete the work within the time specified in the contract may be assessed liquidated damages of \$100.00 per day for each day they run over the established completion date unless there is an approved change order for extension of time signed by the Homeowner and the Township. This penalty shall be deducted from the final payment.
- E. Contractors must notify both the homeowner and the Township to request an extension of the completion date and state the reasons for such extension.
- F. If approved by the Township, based on an inspection of ongoing work, the newly approved completion date must be approved by the homeowner and documented in the file.
- G. Contractors will not be granted more than two time extensions, unless extraordinary circumstances (as determined by the Township) justify a further request. The Township Program Director or his/her designee is not required to approve a time extension change order. Any extension of time will be documented by a change order. (See section XIV.)

## **XIII. NON-USE OF LEAD BASED PAINT**

The use of lead based paint is strictly prohibited in the Program. Notification concerning the dangers of lead-based paint will be distributed to the occupants of all homes to be rehabilitated, and signed



documentation of the receipt of such information will be made part of the official case file. Each rehabilitation contract shall contain language prohibiting the use of lead-based paint. All exposed surfaces (walls, ceilings, floors, etc.) in all homes built prior to 1978 to be rehabilitated will be inspected for the presence of defective surfaces with previously applied lead-based paint. All defective surfaces (cracking, peeling, etc.) will be addressed during the rehabilitation process. Should lead-based paint be found, coverage, removal, or other corrective actions taken in accordance with HUD Regulation 24 CFR, Part 35 will be conducted in a manner that avoids further diffusion of lead particles throughout the residence. A further description of relevant procedures is contained in Appendix B of this document.

#### **XIV. GENERAL SPECIFICATIONS**

Contractors performing work for the Program will adhere to the "General Specifications for Owner-Occupied Rehabilitation Programs" contained in Appendix E of this manual. Contractors are also expected to be familiar with, and to comply with, all locally adopted, written property codes, written rehabilitation standards, bid specifications, and ordinances currently adopted. In the event a conflict is determined to exist between the General Specifications for the Owner-Occupied Rehabilitation Program and locally adopted codes, the stricter of the two shall apply.

#### **XV. CHANGE ORDERS**

- A. No modification(s) of the contract shall be made except by written instrument, signed by the contractor, approved by the homeowner, and accepted by the Township.
- B. Change orders may be authorized for necessary work items that were initially overlooked or which could not be determined until the course of the rehabilitation work had already begun or to add an approved Priority V item if all required Priority I thru IV items have been repaired and adequate funding is available.
- C. Change orders must be requested and approved prior to commencement of the proposed changed work in order for such costs to be reimbursable. Change orders may be authorized as follows:
  1. To add work necessary to correct incipient items (Priority III) that have been found defective after work is in progress, but were not anticipated at the time the contract was executed.
  2. To correct Priority I defects that must meet local Code requirements.
  3. To make required repairs and additions to the contract that would exceed program limits, an item of lesser priority on the work write-up may be deleted. Deletion of items shall be at the previous line item quote amounts, unless said items have no specific costs, in which case they shall be deleted by negotiation at prevailing rates. The Township is authorized to negotiate contract changes on behalf of the homeowner. With the exception of work required to meet local codes, written rehabilitation standards, health and safety requirements, and weatherization or mechanical deficiencies, the homeowner may determine the priority of the items on the work write-up and may approve all decisions regarding substitution of a higher priority work item for a lower priority work item.
  4. To add an approved Priority V item if all required Priority I – IV items have been

corrected and there is adequate funding available.

5. To add an approved Priority II item if all Priority I items have been corrected and the homeowner would like to deduct a Priority III thru V item in order to improve accessibility of the home.
6. Total change orders on any job may not exceed twenty percent (20%) of the total dollar amount of the original contract, unless approved by the Township Committee. Such an approval may be granted only on the basis of the essential nature of the additional work to be performed and following verification that substitutions for lower priority work items were insufficient to reduce the overall contract cost to the funding limit.
7. Additional time for the completion of the scope of work is subject to the approval of all parties. Requests for additional time will be submitted by the contractor with approval from the homeowner and the Township.

## **XVI. PAYMENT OF CONTRACTORS**

- A. Upon completion of the work, a final inspection, by the homeowner, the contractor, and the construction official, will be conducted. Thereafter the contractor will submit an invoice for final payment less retainage to the Township of Oldmans. The Township will process the invoice for payment within the next Township's monthly bill list approval and will issue a check to the contractor for the full amount of the contract (plus change orders), less 10% retainage, which will be withheld for twenty (20) days. After twenty (20) days, the contractor will then submit an invoice for final payment of retainage accompanied by a *Lien Waiver Affidavit* and *Release of Lien* signed by all subcontractors involved in the project. Should the homeowner fail to approve the final inspection and refuse to sign this final certification, payment may be withheld from the contractor. However, should the homeowner fail to file a written complaint within the required ten (10) calendar day time period, specifying the work items and/or the nature of the work in question with an explanation why it was not approved, the Township may not unreasonably withhold payment for work performed by contractors, where the work was performed appropriately and according to industry standards with the approval of the construction official.
- B. Partial draws will be documented and inspected as a final inspection on major systems that have been repaired. Local code officials will be required to approve completed work if it includes any "permit required" work prior to payment. Before the contractor submits the invoice for final payment less retainage, a lien release will be required for the partial draw previously paid and final payment less retainage.

## **XVII. WARRANTY**

Upon completion of the work, the contractor shall furnish a limited one (1) year warranty on labor and materials. In instances where the living environment, lack of maintenance or damage covered by homeowners insurance during the rehabilitation of the home, the warranty coverage will not apply.

The contractor is to also provide a copy of his one-year limited warranty along with copies of all manufacturers' warranties (i.e. appliance warranties, paint warranty and carpet warranty) to the homeowner so they can access warranty assistance after the contractor's one-year limited warranty (which covers labor and materials) has expired. The homeowner is responsible to notify the contractor of any warranty claims during the contractor's one-year limited warranty.

## **XVIII. HOMEOWNER OBLIGATION**

Upon acceptance of the proposed construction work and execution of the proper paper work, the Township will place a lien against the property for the full value of the Township's contribution to the project, as stated in the contract, executed by all parties. The Township exercises its right to enforce an extended period of affordability beyond the ten-year affordability period. The lien will be in full force permanently as a "forever" lien after the work is completed.

The present restriction on affordability is as follows:

- A. The amount of the loan shall be paid in full during the first five (5) years of the affordability period, from the date of the recorded lien, should the property no longer remain the homeowner's principal residence, or the homeowner sell, transfer, refinance, obtain a reverse mortgage or utilize any vehicle to obtain cash against the equity of the property. The amount of the loan shall be partially forgiven 20% of the principal annually for each completed year following the initial 5 year affordability period until year 9 when 20% of the principal will remain as a "forever lien" on the property. Should the property no longer be the principal residence, change ownership through sale or transfer or refinance or utilize any vehicle to obtain cash against the equity of the property during that period of time, the applicant will reimburse the Township, from the sale's proceeds for that prorated portion of the loan that has not yet been forgiven, at zero percent interest. During the term of the forgivable loan, the homeowner agrees to notify the Township, in writing, within ten (10) calendar days of a change in the ownership or foreclosure of the property.
- B. Should the property change ownership through inheritance, the heirs will be responsible for clearing the lien by making reimbursement to the Township of the prorated portion, at zero percent interest, over the remainder of the affordability period. Such reimbursement procedures shall be administered at the direction of the Township.

## **XIX. PROCEDURES FOR FILING LIENS – PARTIALLY FORGIVABLE LOAN PROGRAM**

Upon approval of the Home Rehabilitation Construction Agreement between the homeowner and contractor, the homeowner shall execute an Owner Occupied Rehabilitation Program Homeowner Loan Agreement, Mortgage and Promissory Note with the Township of Oldmans for the amount of the agreed improvements. Any change order modifying the value of the contract will require the execution of a new loan agreement, mortgage and promissory note. The Mortgage shall be due and payable according to its terms upon conditions set forth in Section XVII of the property secured by such Mortgage during the affordability period following the contract date for the program. The obligation due the Township

shall not bear interest and will be partially forgiven by the Township on an annual basis by 20% of the principal for each completed year following completion of the initial five-year affordability period until 20% of the principal remains at which time there will be no more forgiveness.

In the event the homeowner transfers title to the property secured with a deed during the affordability period following completion of the improvements, the homeowner shall pay to the Township the remaining balance of the deed. Otherwise, the Township shall have the option to demand full payment of the remaining balance of such deed. Upon failure by the homeowner to pay such remaining balance, the Township may proceed to exercise its right of foreclosure under the deed to secure debt.

Transfer of title to a rehabilitated property secured by a deed to secure debt and contract under this program as described in the paragraph above, to the heirs, devisees, or assigns of an homeowner shall at the option of the Township be deemed to be a sale to a third party purchaser without the prior written consent of the Township and subject to all rights of note acceleration and foreclosure retained in the deed to secure debt securing the lien in the favor of the Township. Heirs, devisees, or assignees of the homeowner eligible for low or moderate income housing assistance from the federally funded programs through the Township may request a waiver of the Township's rights and powers of acceleration and foreclosure under the deed to secure debt, but the Township has no obligation to grant any such waiver.

## **XX. SUBORDINATION**

Upon verification of program income eligibility standards, the Township may consider the postponement of a Mortgage for the refinancing of a first mortgage at a lower interest rate and no additional cash out. An exception may be made for refinancing to cover medical costs or necessary emergency home improvements. Verification such as work estimates and medical documentation will be required.

Prior to subordination, a copy of the new mortgage application will be required to verify that the income level of the homeowner has not increased to such a level that they no longer meet the eligibility requirements of the original loan. All requests will be reviewed by the Program Director and approved by the Township Administrator or designee prior to subordination.

## **XXI. MULTIPLE ASSISTANCE**

The Township recognizes that there may be instances when a homeowner who has already been assisted through the Program may be requesting additional assistance. It is the policy of the Township that repeat beneficiaries residing at the original home, cannot ask for assistance within five (5) years of the completion of the initial rehabilitation and total value of their current lien(s) cannot exceed \$15,000.00. Total lien value held against the property cannot exceed \$25,000.

It is recognized that there may be instances when emergency assistance is needed. If this is the case, the applicant will be allowed to complete an application for emergency repairs which would be limited only to no heat in winter (Sept-Mar) or no running water.

## **XXII. VARIANCES FROM POLICY**

Variances from these policies and procedures shall only be granted by the Township, under extraordinary and extenuating circumstance and, by recommendation of the Program Director and approval of the Township Administrator or designee. The Township will consider a variance to the existing policies that document specific hardship on the part of the homeowner or other parties involved in a project, and that granting a variance will further the goals, purposes, and effectiveness of the Program and will conform to all applicable HUD guidelines.

## **XXIII. RIGHTS AND RESPONSIBILITIES OF THE HOMEOWNER**

The homeowner is responsible for submitting true and accurate household financial and other information required to document eligibility for the program. The homeowner is also responsible for notifying the Township, in writing, of any change in household composition or income within ten (10) calendar days of such change. Failure to provide updated information shall result in exclusion from the program.

The homeowner is also responsible for:

- a) selection of the contractor (in accordance with Township and program procurement requirements),
- b) making reasonable accommodation to the schedules of the contractor and the Township for the purposes of inspections, completion of work, etc.,
- c) participating in identifying the priority of all work items essential for bringing the structure to local code and within program parameters and policy,
- d) reviewing, executing, and understanding the contract, work write-up, and associated documents,
- e) notifying the contractor and HCD of any concerns during the construction period and during the warranty period,
- f) participating in the final inspection and executing the final inspection report,
- g) repaying the prorated share of the project cost that may not yet be forgiven under the terms of the lien, if the property is sold or no longer remains the principal residence during the affordability period after completion of work,
- h) providing proper maintenance to all installed items/components to help minimize premature failure or damage, and
- i) maintaining required insurance for the duration of the lien.

## **XXIV. RIGHTS AND RESPONSIBILITIES OF CONTRACTORS**

The contractor is responsible for completing the work as identified in the contract and the accepted and approved quote for the work write-up within the agreed-upon timeframe and for the following:

- a) communicating with the homeowner and HCD regarding status of the work during the construction period,
- b) adhering to warranty agreements and performing warranted work within the warranty period(s),
- c) notifying HCD in writing, including justification(s) of the need for any change orders and



- negotiating with HCD regarding the cost of such change orders and time required to complete them,
- d) completing any items identified at the final inspection prior to execution of the Certificate of Completion,
- e) cleaning the property of work material after conclusion of work,
- f) ensuring quality of workmanship and materials in compliance with the contract,
- g) making reasonable accommodation with HCD and the homeowner regarding scheduling of inspections and completion of the work,
- h) performing all work in an acceptable and professional manner, and
- i) completing all required Priority I items prior to starting any Priority II, III, IV or V items as identified in Section VII. Eligible Improvements and Upgrades.

## **XXV. SEQUENCE OF EVENTS SUMMARY**

The following is a general outline of the normal sequence of events for rehabilitation assistance.

- a. A homeowner completes and submits an application and other pertinent information and supporting documentation to HCD.
- b. Upon receipt, the application will be reviewed for completeness and it will be date stamped.
- c. The homeowner is required to furnish documentation that verifies the household income and other property related information for eligibility purposes.
- d. The HCD shall maintain the Program waiting list in chronological order and by established preferences.
- e. As funding and other resources are available applicants shall be selected from the waiting list in accordance with established selection policies, notify the applicant that they have been selected and process the application for assistance.
- f. When the homeowner's application is selected from the waiting list, the HCD will verify that all the requirements for eligibility have been met.
- g. The HCD shall verify income in accordance with HUD regulations and established policy and procedures.
- h. The HCD must determine whether the property proposed for rehabilitation is located within any identified flood plain. If the property is located in a flood plain, the homeowner must provide evidence of flood insurance to HCD.
- i. The HCD Inspector and/or Designee will conduct an inspection of the property to be rehabilitated and prepares a work write-up and cost estimate.
- j. Properties that are over 50 years old may be determined to be historic and are protected in accordance with the National Historic Preservation Act of 1966. The HCD shall complete a site-specific review form for each project and submit to the NJ State Historic Preservation Office (SHPO). SHPO has 30 days to determine if the scope of the work does not include items that are on the "No Effect" checklist before construction can begin.
- k. For properties constructed prior to 1978, the inspection will include a lead risk assessment performed by a qualified lead risk assessor procured by the Township.
- l. The work write-up and cost estimate will include all items necessary to bring the structure into compliance with the HCD written property standards and to applicable code; including items recommended as necessary to preserve the property's structural integrity,



weatherization and quality of living conditions, and any other items requested by the homeowner which are eligible under the HCD's written housing rehabilitation standards and HUD guidelines and within funding availability restrictions.

- m. The HCD shall also determine if any of the violations noted on the work write up may be eligible for repair under the homeowner's insurance policy and, if so, will notify the homeowner's insurance agent to determine eligibility. If the violation is eligible for repair under the homeowner's insurance policy, the HCD will notify the agent of the violation and the HCD will remove the item from the work write up.
- n. Eligible repairs must be classified under one of the priorities identified in Section VII. If the property can be rehabilitated in accordance with all current Program policies, the HCD will then inform the homeowner that they are eligible to receive assistance.
- o. The HCD shall create the necessary bid documents and issue notice of the bid documents in accordance with established competitive procurement requirements for a period not to exceed 10 calendar days. The HCD reserves the right to amend the bid documents or extend the bid deadline.
- p. The HCD requires the receipt of a minimum of three proposals (quotes) from general contractors on the planned repairs. Any amendment to the bid document and/or extension of the bid deadline must be approved by the HCD Program Director or his/her designee.
- q. The HCD will conduct the initial review of the quotes for qualification. Once qualified, the quotes are reviewed with the homeowner. Any qualified proposal may be selected by the homeowner, as long as the price quoted is within the range of twenty (20) percent above or below the cost estimate prepared by the HCD Inspector and/or designee. The HCD will verify the quote amount of the lowest responsible proposer. The homeowner will be informed if the cost is determined to be "reasonable". The homeowner shall sign off on the selection of the lowest proposer by executing a *Proposal Acceptance Form*.
- r. The HCD encourages the acceptance of the lowest proposer, but should the timeline included in the quote package indicate a delay in the start of the rehabilitation, it may authorize the next highest responsible quote.
- s. If the homeowner decides on a contractor with a higher quote, the homeowner will be responsible for the difference in the proposal costs with the funds being held in escrow or negotiate with the selected contractor to the amount of the lowest responsible proposer.
- t. The general contractor selected by the homeowner, is notified by the HCD that they are selected to perform the work.
- u. The contractor must submit or have on file with the HCD a valid Certificate of Insurance, a completed Contractor Information Form, and a statement concerning the non-use of lead-based paint and associated certifications and licenses for specialty work where applicable.
- v. The HCD reviews the above referenced documents to insure that all program requirements have been met.
- w. The HCD prepares the contract documents for execution by the homeowner and the general contractor as well as the loan documents between the Homeowner and the Township. In addition to these documents, the homeowner is required to read and review the program's policy manual including grievance procedures and signs a statement indicating acceptance and understanding of these terms and conditions.
- x. A *Notice to Proceed* is issued to the contractor, no sooner than the three day Right of Rescission period has passed, and after a preconstruction conference is held. The

preconstruction conference may be held at the residence to be rehabilitated or the HCD office, and the homeowner, contractor and the HCD staff attend the preconstruction conference.

- y. At this preconstruction conference, the homeowner and contractor will agree to working conditions, use of facilities and other construction related matters, and they establish a start date for the construction.
- z. The homeowner will be required to initial each item on the final work write up and cost proposal to indicate their understanding and acknowledgement of the type of work that will be performed at their residence.
- aa. Required plumbing, electrical, and mechanical inspections are conducted by the local code official while the work is in progress.
- bb. When the contractor notifies the HCD that the work is completed, a final inspection is conducted by the homeowner and the HCD Inspector and/or Designee.
- cc. The *Final Inspection Report* is executed by the homeowner, contractor, and the HCD, after all work is completed as specified by the contract.
- dd. The contractor submits an invoice for final payment less retainage to the Township and provides a warranty on labor and materials to the homeowner.
- ee. Payment less retainage is made to the contractor by the Township.
- ff. The HCD will file a lien on the subject property in accordance with the contract and Section XVIII, Procedure for Filing Liens in this policy.
- gg. Twenty (20) calendar days after the final closeout, the contractor submits the invoice for final payment with retainage and signed lien waivers for final payment (of retainage), provided that neither the homeowner nor the HCD has received notice of unpaid bills from suppliers or subcontractors. Copies of the contract documents are given to the contractor with the final payment.

## **XXVI. GRIEVANCE PROCEDURES**

### **A. Appeal Process**

Should the homeowners or contractors find themselves in a dispute they should communicate their concerns to the HCD. If these concerns cannot be negotiated or resolved successfully between the parties, either side may request an appeal with the Department Director or his/her designee who will serve as the Arbiter.

Such an appeal shall be in writing, identifying the basis for the specific complaint, the section in the contract or policies/procedures, which are perceived to be violated, and the sequence of events affecting the project to date. All relevant supporting documentation (photographs, copies of dated Certificate of Inspection, insurance information, etc.) should be attached.

The Department Director or his/her designee will respond to this complaint in writing within ten (10) business days of receiving the complainant's letter. The Department Director or his/her designee is authorized to make reasonable accommodation, as necessary, to resolve complaints within HUD guidelines and in accordance with the program goals of efficiency and effectiveness.

Upon approval of the homeowner's application for assistance, the applicant shall be given the opportunity to read the above "Rights and Responsibilities" and "Grievance Procedures" sections of this document and shall sign a statement indicating that he/she understands them. This statement shall be

maintained in the official case file.

The HCD may at any time terminate or deny assistance for a homeowner for any of the following reasons:

- If any member of the household fails to sign and submit consent forms for obtaining information, such as income verifications and other release of information forms.
- If any member of the household violates any of the policies and procedures under this program.
- If the homeowner or family member commits fraud in connection with this program.
- If the homeowner or family member has engaged in or threatened abusive or violent behavior towards Township and/or its Designees' personnel.
- If the house becomes damaged prior to the beginning of or during repairs due to homeowner neglect, weather damage covered by homeowner's insurance, or other similar circumstances.

### **1. Initial Determination to Deny Assistance**

The HCD may receive information regarding grounds for denial of assistance through file review, third parties or other reliable sources. Upon receiving such information, the HCD will send a letter to the homeowner indicating the grounds for denial of program assistance or a request to provide further necessary information. This letter will include the basis for denial of assistance and inform them that they have ten (10) calendar days to contact the HCD to request an informal review or to supply the requested information. If the homeowner provides acceptable information to the HCD, the information will be placed into the homeowner's file with an explanation of the findings and the matter is closed.

If the homeowner does not respond to the letter, or furnish the requested information, then the HCD will send a final letter informing the homeowner of the closeout of the file.

### **2. Informal Reviews**

When a homeowner requests an informal review, the following procedures will be followed:

1. The HCD will schedule and conduct an informal review at the earliest convenient time after receipt of the homeowner's written request. The HCD shall advise the homeowner of the appointed time in writing.
2. The Department Director may conduct the hearing or assign the request for an informal review to a designee serving as the hearing officer. The hearing officer may not be the person who made the decision under review, or a subordinate of this person.
3. The homeowner must be given the opportunity to present written or oral objection to the standing determination.
4. The person conducting the informal review will receive and review the homeowner's objections and will base their decision on:
  - a) Whether or not applicable policy was or would be violated
  - b) The validity of the evidence presented by the homeowner and the HCD
  - c) Unusual or extenuating circumstances that may warrant an exception to program policies

### **3. Notice of Decision**

Upon conclusion of the informal review, the hearing officer shall have ten (10) calendar days in which to issue a Notice of Decision. The Notice of Decision shall be in writing and shall include the following:

- a) Introduction – The introduction will generally include the name of the homeowner, date, time and place of the review; name of the hearing officer; name of the Owner Occupied Rehabilitation Program Representative; and the name of the homeowner’s representative, if any.
- b) Background – The background will provide a statement of the policy violated
- c) Summary of Facts – A brief summary of relevant facts presented by both parties, documents presented and the statements given by other interested parties.
- d) Final Decision – The decision of the HCD. **In no circumstance will the decision of the hearing officer violate any HUD regulatory requirement.**

## XXVII. FRAUD AND PROGRAM ABUSE POLICY

The HCD considers the Owner-Occupied Rehabilitation Program as a valuable resource for needy residents. The Owner-Occupied Rehabilitation Program is not an entitlement program to homeowner recipients. The HCD shall ensure that the administration and operation of the program is in compliance with HUD regulations and this policy and that all necessary and appropriate actions are taken to safeguard the public trust.

The following procedures will be followed only after the homeowner has been allowed to exercise their rights as outlined in section XXV.

- **Investigation**

1. Upon receipt of an allegation, the HCD will determine if the allegation is a program violation and what type of documentation or verification is needed to confirm or deny the allegation.
2. The HCD will gather the necessary documentation and prepare a case file that will include the allegation, policy violated, supporting documentation and any other pertinent information including conducting an interview of the applicant/recipient, as needed.
3. If the evidence does not support the allegation, the report will represent that the investigation is closed with all appropriate documentation and reports placed in the applicant’s/recipient’s file indicating the outcome of the investigation.

- **Enforcement**

1. If the applicant cannot present evidence that would clear them from the allegation or, the applicant does not respond to the HCD requests for information within ten (10) calendar days from the date of the request, the HCD will send the applicant a letter stating that their application for assistance has been denied. The letter shall include the reason for denial and the policy violated and a statement that describes their right to appeal. The applicant shall have ten calendar days to respond to the letter. Failure to respond to the letter within ten calendar days will forfeit the applicant’s right to appeal.

- **Appeals**

**In either type of enforcement action, a letter shall be mailed notifying the applicant/recipient of their right to appeal in cases of denial of assistance or repayment of grant funds.**

1. Fraud and/or Program Abuse – Preliminary Application Phase, No Funds Expended
  - a. The applicant will be provided the right of appeal.

- b. If the applicant is found to be guilty of fraud and/or program abuse and the decision of the hearing officer is to deny the homeowner's request for assistance, the homeowner's application will be voided and the homeowner will be ineligible for any future assistance under the Owner-Occupied Rehabilitation Program.
- 2. Fraud and/or Program Abuse – Construction, Work in Progress Phase – Funds Obligated and/or Expended
  - a. Any work that has not been started and is not required to complete work that is already in progress will be halted. The contractor and homeowner will be notified by the HCD, in writing, which items are authorized to be completed and which items will not be authorized for completion.
  - b. The HCD will determine the amount of funds expended and will authorize payment to the contractor once the HCD Inspector and/or Designee has inspected the work and determined the work meets rehabilitation standards.
  - c. The homeowner's presence shall be requested at the time of final inspection *but is not required*.
  - d. If the homeowner refuses to allow access to the property, the contractor shall be required to submit a statement of work completed affidavit indicating the amount of payment requested based on items identified on the accepted proposal that have been completed.
  - e. The homeowner will receive a statement indicating amount owed and will be required to pay that amount within 30 days from receipt of notice unless there was an alternative payment schedule established, and agreed upon by the HCD, during the informal review process as outlined in section XXV.
  - f. The work completed shall carry no warranty.

### 3. Fraud and/or Program Abuse – Work Completed and Lien Filed

In circumstances where the homeowner has received rehabilitation assistance and a lien has already been filed, the homeowner will be required to repay the amount of the lien in accordance with the following schedule unless an alternative payment schedule was established and agreed upon by the HCD during the informal review process as outlined in section XXV.

#### • Repayment Schedule

- 1. \$1,000 or less – recipient must repay the entire amount within 30 calendar days of notification
- 2. \$1,001 - \$5,000 – recipient must pay one-third down within 30 calendar days of notification and the balance must be paid in twelve equal monthly payments starting sixty calendar days after notification
- 3. \$5,001 - \$10,000 – recipient must pay one-third down within 30 calendar days of notification and the balance must be paid in twenty-four equal monthly payments starting sixty calendar days after notification
- 4. \$10,001 - \$15,000 – recipient must pay one-third down within 30 calendar days of notification and the balance must be paid in thirty-six equal monthly payments starting sixty calendar days after notification
- 5. \$15,001 - \$25,000 – recipient must pay one-third down within 30 calendar days of notification

and the balance must be paid in forty-eight equal monthly payments starting sixty calendar days after notification

If a recipient fails to make two consecutive payments, the Township may notify the recipient, in writing, of its intent to exercise its right to foreclose on the property. Notification must be by United States Postal Service Certified Mail, Return Receipt Requested, and must give the recipient the opportunity to appeal the decision to the HCD or his/her designee. The recipient shall be given ten (10) calendar days to file a written response. Failure of the recipient to respond in writing within ten (10) calendar days will forfeit the recipient's rights of appeal.

- **Referral to HUD**

The Township may, at its discretion, refer a case involving fraud and/or program abuse to HUD for review and possible criminal prosecution.



**Appendix A****CONTRACTOR INSURANCE REQUIREMENTS FOR OWNER-OCCUPIED REHABILITATION PROGRAM**

Prior to executing contracts in connection with the Oldmans Township Owner-Occupied Rehabilitation Program, a contractor must submit to the homeowner and the Township's Department of Housing and Community Development (HCD) a certificate(s) of insurance from a satisfactory insurer(s) stating that it carries the following types of coverage in the minimum amounts stated.

- **Commercial General Liability Insurance**

The policy will allow for \$500,000 per occurrence for bodily injury, death, personal injury, and property damage. The policy shall include coverage for premises/operations, products and completed operations, and contractual liability. This policy shall have no standard coverage removed by exclusions.

- **Automobile Liability**

Coverage shall be provided for bodily injury and property damage for owned, hired, and non- owned vehicles with minimum limits in the amount required by State of New Jersey law.

- **Workers' Compensation and Employers' Liability**

Statutory Workers' Compensation coverage with Employers' Liability policy has limits of \$100,000 for each accident, \$500,000 policy limit for disease, when applicable.

- **Other Insurance Provisions**

1. The Township of Oldmans shall be named as an additional insured on the general liability policy. These policies shall contain the appropriate additional insured endorsements signed by a person authorized by that insurer to bind coverage on its behalf.
2. Workers' Compensation and Employers' Liability Coverage: The insurer shall agree to waive all rights of subrogation against the Township of Oldmans, its officials, employees, and volunteers for losses arising from the activities under this contract.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits, except after 30 days' prior written notice has been provided to the Township.
4. Certificates of Insurance shall be completed on the ACCORD form only and shall be forwarded to the HCD.

## **Appendix B**

### **LEAD HAZARD REDUCTION ACTIVITIES FOR HUD FUNDED HOUSING PROGRAMS**

#### **I. Purpose**

The purpose of lead hazard reduction activities in the Oldmans Township Owner Occupied Rehabilitation Program is to reduce or eliminate lead hazards in pre-1978 federally assisted housing units. The goals of lead reduction activities are:

- To reduce lead poisoning or the risk of lead poisoning to children and families;
- To educate families about lead poisoning prevention; and
- To provide intervention through the reduction of lead-based paint hazards in pre- 1978 units that contain lead-based paint hazards in the City's federally assisted housing programs.

#### **II. General Requirements**

Notification - The Township and all sub-recipients must follow the lead notification procedures outlined below when dealing with pre-1978 housing units, regardless of the type of activity funded. Proper documentation that all required notification was given must be maintained in all project files. The notices are as follows:

- Lead Information Pamphlet and Lead Disclosure Form - occupants of the unit will receive the HUD/EPA pamphlet "Protect Your Family from Lead in Your Home" and the Lead Disclosure Form. If the unit is known to be a pre-1978 unit that contains lead-based paint or lead-based paint hazards, owners must notify tenants and prospective buyers if the owner at any time uses the unit for rental property or decides to sell the property.
- Notice of Hazard Evaluation or the Presumption of Lead-Based Paint or Hazards - unit occupants will receive notification of the results of any lead hazard evaluation or the presumption of lead-based paint or hazards within fifteen (15) days after the results has been determined.
- Notice of Reduction Activities - unit occupants will receive notification of the results of hazard reduction activities. The type of reduction activity will vary according to the level of assistance provided.
- Safe Methods of Paint Removal

The HCD will document that contractors have been informed of the permissible methods of paint removal and document safe work practices are followed. Safe work methods are required on interior surfaces larger than two square feet and on exterior surfaces larger than 20 square feet. At the very least, the program will fund the repair of any painted surface that is disturbed during our work. We may stabilize deteriorated paint, which includes the correction of moisture leaks or other obvious causes of paint deterioration. We will have clearance examination conducted following most work activities to ensure that the work has

been completed; that dust, paint chips and other debris have been satisfactorily cleaned up; and that dust lead hazards are not left behind.

The program will conduct a risk assessment to identify lead-based paint hazards, and as necessary, perform interim control measures to eliminate any hazards that are identified or, in lieu of a risk assessment, perform standard treatments throughout a unit. The type and amount of Federal assistance and rehabilitation hard costs for the unit will determine the level of lead hazard reduction we will complete.

To comply with the regulations controlling lead hazards in housing receiving federal assistance, the Township will ensure the regulations implementing sections 1012 and 1013 of the Residential Lead-Based Hazard reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992 applies to all homes constructed prior to 1978 are fully adhered to.

The following requirements apply to federally funded rehabilitation:

A. Rehabilitation where cost is between \$1,000 and \$5,000:

- Provision of the “Protect Your Family From Lead in your Home” Pamphlet
- Paint testing (where disturbed)
- Repair surfaces disturbed during rehabilitation
- Use Safe Work Practices
- Clearance of the Work Site
- Appropriate notices

B. Rehabilitation where cost is between \$5,000 and \$25,000:

- Provision of the “Protect Your Family From Lead in your Home” Pamphlet
- Paint testing and Risk Assessment
- Interim Controls
- Use Safe Work Practices
- Clearance of the Unit
- Appropriate notices

C. Rehabilitation where costs exceed \$25,000:

- Provision of the “Protect Your Family From Lead in your Home” Pamphlet
- Paint testing and Risk Assessment
- Abatement (Interim Controls exterior)
- Use Safe Work Practices
- Clearance of the Unit
- Appropriate notices

The Township Lead Contractor will inspect the unit to perform a “Risk Assessment” and lead- based paint testing with an XRF machine. Those elements which require remediation will be incorporated into the work write-up/cost estimate by the HCD Inspector and/or designee.

The owner will be provided a copy of the results of this test and the required pamphlet on lead-based paint hazards.

In terms of occupant protection and temporary relocation during lead hazard reduction, if the job requires lead hazard reduction, appropriate actions typically will be taken to protect occupants from lead-based paint hazards if the unit will not be vacant during the rehabilitation project. In those cases, occupants may not enter the worksite during the lead hazard reduction activities. Re-entry is permitted only after such activities are completed and the unit has passed a clearance examination.

Occupants of the unit do not have to be relocated if:

- rehabilitation work will not disturb lead-based paint or create lead-contaminated dust,
- hazard reduction activities can be completed within one 8-hour daytime period and the worksite is contained to prevent safety, health, or environmental hazards,
- exterior-only work is being performed where the windows, doors, ventilation intakes, and other openings near the worksite are sealed during hazard reduction activities and cleaned afterward, allowing for a lead-free entry to be maintained,
- hazard reduction activities will be completed within 5 calendar days and the work area is sealed, the area within 10 feet of the containment area is cleaned each day, occupants have safe access to sleeping areas, bathroom and kitchen facilities; and occupants are not permitted into the worksites until after clearance has been achieved.

HUD has advised that relocation of elderly occupants is not typically required, so long as complete disclosure of the nature of the work is provided and informed consent of the elderly occupant(s) is obtained before commencement of the work.

If occupied units are to undergo more extensive lead hazard abatement activities, the occupant(s) must be temporarily relocated. Most often, furniture and occupant belongings can be covered and sealed with protective plastic sheeting, although storage of major furniture and removal of all small furnishings during the hazardous materials reduction work may sometimes be necessary. Owners are responsible for carefully packing all breakables; removing all clothing from closets, etc. During the abatement work, only workers trained in lead hazard reduction may enter the work site. This means that neither owners nor occupants are permitted to return to the work site during the day or at night. If an owner requires special needs to re-enter the site, this will be arranged by the Oldmans Township staff.

Only when the unit has been cleaned to the federally-mandated standards and passed a clearance examination is it safe and permissible to return. The Township's staff will notify the homeowner with an Authorization for Re-Occupancy. Sometimes the jobs are completed in stages, with the lead hazard reduction work occurring first and the normal renovation work following. In these cases interim dust lead clearance must be obtained prior to re-occupancy by the owners or occupants and other non-lead related rehabilitation workers. Final lead dust clearance must be repeated following the rehabilitation work to verify that the residence is free of lead hazards. The Township's program staff can provide more information.

**Appendix C****CUSTOMER SATISFACTION SURVEY**

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Date Project was Completed: \_\_\_\_\_

Please rate the following items on a scale of 1 to 5, with **(1) being dissatisfied** with services received, and **(5) being very satisfied** with housing rehabilitation services received.

- Quality of Construction Workmanship 1 2 3 4 5
- Quality of Materials Used in Construction 1 2 3 4 5
- Professionalism / Courtesy of General Contractor 1 2 3 4 5
- Professionalism / Courtesy of Sub-Contractors 1 2 3 4 5
- Professionalism / Assistance Provided by Office of Housing and Community Development (HCD) 1 2 3 4 5
- Length of Time Contractor took to Complete Work 1 2 3 4 5
- Overall Satisfaction with Housing Rehab Program 1 2 3 4 5

Please describe any specific concerns or recommendations regarding the program below. Use the back of the page as necessary. Thank you for your time and input.

---



---



---



---

**Township of Oldmans**

Affordable Housing  
 Owner-Occupied Rehabilitation Program  
 40 Freed Road  
 Pedricktown, NJ 08067

**Appendix D**

**HOMEOWNER ACKNOWLEDGEMENT**

Date: \_\_\_\_\_

I, \_\_\_\_\_, (full name) owner of the property located

at \_\_\_\_\_, (address), as applicant for house rehabilitation assistance from the Township of Oldmans' Owner-Occupied Rehabilitation Program, have read the Township's Policies and Procedures regarding this program and have reviewed the sections entitled "Rights and Responsibilities" and "Grievance Procedures." I understand and acknowledge these policies and agree to adhere to these procedures in resolving any differences or disputes which may arise during the course of and upon completion of rehabilitation work on the above-listed property.

Signed:

\_\_\_\_\_

\_\_\_\_\_

Homeowner(s)



## **Appendix F**

### **155 Perkintown Road Group Home**

#### **Group Home License Group Home Survey**

License No. GH2917



**State of New Jersey**  
**Department of Human Services**  
**Office of Licensing**

**LICENSE**

**ALLIES, INC.**

1262 Whitehorse-Hamilton Square Road  
Bldg A, Suite 101  
Hamilton Sq, NJ 08690

*Having met the requirements of the New Jersey Statute, P.L. 1977, c. 448, and the regulations of this Department, is hereby licensed as a*

**Group Home Developmental Disability**

**for 4 individuals**

at

155 PERKINTOWN ROAD  
PEDRICKTOWN, NJ 08098

This License is effective from 12/23/2021 to 03/31/2022

*Sarah M. Adelman*  
Sarah M. Adelman, Acting Commissioner, Department of Human Services

**Department of Community Affairs  
Council on Affordable Housing  
Supportive and Special Needs Housing Survey**

Municipality: Oldmans Twp. County: Salem  
 Sponsor: Allies Inc. Developer: \_\_\_\_\_  
 Block: 35 Lot: 19.01 Street Address: 155 Perkin town Rd.  
 Facility Name: Perkin town Rd. Pedricktown, NJ

<b>Section 1: Type of Facility:</b> <input checked="" type="checkbox"/> Licensed Group Home <input type="checkbox"/> Transitional facility for the homeless (not eligible for credit as affordable housing after June 2, 2008) <input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS) <input type="checkbox"/> Permanent supportive housing <input type="checkbox"/> Supportive shared housing <input type="checkbox"/> Other - Please Specify: _____	<b>Section 2: Sources and amount of funding committed to the project:</b> <input type="checkbox"/> Capital Application Funding Unit \$ _____ <input type="checkbox"/> HMFA Special Needs Housing Trust \$ _____ <input type="checkbox"/> Balanced Housing - Amount \$ _____ <input type="checkbox"/> HUD - Amount \$ _____ Program _____ <input type="checkbox"/> Federal Home Loan Bank - Amount \$ _____ <input type="checkbox"/> Farmers Home Administration - Amount \$ _____ <input type="checkbox"/> Development fees - Amount \$ _____ <input checked="" type="checkbox"/> Bank financing - Amount \$ <u>395,000.00</u> <input type="checkbox"/> Other - Amount \$ _____ Program _____ <input type="checkbox"/> For proposed projects, please submit a pro forma <input type="checkbox"/> Municipal resolution to commit funding, if applicable <input type="checkbox"/> Award letter/financing commitment (proposed new construction projects only)
<b>Section 3: For all facilities other than permanent supportive housing:</b> Total # of bedrooms reserved for: Very low-income clients/households _____ Low-income clients/households _____ Moderate-income clients/households _____ Market-income clients/households _____	<b>Section 4: For permanent supportive housing:</b> Total # of units <u>4</u> , including: <u>4</u> # of very low-income units _____ # of low-income units _____ # of moderate-income units _____ # of market-income units _____
<b>Section 5:</b> Length of Controls: _____ years Effective Date of Controls: _____ Expiration Date of Controls: _____ Average Length of Stay: _____ months (transitional facilities only)	<b>Section 6:</b> <input type="checkbox"/> CO Date: _____ For licensed facilities, indicate licensing agency: <input checked="" type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF <input type="checkbox"/> Other _____ Initial License Date: <u>12/31/2021</u> Current License Date: <u>12/18/2024</u>
<b>Section 7:</b> Has the project received project-based rental assistance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No; Length of commitment: _____ years Other operating subsidy sources: _____; Length of commitment: _____ years Is the subsidy renewable? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Section 8: The following verification is attached:</b> <input type="checkbox"/> Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, UHAC deed restriction, etc.) <input type="checkbox"/> Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)	
<b>Section 9:</b> Residents 18 yrs or older? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Population Served (describe): <u>Developmental Disabilities</u> Age-restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No Accessible (in accordance with NJ Barrier Free Subcode)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Section 10: Affirmative Marketing Strategy (check all that apply):</b> <input checked="" type="checkbox"/> DDD/DMHS/DHSS waiting list <input type="checkbox"/> Affirmative Marketing Plan approved by the Council's executive Director	

**CERTIFICATIONS**

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: \_\_\_\_\_

Project Administrator

Date

Certified by: \_\_\_\_\_

Municipal Housing Liaison

Date



## **Appendix G**

### **Habitat for Humanity: 54 S. Railroad Avenue**

#### **Development Agreement Deed Restriction**



## Oldmans Township Clerk

**From:** USDA Rural Development New Jersey <ruraldevelopment@public.govdelivery.com>  
**Sent:** Monday, June 24, 2019 3:17 PM  
**To:** oldmansclerk@comcast.net  
**Subject:** NJ Success Story



### USDA Joins Forces with Habitat for Humanity

Knowing each other most of their lives, Brett and Rachael Holmes got married and started a family soon after. A few years later, they realized their family was outgrowing the small 2 bedroom trailer they had been renting in Salem County since 2014. Rachael knew it was time to spring into action and get going on their plan.

Her first idea was to see what options might be available for first-time home-buyers in Salem County. During her research, Rachael discovered that Habitat for Humanity in Salem County, was taking applications for a new house to be build in Pedricktown, New Jersey. This would be a win win for the Holmes family. This opportunity would bring the Holmes closer to family that live in this small quiet town with a good school system.



USDA Rural Development and Habitat for Humanity Salem County celebrates with new homeowners Brett and Rachael Holmes and family.

Habitat accepted Holmes family into the program sometime in early 2018. Rachael and Brett started working and contributing a total of 500 "sweat equity" hours, along with their family and friends, to complete the construction of the home.

With previous partnerships on other projects, Habitat knew USDA Rural Development was the agency to secure a low-interest mortgage for the Holmes family through the USDA Direct Single Family Housing Program.

Once the Holmes purchased the home, the school district allowed Brett and Rachael's son Brett to start school in September 2018, even though their house was not finished. The Holmes family, including their newest addition, 2 week old son Collin, moved into their new home on March 8, 2019.

USDA Rural Development partnered with Habitat for Humanity in Salem County to provide affordable housing for this young family. These opportunities promotes prosperity, which in turn creates thriving communities and improves the quality of life in rural areas.

If you are looking to become a homeowner, please visit our website at [www.rd.usda.gov/nj](http://www.rd.usda.gov/nj).

USDA is an equal opportunity provider, employer, and lender



## Oldmans Township Clerk

---

**From:** SueAnn Leighty <saleighty@comcast.net>  
**Sent:** Monday, August 24, 2020 9:20 AM  
**To:** Oldmans Township Clerk  
**Subject:** Re: Oldmans - 54 S Railroad Ave.

These are the USDA guidelines for the loan that the Holmes family received from the USDA. The Ability to Pay is both a USDA/Habitat requirement and our other two requirements are willingness to partner (aka 225 each adult sweat equity) and strongest need.

### SECTION 502 -- AN OVERVIEW

**Program Loans-** The Section 502 direct loan program is intended to provide very low- and low-income people with the opportunity to acquire, build, rehabilitate, improve or relocate dwellings in rural areas. The standard term for a Section 502 loan is 33 years. However, loans may be made for a shorter term, and in certain cases for 38 years. Each loan is made at a note rate established by the Agency under § 501 of the Housing Act of 1949, as amended, and outlined in RD Instruction 440.1. Payment subsidies are available to some borrowers to reduce monthly loan

payments. In summary, to be eligible for a Section 502 loan, applicants must:

- Have an adjusted income that is at or below the applicable low-income limit at loan approval, (except for assumed loans or loans to purchase Real Estate Owned (REO) property).
- Have an adjusted income that is at or below the applicable moderate-income limit for assumed loans or loans to purchase an REO property.
- Be unable to obtain sufficient credit from another source;
- Agree to personally occupy the dwelling;
- Meet citizenship or eligible noncitizen requirements;
- Have the legal capacity to incur a loan obligation and not be suspended or debarred from participation in Federal programs; and
- Demonstrate both the willingness and ability to repay the loan.



**AGREEMENT TO COMMIT MOUNT LAUREL TRUST FUNDS  
PURSUANT TO P.L. 2008. c46 BY AND BETWEEN OLDMANS  
TOWNSHIP AND SALEM COUNTY HABITAT FOR HUMANITY.**

THIS AGREEMENT ("Agreement") is made this 26<sup>th</sup> day of June, 2017  
by and between

Oldmans Township, a municipal corporation of the State of New Jersey, County of Salem, having an address at 40 Freed Road, Pedricktown, NJ 08067 (hereinafter referred to as "Township");

And

The Salem County Habitat For Humanity, a non-profit corporation of the State of New Jersey having an address at 416 S. Pennsville Auburn Road Carneys Point, NJ 08069 (hereinafter referred to as Habitat for Humanity). Collectively, the Township and Habitat for Humanity shall be referred to as the "Parties."

**RECITALS**

**WHEREAS**, according to the Department of Community Affairs, approximately \$174 million rests in local trust funds that must be committed or risk forfeiture to the State; and

**WHEREAS**, the risk of trust fund forfeiture is a result of P.L. 2008. c46, or "the Roberts Bill," signed by Governor Corzine on July 17, 2008, and

**WHEREAS**, the Roberts Bill established a four-year window for fees to be "committed for expenditure;" and

**WHEREAS**, as of December 31, 2016 the Township has a balance of \$211,502.68 in its affordable housing trust fund; and

**WHEREAS**, given the importance of the "committed for expenditure" standard, the Roberts Bill directed the Council on Affordable Housing (COAH) to promulgate regulations to define this standard shortly after the legislation was enacted; and

**WHEREAS**, however, COAH has not defined the standard with adopted (or even proposed) standards; and

**WHEREAS**, in the absence of such defined standards, Oldmans Township has decided that the most prudent course is for the Township to enter into fully-executed agreements with affordable housing developers to satisfy the "commit for expenditure" standard; and

WHEREAS, Habitat for Humanity is a non-profit developer of affordable housing that has already provided affordable housing in the Township and is ready, willing, and able to provide additional affordable housing in the Township; and

WHEREAS, Habitat for Humanity owns a house/parcel on 54 S. Railroad Ave., Pedricktown, New Jersey Lot 3 Block 9 ("Property") which was included in the Township's 2008 Housing Element and Fair Share Plan as a site for a municipally sponsored affordable housing development; and

WHEREAS, the Township has determined that, as part of its overall Mount Laurel planning efforts and to avoid having any trust fund monies forfeited to the State Affordable Housing Trust Fund pursuant to the Roberts Bill, the Township will provide Habitat for Humanity with a financial subsidy **not to exceed \$25,000.00** from its affordable housing trust fund to enable Habitat For Humanity to construct an affordable unit for the actual construction of affordable housing.

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties hereto agree as follows:

#### OBLIGATIONS OF THE TOWNSHIP

1. Subject to planning board approval of the 1-unit affordable housing project at the Property, spending plan approval by the Court and COAH, and the continued availability of the funds in the Township's affordable housing trust fund (i.e., trust fund monies have not been seized or forfeited), the Township shall provide from its affordable housing trust fund a financial subsidy in the amount **not to exceed \$25,000.00** to Habitat for Humanity as follows:

#### OBLIGATIONS OF HABITAT FOR HUMANITY

1. Habitat for Humanity shall utilize **an amount not to exceed \$25,000** for the purpose of removing the existing structure and preparing the site for construction of a new affordable housing unit.
2. Habitat for Humanity shall ensure that the unit constructed on the Property shall comply with all COAH regulations and the Uniform Housing and Affordability (UHAC) regulations of the New Jersey Housing and Mortgage Finance Agency, which shall result in two (2) creditworthy units to be used by the Township in addressing its current and/or future Mount Laurel affordable housing obligations. The Township shall have no financial obligations under this provision to assure the creditworthiness of the units, and all associated expenses for same shall be solely borne by Habitat for Humanity.



3. Habitat for Humanity shall be required to obtain all local land use approvals and any other applicable government approvals for its affordable housing development. The Township shall cooperate with Habitat for Humanity with respect to same.
4. Habitat for Humanity shall be responsible for all utility and infrastructure costs associated with this development project, if any.
5. Habitat for Humanity shall act as the administrative agent with respect to the Property. Habitat for Humanity agrees to comply with all applicable regulations of the New Jersey Council on Affordable Housing (COAH) and with the New Jersey Department of Community Affairs' Uniform Housing Affordability Controls (UHAC) regulations, except as otherwise provided herein. Habitat For Humanity is obligated to maintain the creditworthiness of the unit. Towards that end, Habitat for Humanity will cooperate with the Township and its Administrative Agent, Community Grants, Planning and Housing, its successor and/or assigns, to comply with applicable COAH and UHAC regulations.
6. Habitat for Humanity acknowledges the obligation of the Township and its Administrative Agent to fill out COAH's monitoring forms as to all affordable housing units in the Township on a yearly basis. Habitat for Humanity agrees to cooperate with the Township and Administrative Agent and provide all relevant documentation in its possession with respect to the units constructed pursuant to this Agreement to the Township and its Administrative Agent so that the Administrative Agent may monitor and report on the creditworthiness of the units to COAH. In the event Habitat for Humanity fails to cooperate with the Township or Administrative Agent, the Township shall be entitled to pursue any remedy available in equity and at law.

### REPRESENTATIONS

The Parties hereby make the following representations and covenants, as such relates to the other:

- (A) They have the legal capacity to enter into this Agreement and perform each of its obligations herein set forth.
- (B) Each party is a duly organized and validly existing legal entity under the laws of the State of New Jersey and necessary resolutions have been duly adopted, authorizing the execution and delivery of this Agreement and authorizing and directing the persons executing this Agreement to do so for and on their behalf.
- (C) To the best of its knowledge, there is no action, proceeding or investigation now pending, nor any basis therefore, known or believed to exist which (i) questions the validity of this Agreement or any action or act taken or to be taken by them pursuant to this Agreement; or (ii) is likely to result in a material adverse change in such party's authority, property, assets, liabilities or condition which will materially and substantially