

Housing Element and Fair Share Plan

Fourth Round Plan

Township of Pennsville
Salem County, New Jersey

May 29, 2025
Adopted June 9, 2025

Clarke Caton Hintz



RESOLUTION NO. 25-09
TOWNSHIP OF PENNSVILLE PLANNING BOARD
RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF PENNSVILLE,
SALEM COUNTY, NEW JERSEY MEMORIALIZING THE ADOPTION OF THE
FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN OF THE
TOWNSHIP OF PENNSVILLE MASTER PLAN

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (the “MLUL”) authorizes the Municipal Planning Board to adopt and subsequently amend the municipalities Master Plan by following the procedures set forth in the MLUL; and,

WHEREAS, one component of the Master Plan is the Housing Element and Fair Share Plan (“HEFSP”); and,

WHEREAS, the Planning Board of the Township of Pennsville, Salem County, previously adopted a Third Round HEFSP on July 10, 2017 pursuant to the MLUL, the Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-310 and the court-upheld Council on Affordable Housing (“COAH”) regulations at N.J.A.C. 5:93 et seq.; and,

WHEREAS, pursuant to the NJ Supreme Court’s March 10, 2015 decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”) and pursuant to N.J.S.A. 52:27D-313, the Township filed a Third Round Declaratory Judgment (“DJ”) action seeking to have its Third Round HEFSP found constitutionally compliant; and,

WHEREAS, the New Jersey Superior Court approved the Township’s 2017 Third Round HEFSP and issued a Third Round Judgment of Compliance and Repose (“JOR”), dated December 19, 2017, which provided Pennsville Township Third Round immunity from builder remedy lawsuits through July 1, 2025; and,

WHEREAS, in March of 2024, an amendment to the New Jersey’s Fair Housing Act, P.L. 2024,c2 was signed into law (hereafter the “Amended FHA”); and,

WHEREAS, in addition to the Amended FHA, the Acting Administrative Director of the Administrative Office of the Courts issued Directive #14-24, dated December 13, 2024 (“Administrative Directive #14-24”); and,

WHEREAS, the Amended FHA and the Administrative Directive #14-24 establishes a procedure by which municipalities can secure approval of a HEFSP; and,

WHEREAS, that procedure contemplated that the municipality would adopt a resolution by January 31, 2025 committing to a Fourth Round fair share number and filing a declaratory relief action within forty-eight (48) hours of adoption of said resolution, and then file a Fourth Round HEFSP by June 30, 2025; and,

WHEREAS, the Township adopted a resolution by January 31, 2025 committing to a fair share number and the Township thereafter filed a declaratory relief action with the Affordable Housing Dispute Resolution Program ("Program") and in Superior Court of New Jersey within forty-eight (48) hours from adoption of resolution, seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (July 1, 2025 to June 30, 2035); and,

WHEREAS, no objections were filed challenging the Township's calculations provided for in the Township's adopted January 16, 2025 binding resolution; and,

WHEREAS, pursuant to Administrative Directive #14-24, "After the entry of an order determining present and prospective fair share obligations, the municipality must file with the Program its adopted housing element and fair share plan ... within 48 hours after adoption or by June 30, 2025, whichever is sooner."; and,

WHEREAS, a Superior Court Order, dated April 28, 2025, was issued which determined the Township's Fourth Round Present Need or Rehabilitation Obligation of 69 and the Township's Fourth Round Prospective Need Obligation of 46; and,

WHEREAS, the Amended FHA provides that "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and,

WHEREAS, it is now the Township of Pennsville Planning Board's statutory obligation to review and adopt a Fourth Round HEFSP which can be filed with the New Jersey Superior Court of New Jersey and Program; and,

WHEREAS, accordingly the Township of Pennsville Affordable Housing Planning Consultant, Mary Beth Lonergan, P.P., A.I.C.P, of Clarke, Caton and Hintz, has prepared a Fourth Round HEFSP, dated May 29, 2025, to address the Township of Pennsville's Affordable Housing obligation under the Amended FHA (the "Fourth Round HEFSP"); and,

WHEREAS, according to the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Township of Pennsville Planning Board scheduled a public hearing for the review and adoption of the Fourth Round HEFSP for June 9, 2025 at 6:30 p.m. at the Township of Pennsville Municipal Building; and,

WHEREAS, in accordance with provisions of N.J.S.A. 40:55D-13 of the MLUL, the Township of Pennsville Planning Board published a notice of this public hearing in the Township's official newspaper at least ten (10) days before the scheduled date of the public hearing and served a copy of said notice upon the clerks of all municipalities adjoining the Township and upon the Clerk of the County Planning Board and upon the New Jersey Office of Planning Advocacy; and,

WHEREAS, a copy of the Fourth Round HEFSP was placed on file with the Township of Pennsville Planning Board Secretary and Township of Pennsville Clerk and was available for public review at least ten (10) days before to the scheduled date of the public hearing; and,

WHEREAS, the Township of Pennsville Planning Board held a public hearing on the Fourth Round HEFSP on June 9, 2025; and,

WHEREAS, at the public hearing, Mary Beth Lonergan provided professional planning testimony regarding the Fourth Round HEFSP and members of the public were provided with an opportunity to ask questions and to provide comments about the HEFSP; and,

WHEREAS, the Township of Pennsville Planning Board, after carefully considering the evidence presented at the hearing, makes the following factual findings and conclusions of law:

- a. The Township of Pennsville Planning Board is empowered under the MLUL to adopt and/or amend the Township's Master Plan.

- b. A HEFSP is a component of the Township of Pennsville's Master Plan.
- c. The adoption of a HEFSP is a way for the Township of Pennsville to plan to address its affordable housing obligations under the Amended FHA and applicable case law.
- d. The Amended FHA establishes a procedure in which municipalities can secure approval of their HEFSP.
- e. In accordance with the procedures established by the Amended FHA, the Township of Pennsville adopted a resolution committing to an obligation before the January 31, 2025 deadline established by the Amended FHA and filed a declaratory relief action within 48 hours of the resolution seeking continued immunity and the opportunity to pursue approval of a Fourth Round HEFSP.
- f. The Township of Pennsville's affordable housing consultant, Mary Beth Lonergan, P.P., A.I.C.P., of Clarke, Caton and Hintz, has prepared the Township's Fourth Round HEFSP.
- g. The Township of Pennsville Planning Board scheduled a public hearing on the proposed Fourth Round HEFSP for June 9, 2025.
- h. The Township's Fourth Round HEFSP was placed on file with the Planning Board at least 10 days in advance of the public hearing and was available for public review.
- i. Notice of the June 9, 2025 public hearing was published in the Township of Pennsville's official newspaper at least 10 days in advance of the public hearing and a copy of this notice was served upon the clerks of the municipalities adjoining the Township of Pennsville, the clerk of the County Planning Board, and upon the New Jersey Office of Planning Advocacy.
- j. At the public hearing, testimony regarding the Township's Fourth Round HEFSP was provided by the Township of Pennsville's Professional Planner, Mary Beth Lonergan, who provided an outline of the State's affordable housing process and provided testimony,

both orally and through the Township's Fourth Round HEFSP, as to the Township of Pennsville's court-approved fair share Fourth Round obligation, its Court-approved durational adjustment due to limited public water and sewer system capacities, the existing Court-approved inclusionary sites within the Township of Pennsville, and proposed modifications to existing inclusionary sites that the Township of Pennsville is proposing to use to satisfy its affordable housing obligations.

- k. At the public hearing, the public was provided an opportunity to comment on the Township's Fourth Round HEFSP.
- l. The Township of Pennsville Planning Board finds that the Township's Fourth Round HEFSP is consistent with the goals and objectives of the Township of Pennsville Master Plan, that it will guide the use of the lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28 of the MLUL, and that its adoption will achieve access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-3:10 of the Amended FHA.
- m. The Township of Pennsville Planning Board also finds that the Township's Fourth Round HEFSP provides appropriate planning strategies in order to satisfy the Township of Pennsville's affordable housing obligations.
- n. The Township of Pennsville further recognizes that the adoption of the Township's Fourth Round HEFSP to address the Township of Pennsville's obligations on or before June 30, 2025 is necessary in order to comply with the Amended FHA and secure the benefits that accompany such compliance.

NOW, THEREFORE, BE IT RESOLVED, on this 9 day of June 2025, that the Planning Board of the Township of Pennsville hereby approves and adopts the Township's Fourth Round HEFSP which is attached hereto and incorporated herein; and,

BE IT FURTHER RESOLVED, that the Township's Fourth Round HEFSP supersedes and replaces any prior HEFSP; and,

BE IT FURTHER RESOLVED, that the Planning Board of the Township of Pennsville hereby directs its Board Attorney and Board Secretary to assist the Township of Pennsville Attorney to file this adopted resolution and this adopted Fourth Round HEFSP as part of the Township's Fourth Round Declaratory Judgment Action, Docket #SLM-L-13-25, in Salem County Superior Court and with the Program within 48 hours after adoption of this Fourth Round HEFSP via E-courts per Directive #14-24; and,

BE IT FURTHER RESOLVED, that this resolution and Township's Fourth Round HEFSP shall be forwarded to the Township of Pennsville Township Committee for endorsement by the Township; and,

BE IT FURTHER RESOLVED, that the Township of Pennsville Committee is authorized to pursue approval of the Township's Fourth Round HEFSP and submit such additional documents that may be necessary or desirable in an effort to secure such approval.

BE IT FINALLY RESOLVED, that a copy of this resolution with the adopted Township's Fourth Round HEFSP is to be forwarded to the Salem County Planning Board, and the New Jersey Office of Planning Advocacy, per the MLUL at N.J.S.A. 40:55D-13.

The undersigned, Chairperson of the Township of Pennsville Planning Board, does hereby certify that the above is a true copy of a Resolution adopted by the Board on June 9, 2025, to memorialize its action taken on said date.

Township of Pennsville Planning Board

BY: _____


SCOTT HOURIGAN, Chairperson

ATTEST:



CYNTHIA M. WILSON, Secretary

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Housing Element and Fair Share Plan Fourth Round Plan

Township of Pennsville
Salem County, New Jersey

May 29, 2025
Adopted June 9, 2025

Prepared By:



Mary Beth Lonergan, PP, AICP
New Jersey Professional Planner License 4288
With the assistance of



Eric Harris, MCRP

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

Pennsville Township Committee

Daniel J. Neu, Mayor
Scott Hourigan, Deputy Mayor
Melissa Thompson
John Dyer
Melissa Fitchett

Heather McManus, Township Administrator
Angela Foote, Township Clerk
Walter Ray, Esq., Township Attorney
Michael Napuda, Esq., Township Attorney
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James Biegen, Planning Board Engineer
Wendell Curry, Zoning Officer

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EXECUTIVE SUMMARY

This Fourth Round Housing Element and Fair Share Plan (“HEFSP”) has been prepared for Pennsville Township, Salem County in accordance with the 2024 amended New Jersey Fair Housing Act (“FHA”), the Administrative Court Directives and the rules of the New Jersey Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 et seq., as upheld by the amended FHA. There are four components to a municipality’s affordable housing obligation: the Fourth Round Present Need or Rehabilitation Share, the Prior Round Prospective Need, the Third Round Gap/Prospective Need, and the Fourth Round Prospective Need. The Township’s affordable housing obligations are as follows:

- Fourth Round Present Need/Rehabilitation Obligation: 69
- Prior Round Prospective Need: 228
- Third Round ‘Gap’/Prospective Need: 234
- Fourth Round Prospective Need: 46

The Township intends to address its Fourth Round rehabilitation obligation by implementing a local rehabilitation program and applying for funding through the Small Cities Community Development Block Grant (“CDBG”) program. Pennsville will provide funding from its affordable housing trust fund necessary to supplement the cost of rehabilitations.

The Township has fully satisfied the Prior Round obligation (1987-1999) of 228 through the following mechanisms: 99 Prior Cycle credits from the existing Pennsville Towers 100% senior affordable development; 55 completed senior and special needs rental units at the Kent Avenue site (including 41 of 86 senior units and 14 special needs units); 55 affordable family units to be produced through inclusionary zoning on eight (8) designated sites, where water capacity must be reserved to support 275 total housing units, of which 20% (55 units) will be affordable, implemented on a first-come, first-served basis; and 19 Prior Round rental bonuses.

The Third Round obligation (1999-2025) of 234 will be addressed through the remaining 45 senior affordable rental units at the existing Kent Avenue site; 13 of approximately 60 senior affordable rentals at the proposed 100% affordable Pennsville Towers expansion site; at least nine (9) Third Round rental bonuses; and a Court-approved Third Round durational adjustment addressing the balance of 167 of its Third Round obligation.

For both the Prior Round and Third Round, the HEFSP also provides a development alternative where the property known as “New Site #10” (Block 4201, Lot 17.01) is developed as a 60-unit 100% affordable development. Under this option, the 60-unit

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development would be used to address the remainder of the Township's Prior Round obligation and a portion of its Third Round obligation, thereby leaving a smaller balance of the Third Round obligation (99 instead of 167) to be addressed by the Court-approved durational adjustment.

The Fourth Round obligation (2025-2035) of 46 will be addressed using 10 of the remaining 47 senior affordable rentals within the 60-unit Pennsville Towers expansion site and 10 Fourth Round bonuses. Pennsville Township is requesting a continuation of its Court-approved durational adjustment addressing the balance of 26 of its Fourth Round obligation.

The Township's current durational adjustment (due to the lack of water system capacity) was not only previously approved by the Superior Court, but has also been statutorily upheld through reliance stated in the 2024 amended FHA at N.J.S.A. 52:27D-31.1.m on COAH's durational adjustment regulations at N.J.A.C. 5:93-4 et seq. The Township's request for a continuation of the current durational adjustment of a portion of its Third Round and Fourth Round affordable housing obligations will again utilize inclusionary zoning sites previously enacted by the Township as suitable sites to provide inclusionary residential development with market-rate housing (80%) and affordable housing (20%) if water capacity becomes available. At this time, water capacity is not available nor is it required to be reserved for 193 affordable units (167 Third Round + 26 Fourth Round) as part of inclusionary residential developments on any specific remaining inclusionary zoning sites.

NEW JERSEY AFFORDABLE HOUSING JUDICIAL & LEGISLATIVE BACKGROUND

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

In 1985, in response to Mount Laurel II, the New Jersey Legislature enacted the FHA.³ The FHA created COAH as an administrative body responsible for oversight of municipalities' affordable housing efforts, rather than having oversight go through the

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

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

³ N.J.S.A. 52:27D-301 et seq.

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courts. The Legislature charged COAH with promulgating regulations (i) to establish housing regions; (ii) to estimate low- and moderate-income housing needs; (iii) to set criteria and guidelines for municipalities to use in determining and addressing their fair share obligations, and (iv) to create a process for the review and approval of municipal housing elements and fair share plans.

COAH's First and Second Rounds (1987-1999)

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

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

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

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

The 2004 Third Round rules marked a significant departure from the methods utilized in COAH's Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a “growth share” approach that linked the production of affordable housing to residential and non-residential development in a municipality.

⁴ N.J.A.C. 5:92-1 et seq.

⁵ N.J.A.C. 5:93-1.1 et seq.

⁶ N.J.A.C. 5:94-1 and 5:95-1

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

Just as various parties had challenged COAH's initial Third Round regulations, parties challenged COAH's 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision on the challenges.⁸ The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality, but invalidated the regulations by which the agency assigned housing obligations in the Third Round, again ruling that COAH could not allocate obligations through a growth share formula. Instead, the Appellate Division directed COAH to use methods similar to those used in the First and Second Rounds.

Third Round Judicial Activity

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

On March 10, 2015, the New Jersey Supreme Court issued a ruling on Fair Share Housing Center's ("FSHC's") Motion in Aid of Litigant's Rights, which became known as Mount Laurel IV.¹⁰ In this decision, the Court 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 Adjudicator, 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 NJ Supreme Court's decision set a process in motion for towns to address their Third Round obligation, the decision did not assign those obligations. Instead, that was to be done by the trial courts, although ultimately most towns entered into settlement agreements to set their fair share obligations. The Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and those components of COAH's 2008 regulations that were specifically upheld, as well as the FHA, in their preparation of Third Round housing elements and fair share plans.

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

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

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

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

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On January 17, 2017, the NJ Supreme Court rendered a decision¹¹ that found that the period between 1999 and 2015, now known as the “gap period,” when no valid affordable housing regulations were in force, 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. This meant that the municipal affordable housing obligation would now comprise four components: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

Third Round Legislative Activity

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

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

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

In July 2020, the State amended the FHA again to require, beginning in November 2020, that all affordable units that are subject to affirmative marketing requirements must also be listed on the state’s Affordable Housing Resource Center website.¹³ All affordable housing Affirmative Marketing Plans are now required to include listing on the State Affordable Housing Resource Center website.

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

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

¹³ <https://njhrc.gov>

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The Fourth Round (2025-2035)

On March 20, 2024, the FHA was amended again. This amendment, P.L. 2024 c.2:

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

In December 2024, the Administrative Office of the Courts issued Administrative Directive #14-24, establishing procedures for implementation of the Program and for municipalities to file their Fourth Round Declaratory Judgment (“DJ”) filings, etc. As detailed under the section covering requirements of an HEFSP, the Administrative Directive also set requirements for what must be included in a compliant Fourth Round HEFSP.

This plan has been prepared to meet the requirements of the FHA as most recently amended, as well as the 2024 Administrative Directive and all applicable regulations.

PENNSVILLE TOWNSHIP'S AFFORDABLE HOUSING HISTORY

Pennsville Township prepared a Second Round HEFSP in 2004¹⁴ and an initial Third Round HEFSP in 2005, the latter of which was granted substantive certification by COAH on June 14, 2006. Due to the changing landscape of New Jersey's affordable housing regulations at the time, Pennsville prepared an updated HEFSP in accordance with COAH's revised Third Round rules at N.J.A.C. 5:97, which became effective in 2008. The Township's revised Third Round HEFSP was granted substantive certification on May 14, 2009.

Pennsville Township's previous HEFSPs proposed to address its affordable housing obligations by using existing senior affordable rental housing credits, a proposed 100% affordable senior/special needs development, and five (5) inclusionary zoning sites that were formally rezoned on May 18, 2006. However, subsequent regulatory changes made by the New Jersey Department of Environmental Protection ("DEP") impacted the developable area in Pennsville and reduced the potential yield from these approved inclusionary zoning sites from 133 affordable units to 51 affordable units.

Pursuant to the NJ Supreme Court's March 10, 2015 decision ("Mount Laurel IV"), Pennsville Township was deemed to be a 'certified' municipality; and the Township filed its Third Round Declaratory Judgment ("DJ") action with the Superior Court on June 29, 2015. Subsequently, Pennsville and FSHC executed a Third Round settlement agreement on November 15, 2016 (Appendix B) in which the Township agreed to revise its inclusionary zoning mechanisms by rezoning Site #1 through Site #5 to accommodate significantly higher densities and by adding four (4) additional inclusionary zoning sites, known as Site #6 through Site #9. The revised inclusionary zoning took effect on July 20, 2017 (Ordinance A-16-2017, Appendix D). The revised inclusionary zoning sites and the balance of existing senior/special needs affordable rental housing credits and eligible rental bonuses were documented in the Township's 2017 Third Round HEFSP, which was approved by the Superior Court in a Final Judgment of Compliance and Repose ("JOR") on December 19, 2017 (Appendix A).

On October 15, 2024, the Township and FSHC executed an amended settlement agreement further revising Pennsville's plan for inclusionary zoning (Appendix B). The 2024 amended settlement agreement was approved by the Court in an Order dated January 3, 2025 (Appendix B). As will be further discussed, the Court-approved amended settlement agreement eliminated Sites #3 and #4 as inclusionary zoning sites and replaced them by reconfiguring the former Site #9 from 70% commercial/30% residential into new Sites #9 and #10 with inclusionary residential zoning on both sites

¹⁴ The Township petitioned COAH for Second Round substantive certification on September 30, 2004. While no objections were filed, COAH was unable to process the Township's petition prior to December 20, 2004, the effective date of COAH's initial Third Round rules at N.J.A.C. 5:94 et seq. Pursuant to N.J.A.C. 5:95-15.1(a), COAH no longer granted Second Round substantive certifications after December 20, 2004.

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and by permitting the options for either 100% affordable residential/commercial or inclusionary residential housing on new Site #10.

On January 16, 2025, Pennsville Township adopted a resolution declaring a Fourth Round Present Need of 69 units and a Fourth Round Prospective Need of 46, based on calculations performed by DCA (Appendix C). On January 17, 2025, the Township subsequently filed its Fourth Round DJ action with the Superior Court/Program, pursuant to the requirements of the amended FHA and the Administrative Directive #14-24. As no objections/challenges were filed against the Township's reliance on DCA's Fourth Round fair share numbers, the Superior Court affirmed the Township's Fourth Round obligations by Order dated April 28, 2025.

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AFFORDABILITY REQUIREMENTS

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

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

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

Table 1. 2024 Income Limits for Region 6

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

Source: Affordable Housing Professionals of New Jersey (“AHPNJ”) 2024 Affordable Housing Regional Income Limits

Table 2. Illustrative 2024 Affordable Rents for Region 6

Household Income Levels (% of Median Income)	1 Bedroom Unit Rent	2 Bedroom Unit Rent	3 Bedroom Unit Rent
Moderate (60%)	\$1,107	\$1,328	\$1,534
Low (50%)	\$922	\$1,107	\$1,279
Very Low (30%)	\$553	\$664	\$767

Source: AHPNJ Affordable Housing Regional Income Limits and Rental Calculator

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Table 3. Illustrative 2024 Affordable Sales Prices for Region 6

Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
Moderate (70%)	\$100,937	\$129,389	\$155,945
Low (50%)	\$60,291	\$80,614	\$99,582
Very Low (30%)	\$19,645	\$31,839	\$43,220

Source: AHPNJ Affordable Housing Regional Income Limits and Sales Calculator

HOUSING ELEMENT AND FAIR SHARE PLAN REQUIREMENTS

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

- a. *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;*
- b. *A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;*
- c. *An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;*
- d. *An analysis of the existing and probable future employment characteristics of the municipality;*
- e. *A determination of the municipality's present and prospective fair share 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);*
- f. *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,*

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including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

- g. *An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20); and*
- h. *For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and*
- i. *An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.*

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

- 1. *One of the requirements for a final HEFSP is the inclusion of detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.*
- 2. *The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the*

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number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.

3. *The final HEFSP must fully document the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.*
4. *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. Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the FHA and UHAC regulations. The HEFSP must be adopted by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.*

The HEFSP must also include (in an Appendix) all adopted ordinances and resolutions needed to implement the HEFSP, including:

1. *All zoning amendments (or redevelopment plans, if applicable).*
2. *An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).*
3. *The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.*
4. *An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.*

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5. *An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.*
6. *An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.*
7. *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.*
8. *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.*
9. *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.*

Consistent with N.J.A.C. 5:93-5.5, any municipally sponsored 100 percent affordable housing development will be required to be shovel-ready within two (2) years of the deadlines set forth in the settlement agreement:

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

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HOUSING CONDITIONS

A summary of Pennsville's housing stock by occupancy and number of units is shown in Table 4. Pennsville's housing stock consists of an estimated 5,580 housing units, of which 70.6% are owner-occupied, 19.7% are renter-occupied, and 9.7% are vacant. The existing housing stock is primarily composed of single-family detached housing units (76.9%), apartment buildings with 10 or more units (10.6%).

Table 4. Housing Units by Number of Units in Structure and Tenure, 2023

Number of Units in Structure	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
1, Detached	3,966	67.4%	326	5.5%	231	3.9%	4,523	76.9%
1, Attached	7	0.1%	44	0.7%	40	0.7%	91	1.5%
2	18	0.3%	72	1.2%	46	0.8%	136	2.3%
3 or 4	17	0.3%	125	2.1%	30	0.5%	172	2.9%
5 to 9	10	0.2%	111	1.9%	0	0.0%	121	2.1%
10 or more	29	0.5%	465	7.9%	127	2.2%	621	10.6%
Other	102	1.7%	15	0.3%	99	1.7%	216	3.7%
Total	4,149	70.6%	1,158	19.7%	573	9.7%	5,880	100%

Source: Table B25032 and Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

The estimated age of Pennsville's housing stock is shown in Table 5. The median year of construction of all housing units in Pennsville is 1963, which is the same as that of the County and older than the State (1969). More than half of the Township's housing stock was built prior to 1960, and only 11.8% has been built since 1990. Owner-occupied units are generally newer than renter-occupied units with a median age of 1969 and 1960, respectively. As for the units built pre-1939, 67% are owner occupied, 20% are renter occupied, and 13% are vacant.

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Table 5. Housing Units by Year Built and Tenure, 2023

Year Built	Owner-Occupied		Renter-Occupied		Vacant		Total	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
2020 or later	0	0.0%	0	0.0%	0	0.0%	0	0.0%
2010 to 2019	17	0.3%	22	0.4%	0	0.0%	39	0.7%
2000 to 2009	95	1.6%	87	1.5%	123	2.1%	305	5.2%
1990 to 1999	234	4.0%	66	1.1%	47	0.8%	347	5.9%
1980 to 1989	242	4.1%	120	2.0%	0	0.0%	362	6.2%
1970 to 1979	875	14.9%	271	4.6%	70	1.2%	1216	20.7%
1960 to 1969	630	10.7%	240	4.1%	95	1.6%	965	16.4%
1950 to 1959	1147	19.5%	156	2.7%	88	1.5%	1391	23.7%
1940 to 1949	360	6.1%	32	0.5%	43	0.7%	435	7.4%
1939 or earlier	549	9.3%	164	2.8%	107	1.8%	820	13.9%
Total	4,149	70.6%	1,158	19.7%	573	9.7%	5,880	100%
Median Year Built	1969		1960		(X)		1963	

Sources: Table B25036, Table B25037, and Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

As shown in Table 6, over half of all housing units in Pennsville contain three (3) bedrooms or more. In comparison to the County and State, Pennsville has a much higher percentage of three-bedroom units and a lower percentage of one-, two- to four-bedroom units. The share of no-bedroom (studio) units and five-bedroom units are relatively consistent across the Township, County, and State.

Table 6. Number of Bedrooms per Housing Unit, 2023

Bedrooms per Unit	Units	Percent
Efficiency (Studio)	205	3.5%
1 Bedroom	714	12.1%
2 Bedrooms	1,209	20.6%
3 Bedrooms	2,713	46.1%
4 Bedrooms	765	13.0%
5+ Bedrooms	274	4.7%
Total	5,880	100%

Source: Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

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Table 7 shows the value of owner-occupied housing units in 2013 and 2023. The median home value in the Township increased from \$168,000 to \$193,300. Only 392 units had a value of under \$100,000 in 2023, a significant drop from 690 units in 2013. In what may be evidence of the pandemic-induced increase in demand for residential real estate outside of major metropolitan areas, in 2013 only 32.1% of all owner-occupied homes in the Township were valued at \$200,000 or more; by 2023, that had grown to 47.1%. In 2013, no homes had a value of \$1,000,000+, by 2023 that number had jumped to 57 units.

Table 7. Value of Owner-Occupied Housing Units, 2013 and 2023

Housing Unit Value	2013		2023	
	Units	Percent	Units	Percent
Less than \$50,000	277	6.7%	195	4.7%
\$50,000 to \$99,999	413	10.0%	197	4.7%
\$100,000 to \$149,999	879	21.4%	916	22.1%
\$150,000 to \$199,999	1,222	29.7%	888	21.4%
\$200,000 to \$299,999	907	22.0%	1,372	33.1%
\$300,000 to \$499,999	287	7.0%	440	10.6%
\$500,000 to \$999,999	129	3.1%	84	2.0%
\$1,000,000 or more	0	0.0%	57	1.4%
Total	4,114	100%	4,149	100%
Median Value	\$168,000		\$193,900	

Sources: Table Dp04, U.S. Census Bureau, 2009-2013 American Community Survey Five-Year Estimates; Table Dp04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates.

Table 8 shows gross rent estimates in Pennsville Township and Salem County for 2023. The median rent in Pennsville (\$1,225) was slightly more than the median rent of Salem County (\$1,185). Approximately 30.2% of renter-occupied units in the Township have rents between \$500 and \$999.

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Table 8. Gross Rent by Housing Unit, 2023

Gross Rent	Pennsville Township		Salem County	
	Units	Percent	Units	Percent
Less than \$500	120	10.4%	790	11.1%
\$500 to \$999	229	19.8%	1,507	21.1%
\$1,000 to \$1,499	567	49.0%	2,817	39.4%
\$1,500 to \$1,999	184	15.9%	1,042	14.6%
\$2,000 to \$2,499	30	2.6%	398	5.6%
\$2,500 to \$2,999	0	0.0%	36	0.5%
\$3,000 or More	4	0.3%	196	2.7%
No rent paid	24	2.1%	357	5.0%
Total	1,158	100%	7,143	100%
Median Rent	\$1,225		\$1,185	

Source: Table DP04, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

Generally, housing is considered affordable if the costs of rents, mortgages, and other essential housing costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. Table 9 shows the percentage of income spent on housing costs by households of owner-occupied and renter-occupied units in Pennsville. An estimated 39.1% of all households in the Township spend more than 30% of their income on housing costs. Specifically, nearly three-fourths of all tenants and a third of homeowners in the Township are cost-burdened.

Table 9. Housing Affordability, 2023

Monthly Housing Costs as Percent of Income	Owner-Occupied		Renter-Occupied		All Occupied	
	Units	Percent	Units	Percent	Units	Percent
Less than 20 Percent	1,649	31.1%	205	3.9%	1,854	34.9%
20 to 29 Percent	1103	20.8%	199	3.7%	1,302	24.5%
30 Percent or More	1351	25.5%	726	13.7%	2,077	39.1%
Not Computed	46	0.9%	28	0.5%	74	1.4%
Total*	4,149	78.2%	1,158	21.8%	5,307	100%
*Remainder of occupied units have zero or negative income and/or no cash rent.						

Source: Table DP04, 2019-2023 American Community Survey Five-Year Estimate

Though the definition of deteriorated housing has evolved over several iterations of the State's affordable housing regulations, the currently accepted criteria for determining

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whether a housing unit is in deficient state are as follows: (1) the unit is overcrowded (contains more than one person per room) and is more than 50 years old, (2) the unit has in-adequate plumbing, or (3) the unit has inadequate kitchen facilities. While Table 10, Indicators of Deficiency, 2023, shows the percentage of units meeting each criterion, it should not be interpreted as reflecting the Township's rehabilitation obligation, as it does not account for double counting units containing more than one indicator of deficiency and it only shows overcrowding in units built prior to 1950 instead of 1973, due to constraints in available data tables. As of 2023, there were 4 units in the Township having deficient plumbing, 55 units with inadequate kitchen facilities, 9 units that were considered overcrowded and were built prior to 1950, and 3,622 units built 50+ years ago (68.2% of the units in the Township).

Table 10: Indicators of Housing Deficiency, Occupied Housing Units, 2023

Indicator	Units	Percent*
50+ Years Old**	3,622	68.2%
Incomplete Plumbing	4	0.1%
Incomplete Kitchen	55	1.0%
Crowded or Overcrowded and Built pre-1950	9	0.2%
Total Occupied Units	5,307	100%
* Indicator criteria are not mutually exclusive. Units may meet more than one indicator of housing deficiency.		
** Includes all units built prior to 1973.		

Source: Tables B25050, DP04, 2019-2023 American Community Survey Five-Year Estimate

POPULATION CHARACTERISTICS

Table 11 shows a comparison of population changes by census year in Pennsville Township and Salem County. The population in Pennsville has slightly declined since 2000 (-3.9%), going from 13,409 residents to 12,684. Salem County population remained relatively stable during the same period, rising by just 556 residents. In contrast, New Jersey's population has risen by 9.4% since 2000.

Table 11. Population Growth, 2000 to 2020

Location	2000	2010	2020	2000-2010 Change	2010-2020 Change	2000-2020 Change
Pennsville	13,194	13,409	12,684	-1.6%	-5.4%	-3.9%
Salem County	64,285	65,983	64,841	2.6%	-1.7%	0.9%
New Jersey	8,414,35	8,791,894	9,288,994	4.3%	5.4%	9.4%

Source: U.S. Census 2000, 2010, 2020

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Table 12 shows Township population estimates for each age cohort in 2013 and 2023. While the total population has declined just slightly, the distribution among age groups has shifted dramatically. Between 2013 and 2023, the number of children and teenagers between ages 10-14 grew 31.9%, the number of adults aged 25-34 grew 29.2% and the population of residents aged 75 to 84 grew over 70%. Due to these population shifts, the median age in Pennsville has decreased from 43.6 in 2013 to 42.2 in 2023.

Table 12. Age Distribution, 2013 and 2023

Age in Years	2013		2023		Percent Change 2013-2023
	Population	Percent	Population	Percent	
Under 5	864	6.5%	664	5.2%	-23.2%
5 to 9	744	5.6%	669	5.3%	-10.1%
10 to 14	659	5.0%	869	6.8%	31.9%
15 to 19	759	5.7%	746	5.9%	-1.7%
20 to 24	817	6.1%	748	5.9%	-8.5%
25 to 34	1,410	10.6%	1,822	14.3%	29.2%
35 to 44	1,753	13.2%	1,155	9.1%	-34.1%
45 to 54	2,150	16.2%	1,563	12.3%	-27.3%
55 to 59	1,005	7.6%	932	7.3%	-7.3%
60 to 64	924	6.9%	974	7.7%	5.4%
65 to 74	1,504	11.3%	1,425	11.2%	-5.3%
75 to 84	499	3.7%	849	6.7%	70.1%
85+	222	1.7%	293	2.3%	32.0%
Total	13,310	100%	12,709	100%	-4.5%
Median Age	43.6 Years		42.2 Years		(X)

Source: Table DP05, U.S. Census Bureau, 2009-2013 American Community Survey Five-Year Estimates; Table DP05, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

HOUSEHOLD CHARACTERISTICS

The U.S. Census Bureau defines a household as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. While the total number of households slightly declined from 2013 to 2023 in Pennsville (5,645 to 5,307), the average household size slightly increased from 2.36 to 2.39 persons per household.

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Table 13. Household Size of Occupied Units, 2013-2023

Household Size (Persons per Household)	2013		2023	
	Households	Percent	Households	Percent
1 Person	1,835	32.5%	1,835	34.6%
2 Persons	1,773	31.4%	1,791	33.7%
3 Persons	892	15.8%	709	13.4%
4+ Persons	1,146	20.3%	972	18.3%
Total	5,645	100%	5,307	100%
Average Household Size	2.36		2.39	

Sources: Table S2501, 2009-2013 and 2019-2023 American Community Survey Five-Year Estimates

Table 14 shows household and family composition in Pennsville. 38% of households are married couples, and approximately one-third of married couples have children. Female householders with no spouse present (14.4%) were more represented in Pennsville than male householders with no spouse present (6.5%).

Table 14. Household Composition, 2023

Household Type	Households	Percent of Total
Family households	3,127	58.9%
Married-couple household	2,017	38%
With Children Under 18	641	12.1%
Male householder, no spouse present	347	6.5%
With Children Under 18	154	2.9%
Female householder, no spouse present	763	14.4%
With Children Under 18	413	13.4%
Nonfamily households	2,180	41.1%
Householder living alone	999	18.8%
Total Households	5,307	100%

Source: Table DP02, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

When the number of bedrooms in a unit (from Table 6 above) is considered vs. the size of households in Pennsville, there appears to be a mismatch: There are many more smaller households (three people or fewer; 81.7% of all households) than there are smaller units (one or two bedrooms; 36.2% of all units). Approximately 63.8% of all units have three or more bedrooms. This comparative shortage of smaller homes may be forcing some empty nesters and young adults without children to consider other

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locations when seeking smaller-sized housing, or to occupy housing that is larger than their needs. Table 15 provides more detail.

Table 15. Unit Size vs. Household Size, 2023

Unit Size	Number of Units	Percent of Total Units	Household Size	Number of Households	Percent of Total Households
0 or 1 bedroom	919	15.6%	1 Person	1,835	34.6%
2 bedrooms	1,209	20.6%	2 Persons	1,791	33.7%
3 bedrooms	2,713	46.1%	3 Persons	709	13.4%
4 or more bedrooms	1,039	17.7%	4+ Persons	972	18.3%
Total	5,880	100.0%	Total	5,307	100%

Source: Tables DP04 and S2501, 2019-2023 American Community Survey Five-Year Estimate

INCOME CHARACTERISTICS

Households and families in Pennsville have slightly lower incomes than Salem County as a whole. Median income in 2023 in Pennsville was \$74,219 for households and \$91,495 for families. Comparable figures for the County were \$78,412 for households and \$96,968 for families. Table 16, Household Income by Income Brackets, 2023, further illustrates these findings.

Table 16. Household Income by Income Bracket, 2023

Household Income	Households	Percent
Less than \$10,000	218	4.1%
\$10,000-\$14,999	170	3.2%
\$15,000-\$34,999	865	16.3%
\$35,000-\$49,999	494	9.3%
\$50,000-\$74,999	939	17.7%
\$75,000-\$99,999	780	14.7%
\$100,000-\$149,999	1,061	20.0%
\$150,000 or more	780	14.7%
Total	5,307	100%
Median Household Income	\$74,219	

Source: Table S1901, U.S. Census Bureau, 2019-2023 American Community Survey Five-Year Estimates

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Table 17 provides a comparison of estimated poverty rates in Pennsville Township, Salem County, and the whole of New Jersey. The poverty rates among families and individuals in Pennsville is 8.6% and 12.3%, respectively. While the Township's poverty rate among individuals is slightly lower than the County (12.8%), the family poverty rate in Pennsville is over double than the County (4%). The statewide poverty rate among families and individuals is slightly higher at 7.0% and 9.8%, respectively.

Table 17. Poverty Rates among Individuals and Families, 2023

Location	Poverty Rate, Family	Poverty Rate, Individuals
Pennsville Township	8.6%	12.3%
Salem County	4.0%	12.8%

Source: Table DP03 Selected Economic Characteristics, ACS 20019-2023

EMPLOYMENT CHARACTERISTICS

The U.S. Census Bureau's Center for Economic Studies tracks covered employment, which includes only those jobs for which unemployment compensation is paid. By definition, it does not cover the self-employed, unpaid family workers, most part-time or temporary employees, and certain agricultural and in-home domestic workers.

The largest industrial sectors in the Township, "Educational services, and health care and social assistance," employed 19.2% of all residents in the labor force in 2022. The next largest sectors were "Transportation, Warehousing, and Utilities", "Retail Trade", and "Manufacturing", respectively employing 16.9%, 12%, and 9.9% of the employed labor force.

Table 18. Covered Employment by Sector, 2022

NAICS Industry	Employed Residents	Percent
Agriculture	10	0.2%
Construction	402	7.0%
Manufacturing	570	9.9%
Wholesale Trade	292	5.1%
Retail Trade	692	12.0%
Transportation and Warehousing, And Utilities	976	16.9%
Information	36	0.6%
Finance and Insurance, and Real Estate and Rental and Leasing	347	6.0%
Professional, Scientific, and Management, and Administrative and Waste Management Services	459	7.9%
Educational Services, and Health Care and Social Assistance	1,111	19.2%

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NAICS Industry	Employed Residents	Percent
Arts, Entertainment, and Recreation, and Accommodation And Food Services	360	6.2%
Other Services, Except Public Administration	140	2.4%
Public Administration	380	6.6%
Civilian employed population 16 years and over	5,775	100%

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

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

Based on Tables 4 and 18 above, Pennsville has a jobs-housing ratio of .98, within the range considered healthy. If additional jobs in the Township become available, the Township may need to examine whether it needs to take steps to encourage additional housing.

POPULATION, EMPLOYMENT, AND HOUSING PROJECTIONS

The South Jersey Transportation Planning Organizations ("SJTPO") is the Metropolitan Planning Organization ("MPO") for the Southern New Jersey region, which contains all municipalities in Atlantic, Cape May, Cumberland, and Salem counties. The SJTPO publishes population and employment forecasts for each county and municipality in the region. Between 2020 and 2050, the SJTPO projects that Pennsville's population will decrease by less than a percent and Pennsville's employment will increase 15.4%. As shown in Table 19, the Township's projected population decline is expected to be similar to the County. Employment growth in the Township is expected to be slightly less than the County growth rate of 21.2%.

Table 19. Population and Employment Projections, 2020 to 2050

	Population			Employment		
	Estimate 2020	Projected 2050	Percent Change	Estimate 2020	Projected 2050	Percent Change
Pennsville	12,700	12,600	-0.79%	3,900	4,500	+15.4%
Salem County	64,800	64,300	-0.77%	27,400	33,200	+21.2%

Source: South Jersey Transportation Planning Organization, Municipal and County-Level Population and Employment Forecasts, 2020-2050

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The FHA requires that housing plans include a 10-year projection of new housing units based on the number of certificates of occupancy, development applications approved, probable developments, as well as other indicators deemed appropriate (N.J.S.A. 52:27D-310.b). In Pennsville Township between the years 2013 through 2023, the number of certificates of occupancy issued for residential construction was 1.3 units per year on average, and the number of demolition permits included 7.7 per year on average. As a result, the Township has lost 6.5 net units per year. Based on trends over the past 10 years, Pennsville could expect to lose approximately 65 housing units by the year 2033. See Table 20, Housing Projections to 2033.

Table 20. Housing Projections to-2033

Year	Certificates of Occupancy	Demolitions	Net New Dwellings
2013	1	6	-5
2014	1	6	-5
2015	1	7	-6
2016	1	7	-6
2017	0	18	-18
2018	6	6	0
2019	3	6	-3
2020	0	9	-9
2021	0	9	-9
2022	0	7	-7
2023	1	4	-3
Total	14	85	-71
Annual Average	1.3	7.7	-6.5
Ten Year Projection (2024-2033)			-65

Source: NJDCA Construction Reporter, Building Permits, Yearly Summary Data

CONSIDERATION OF LAND FOR AFFORDABLE HOUSING

Land available for the construction of affordable housing in Pennsville is limited by environmental constraints, such as the presence of wetlands, that are pervasive throughout much of the Township. Available land appropriate for affordable housing is further subject to the limited additional firm water and sewer capacity approved by DEP and by the Township's fiscal capabilities to address excess demand beyond the existing capacity of this infrastructure.

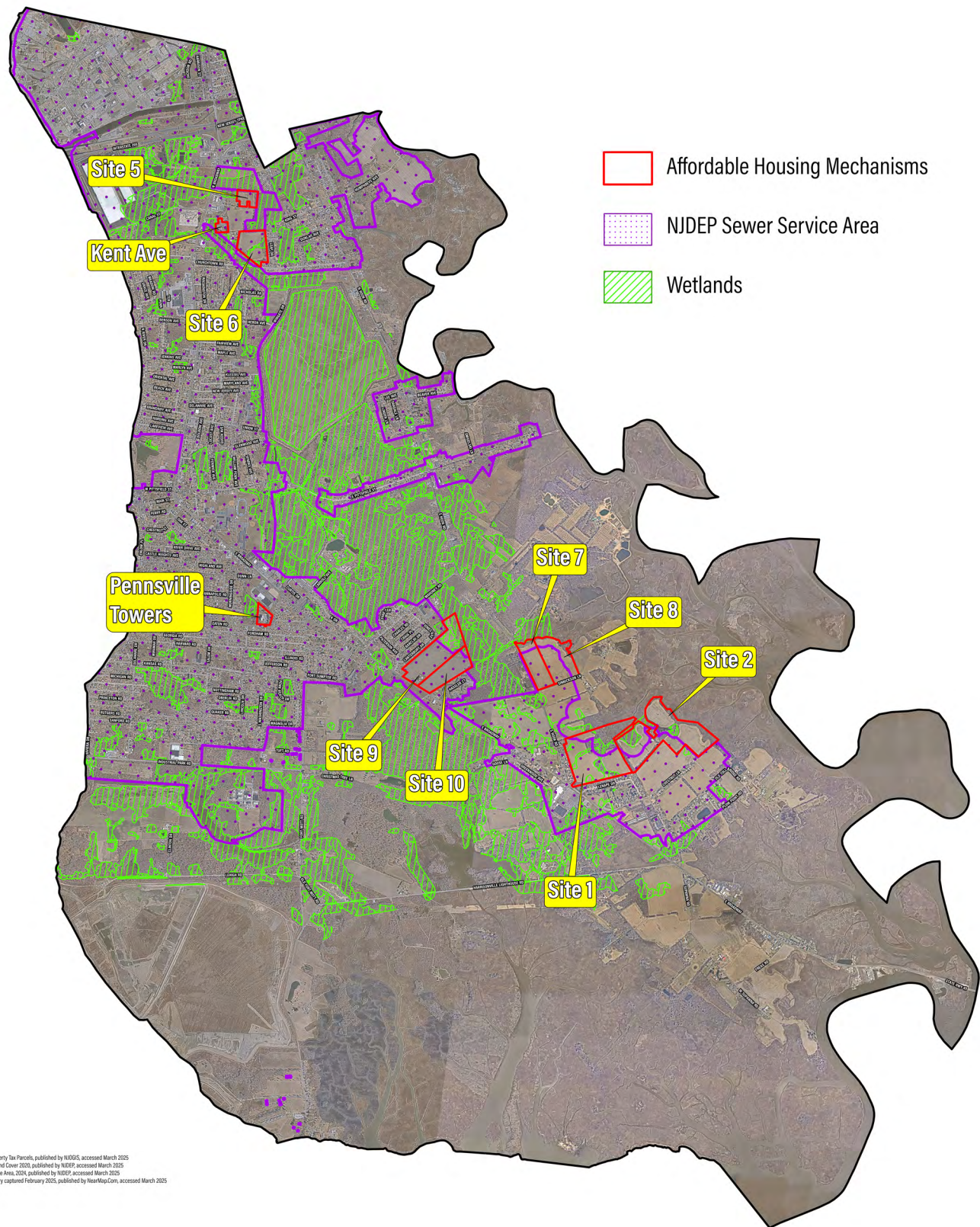
Pennsville Township has considered all land and, as such, the Township believes that the sites/mechanisms proposed in this document continue to represent the best

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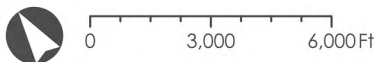
options for future affordable housing production through inclusionary development due to environmental constraints and the fiscal and infrastructure capacity limitations as described below. In addition to two (2) existing 100% affordable housing developments, Pennsville will continue to intersperse affordable housing throughout the Township by using eight (8) inclusionary zoning sites, known as Sites #1, #2, #5, #6, #7, #8, #9 (turned into new Site #9 and new Site #10). With these eight (8) sites, Pennsville is purposefully siting possible future inclusionary developments.

Pennsville Township's request for a durational adjustment of a portion of its Third Round obligation of 234¹⁵ was previously agreed to by FSHC, as documented in the 2016 settlement agreement, and was approved by the Court in an Order dated January 27, 2017. This January 27, 2017 Order also ruled that the Township shall not "be required to amend its compliance plan to provide additional inclusionary zoning pursuant to N.J.A.C. 5:93-4.3(c) other than the nine (9) existing and proposed inclusionary zoning sites denoted in the (2016 FSHC) Agreement." Subsequently, the Township entered into the 2024 amended settlement with FSHC, also approved by the Superior Court by Order dated January 3, 2025, which approved the elimination of two (2) of the previous nine (9) inclusionary sites and the reconfiguration of one (1) inclusionary site. Therefore, Pennsville Township's inclusionary housing shall be limited to the eight (8) remaining sites, as these sites remain sufficient to address the balance of the Township's Third Round obligation and the balance of its Fourth Round obligation.

¹⁵ The Township's Third Round obligation was initially established at 376, however, was ultimately reduced by the Court to 234, as documented in the 2017 Third Round JOR.



Sources:
 - MDO-IV Property Tax Parcels, published by NJDEP, accessed March 2025
 - Land Use/Land Cover 2020, published by NJDEP, accessed March 2025
 - Sewer Service Area, 2024, published by NJDEP, accessed March 2025
 - Aerial imagery captured February 2025, published by NewMap.com, accessed March 2025



Clarke Caton Hintz



Architecture

Planning

Landscape Architecture

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

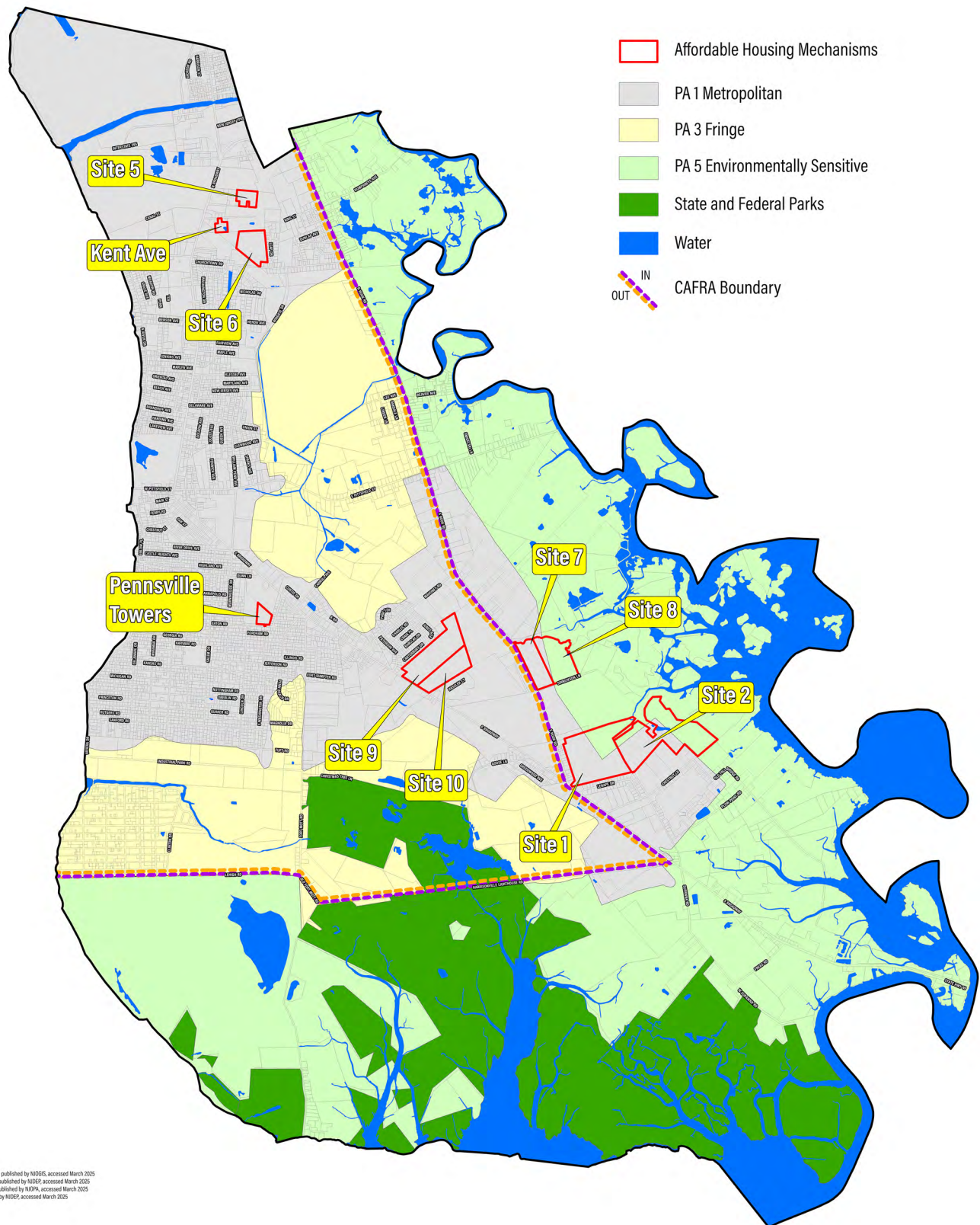
Environmental Constraints and Sewer Service Area

LOCATION:

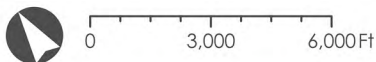
Pennsville Township, Salem County, New Jersey

DATE:

May 22 2025



Sources:
 • NODAP Property Tax Parcels, published by NODAP, accessed March 2025
 • Land Use/Land Cover 2020, published by NODAP, accessed March 2025
 • 2001 State Planning Areas, published by NODAP, accessed March 2025
 • CAFRA Boundary, published by NODAP, accessed March 2025



Clarke Caton Hintz



Architecture

Planning

Landscape Architecture

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

2001 State Planning Areas

LOCATION:
 Pennsville Township, Salem County, New Jersey

DATE:
 May 22 2025

Environmental Constraints and State Plan Policy Map

As shown on the maps on the prior pages, the Township previously considered environmental constraints and the State Plan Policy Map in identifying inclusionary zoning sites to address its Prior Round, Third Round, and now Fourth Round obligations. Pennsville Township is home to a number of important natural resources including Killcohook National Wildlife Refuge, the Supawna Meadows National Wildlife Refuge, and Fort Mott State Park. In addition to these resources, the Township is significantly impacted by wetlands according to DEP's wetlands mapping. As noted in the December 2002 Pennsville Land Use Element, wetlands and water comprise 57% of the Township's land, or approximately 9,027 acres. With the exception of the developed areas along Hook Road and South Broadway, everything south and west of the residential neighborhoods in Pennsville is wetlands or water.

The State Plan Policy Map classifies Pennsville Township in three (3) different planning areas: the Metropolitan Planning Area, PA 1; the Fringe Planning Area, PA 3; and the Environmentally Sensitive Planning Area, PA 5. The northern portion of Lighthouse Road and the area adjacent to Hook Road are classified as PA 1 and PA 3. The southern portion of Lighthouse Road and east of Hook Road are PA 5. Moreover, the State Plan Policy Map also shows a portion of federal parkland and Fort Mott State Park located within the Township. In addition, the southern and eastern portions of the Township are subject to the state's Coastal Area Facility Review Act ("CAFRA").

Many of Pennsville Township's inclusionary zoning sites are located along South Broadway and have access to public transportation via NJ Transit's bus route 468, which runs between Woodstown and Carneys Point. These locations support the SDRP's policy objectives to promote alternatives to single-occupancy vehicles and maintain a rural transportation network that connects Metropolitan, Suburban, and Fringe Planning Areas. In addition, the Township's HEFSP aligns with its stormwater management efforts by siting affordable housing within the Metropolitan Planning Area, where infrastructure is already in place. This approach advances SDRP goals of encouraging responsible growth while protecting water resources. As outlined in its 2024 Stormwater Pollution Prevention Plan,¹⁶ Pennsville is also actively mapping MS4 infrastructure and watershed data to guide informed land use decisions.

Availability of Existing Infrastructure

As set forth in detail in the 2024 Court-approved settlement agreement with FSHC (included in Appendix B), Pennsville Township has very little water capacity remaining for future development. The Township's water capacity is limited by a Water Allocation Permit issued by DEP, which the Township does not expect to be expanded under any circumstances. As noted above, the Court approved the Township's request for a

¹⁶ Stormwater Pollution Prevention Plan, dated 7, 2024. Accessed May 2025 via https://www.pennsville.org/download/forms_library/stormwater_management/stormwater_pollution_prevention/Pennsville-Township-Stormwater-Pollution-Prevention-Plan-June-2024.pdf.

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durational adjustment of a portion of its Third Round obligation in a Court Order dated January 27, 2017 (Appendix B). Per the 2016 settlement agreement with FSHC, the Township reserved water capacity for 55 affordable units to address the balance of its affordable obligation for the Prior Round (time period 1986-1999). As discussed in more detail in the 2024 FSHC settlement, the total water usage reserved for the aforementioned 55 affordable units (20% of a total of 275 housing units) is 82,500 gallons per day (“gpd”) based on $275 \text{ total units} \times 300 \text{ gpd} = 82,500 \text{ gpd}$.

As documented in the 2024 amended FSHC settlement agreement, Pennsville recalculated its excess water capacity by averaging its peak demand months for 2020 (June), 2021 (August), 2022 (August), and 2023 (June), subtracting that from its current monthly allocation, and subtracting from that difference the anticipated demands for unfinished projects for which water allocation has been approved. The analysis starts in “gallons per month” and ends in “gallons per day” as monthly usage is what is monitored and regulated by DEP, and daily usage is what is customarily used by the Township representatives, developers and non-DEP professionals.

Table 21. Estimated Remaining Water Capacity

Average Peak Demand 2020-2023	Current Monthly Allocation	Excess Monthly Allocation	Monthly Demand for Approved Projects	Excess Capacity Gallons per Day
47,295,000 gpm	54,250,000 gpm	6,955,000 gpm	6,020,000 gpm	30,161 gpd

Gallons per Month (“gpm”); Gallons per Day (“gpd”)

According to Township officials, the 30,161 gpd figure is the maximum remaining capacity and much of the remaining capacity is already allocated. A higher-than-average month would result in DEP fines and penalties if a proper allocation buffer is not maintained. The Township shall maintain an allocation buffer of at least 15,080 gpd. Again, as noted in the 2024 FSHC settlement, the “anticipated demands” consist primarily of the following significant projects:

Table 22. Anticipated Water Demands of Significant Projects

Project	Total Housing Units	Water Usage per Unit	Total Water Usage
Warehouse	N/A	N/A	50,000 gpd
Pennsville Towers Phase II	100 Senior 1-BR	200 gpd	20,000 gpd
Sites #3 and #4	125 Market	300 gpd	37,500 gpd
Total			107,500 gpd

As documented in the Court-approved 2024 FSHC settlement agreement and detailed in the following section of this HEFSP, the Township anticipates two potential

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affordable housing development scenarios for “new Site #10,” allowing for either a 60-unit 100% affordable development or an inclusionary development producing 20% affordable units on this site. The Township’s water allocation under either scenario is as follows:

- **Scenario 1.** If new Site #10 is developed as a 100% affordable housing development, the Township’s 275-unit water reservation will be allocated as follows: capacity for 60 units will be allocated to the 100% affordable development on new Site #10; capacity for 150 units (with at least 30 affordable units at a 20% affordable housing setaside) will be reserved for one of the other inclusionary zoning sites on a first-come first-served basis; and the Township may use the remaining 65-unit capacity ($275 - 60 - 150 = 65$) in any manner it sees fit.
- **Scenario 2.** If predominantly outside funding sources are not secured for a 100% affordable development on new Site #10, then the Township’s entire water capacity reservation for 275 total / 55 affordable units will remain in place and available to the first inclusionary developer that utilizes some or all of it. These 55 inclusionary affordable units will be used to address the 55-unit balance of the Township’s Prior Round obligation.

Pennsville Township also has limited sewer capacity for future development as set forth in the 2016 Court-approved settlement agreement with FSHC and subsequently in the 2017 Court-approved Third Round HEFSP. Per the 2016 FSHC settlement agreement, the Township reserved not only water capacity but also sewer capacity for 55 affordable units to address the balance of its affordable obligation for the Prior Round (time period 1986 - 1999). In the Township’s 2017 Third Round Plan, the Pennsville Sewer Authority Engineer noted that based on the 55 affordable units to address the Township’s remaining Prior Round obligation (and the corresponding inclusionary market-rate units), there was sufficient capacity to support the proposed inclusionary development although there were some constraints to the sewer system’s capacity.

Since 2012, in addition to regular maintenance, the Authority has also addressed constraints to the system’s capacity by instituting specific infrastructure projects. For instance, as part of DEP’s Capacity Assurance Program (“CAP”) instituted after 2012, the Pennsville Sewer Authority has implemented a series of infrastructure projects to limit inflow and infiltration (“I&I”) of stormwater into the sanitary sewer mains/pipes by lining sewer mains/pipes.

Generally, we understand that since the Court’s December 2017 approval of the Pennsville Third Round HEFSP, there has been no significant development in the Township that generated substantial sewer capacity flows. Although a full sewer system analysis would be needed at this time for specific sewer system details (similar to the 2017 sewer study), it is reasonable to find that per the 2017 Court-ordered sewer

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capacity reservation for 55 affordable units (plus the corresponding market units), the Township continues to have sufficient sewer system capacity to address the balance of its affordable obligation for the Prior Round. Also, per the Court-approved durational adjustment, inclusionary developers would be required to analyze and, if needed, finance any necessary upgrades to the Township's sanitary sewer infrastructure, due to the Township's limited fiscal ability to fund such sewer system infrastructure upgrades

FAIR SHARE PLAN

Affordable Housing Obligations

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

Rehabilitation Obligation (Fourth Round Present Need)

The FHA, 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." The Township's Fourth Round rehabilitation obligation of 69 units was calculated by DCA according to the methodology described in the report titled *Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background* and released in October 2024. As part of its Fourth Round DJ filing, the Township adopted a resolution in January 2025 adopting the DCA rehabilitation obligation of 69, which the Court affirmed by Order dated April 28, 2025.

Prior Round Obligation

The Prior Round obligation is the cumulative prospective need obligation also known as the 'new construction' obligation for the First and Second Rounds (1987 to 1999). Pennsville Township's 228 Prior Round Need was calculated by COAH per N.J.A.C.

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5:93 and is reflected in the Township's Court-approved 2016 Third Round settlement agreement and 2024 amended Third Round settlement agreement with FSHC.

Third Round Obligation

The Third Round obligation includes the "gap" portion of the Third Round (1999-2015) when no valid affordable housing regulations were in force and the Third Round Prospective Need (2015-2025), which included a projection 10 years into the future starting in July 2015. Pennsville Township's Third Round obligation (1999-2025) was established as 376 in the Township's 2016 settlement agreement with FSHC, however, was ultimately reduced by the Court to 234, as documented in the 2017 Third Round JOR (Appendix A).

Fourth Round Prospective Obligation

The amended FHA defines *prospective need* as "a projection of housing needs based on development and growth which is reasonably likely to occur in a region or municipality" The Township's Fourth Round Prospective Need of 46 was also calculated by DCA according to the methodology described in its October 2024 report and agreed to by the Township in its Fourth Round DJ filing. The Court affirmed the Township's Fourth Round Prospective Need of 46 by Order dated April 28, 2025.

Fair Share Plan Scenario 1 and Scenario 2

As documented in the Court-approved 2024 amended settlement agreement between Pennsville Township and FSHC, two inclusionary zoning sites previously included in the Township's Third Round HEFSP – Site #3 and Site #4 – have been eliminated as inclusionary sites and as such will no longer produce affordable units but rather will generate a 1.5% residential affordable housing development fee on each market-rate housing unit, as required by the Township's Development Fee Ordinance. Sites #3 and #4 were to have produced a combined 53 potential affordable units.

The amended FSHC settlement agreement further explains that Block 4201, Lot 17 (now referenced as "former Site #9") was recently subdivided by the owner into two tracts: Block 4201, Lot 17 (new Site #9) and Block 4201, Lot 17.01 (new Site #10). Former Site #9 was designated in the Township's Third Round HEFSP to permit mixed-use multifamily (30%) and commercial (70%) development with an anticipated yield of 24 affordable housing units. The Township intends to reconfigure the prior mixed-use inclusionary zoning on former Site #9 and use new Sites #9 and #10 to replace the 77 affordable units that had previously been planned on Sites #3 and #4 (53 units) and the former Site #9 (24 units).

In order to replace the 77 affordable units, the Township agreed to amend its 2017 Third Round HEFSP and to adopt an affordable housing zoning ordinance that would

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allow a full inclusionary residential development on new Site #9 and two potential development options on new Site #10 as part of the 2024 Amended FSHC Settlement.

The Court approved the 2024 FSHC amended Agreement at a Fairness Hearing on December 18, 2024, as reflected in the Court's January 3, 2025 Order. Ultimately, as this Fourth Round HEFSP is a cumulative plan which is required to address the Township's means to address the Prior Round, Third Round and now Fourth Round, the required Third Round plan amendment is reflected in this Fourth Round HEFSP. Once adopted, this Fourth Round HEFSP will provide master plan consistency for the Township to now formally take action to adopt an affordable housing zoning ordinance that would allow a full inclusionary residential development on new Site #9 and two potential development options on new Site #10 (inclusionary residential and 100% affordable), which are hereafter referred to as "Scenario 1" and "Scenario 2":

- **Scenario 1.** New Site #10 will be developed with a 100% affordable development of 60 family affordable rental units; and the balance of new Site #10 will be permitted to develop with commercial uses. New Site #9 will be permitted to fully develop as an inclusionary residential development with a maximum of 150 units, 30 of which are affordable. As stated above, the Township has reserved water and sewer capacity sufficient for 275 total housing units. Therefore, in Scenario 1, the Township will allocate capacity for 60 units to the 100% affordable development on new Site #10; capacity for 150 units (with at least 30 affordable units) will be reserved for one of the other inclusionary zoning sites on a first-come first-served basis; and the Township may use the remaining 65-unit capacity ($275 - 60 - 150 = 65$) in any manner it sees fit.
- **Scenario 2.** If an experienced tax credit developer's efforts are unsuccessful to secure primarily outside funding for a 100% affordable rental development, then the entirety of new Site #10 will be permitted to develop with an inclusionary development of 275 total units, 55 of which are affordable. New Site #9 will be permitted to develop with a maximum of 110 units, 22 of which are affordable (resulting in 77 total affordable units on both new Sites #9 and #10). In Scenario 2, the Township's entire water and sewer capacity reservation for 275 total / 55 affordable units will remain in place and available to the first inclusionary developer that utilizes some or all of it. These 55 inclusionary affordable units will be used to address the 55-unit balance of the Township's Prior Round obligation.

Scenario 1 and Scenario 2 result in two different means for how Pennsville Township will satisfy its Prior Round and Third Round obligations, which are illustrated in Tables 23 and 24. In Scenario 1, the 100% affordable development on new Site #10 will satisfy the remainder of the Township's Prior Round obligation and a portion of the Township's Third Round Obligation. The balance of the Third Round obligation will be addressed with 30 inclusionary units for which water and sewer capacity has been reserved and 99 units without reserved water capacity and are durationally adjusted.

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In Scenario 2, the Township will address the 55-unit balance of the Prior Round obligation with 55 inclusionary units for which water and sewer capacity has been reserved and is available on a first-come first-served basis. A total of 167 of the Township's Third Round obligation of 234 will not have reserved water and sewer capacity and, thus, will be durationally adjusted.

In both Scenarios 1 and 2, the Township's Fourth Round obligation of 46 will be addressed with the proposed Pennsville Towers expansion (10 units and 10 bonuses), and the remaining obligation of 26 will not have reserved water and sewer capacity and also will be durationally adjusted.

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**Table 23. Summary of Affordable Housing Credits/Bonuses –
 with 100% Affordable development on New Site #10 (Scenario 1)**

228 Prior Round - Compliance Mechanisms	Credits	Bonus	Total
Prior Cycle Credits – 100% Affordable Rentals			
Pennsville Towers	99	–	99
100% Affordable Rentals – Completed			
Kent Avenue – Affordable Senior Rentals (41 of 86, capped)	41	–	41
Kent Avenue – Affordable Special Needs Rentals	14	14	28
Inclusionary Zoning Sites w/100% option on Site #10			
New Site #10 – 100% Affordable Family Rentals with reserved water capacity (41 of 60)	41	19	60
Total	195	33	228
234 Third Round - Compliance Mechanisms	Credits	Bonus	Total
100% Affordable Rentals – Completed			
Kent Ave – Affordable Senior Rentals (45 of 86, senior bal.)	45	9	54
100% Affordable Rentals – Proposed			
Pennsville Tower Exp – 100% Aff. Senior Rentals (13 of 60; cap)	13	–	13
Inclusionary Zoning Sites w 100% option on Site #10			
New Site #10 – 100% Affordable Family Rentals with reserved water capacity (19 of 60)	19	19	38
Sites #1, 2, 5, 6, 7, 8, or New Site #9 – Inclusionary Family Affordable Units with 150 total/30 affordable reserved water capacity, first-come first-served basis	30	–	30
Subtotal	107	28	135
Durational Adjustment			
Sites #1, 2, 5, 6, 7, 8, or New Site #9 – Inclusionary Family Affordable Units <u>without</u> reserved water capacity	99	–	99
Total	206	28	234
46 Fourth Round - Compliance Mechanisms	Credits	Bonus	Total
100% Affordable Rentals – Proposed			
Pennsville Tower Exp – 100% Aff. Senior (10 of 47 bal. of 60; cap)	10	10	20
Durational Adjustment			
Sites #1, 2, 5, 6, 7, 8, or New Sites # 9 and 10 – Inclusionary Family Affordable Units <u>without</u> reserved water capacity	26	–	26
Total	36	10	46

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**Table 24. Summary of Affordable Housing Credits/Bonuses –
 without 100% Affordable development on New Site #10 (Scenario 2)**

228 Prior Round - Compliance Mechanisms	Credits	Bonus	Total
Prior Cycle Credits - 100% Affordable Rentals			
Pennsville Towers	99	–	99
100% Affordable Rentals – Completed			
Kent Avenue – Affordable Senior Rentals (41 of 86, capped)	41	5	46
Kent Avenue – Affordable Special Needs Rentals	14	14	28
Inclusionary Zoning Sites			
Sites #1, 2, 5, 6, 7, 8, or New Sites # 9 and 10 – Inclusionary Family Affordable Units with 275 total/55 affordable reserved water capacity, first-come first-served basis	55	–	55
Total	209	19	228
234 Third Round - Compliance Mechanisms	Credits	Bonus	Total
100% Affordable Rentals – Completed			
Kent Ave – Affordable Senior Rentals (45 of 86, senior bal.)	45	9	54
100% Affordable Rentals – Proposed			
Pennsville Tower Exp – 100% Aff. Senior Rentals (13 of 60; cap)	13	–	13
Subtotal	58	9	67
Durational Adjustment			
Sites #1, 2, 5, 6, 7, 8, or New Sites # 9 and 10 – Inclusionary Family Affordable Units <u>without</u> reserved water capacity	167	–	167
Total	225	9	234
46 Fourth Round - Compliance Mechanisms	Credits	Bonus	Total
100% Affordable Rentals – Proposed			
Pennsville Tower Exp – 100% Aff. Senior Rentals (10 of 47 bal., of 60; cap)	10	10	20
Durational Adjustment			
Sites #1, 2, 5, 6, 7, 8, or New Sites # 9 and 10 – Inclusionary Family Affordable Units <u>without</u> reserved water capacity	26	–	26
Total	36	10	46

MEANS OF ADDRESSING FOURTH ROUND PRESENT NEED/REHAB OBLIGATION

N.J.A.C. 5:93-1.3, defines a dwelling needing rehabilitation as, "...a housing unit with health and safety code violations that require the repair or replacement of a major system". Per N.J.A.C. 5:97, "Major systems" include weatherization, exterior cladding, window and door replacement, roofing, plumbing (water supply and sanitary), heating, electricity, lead paint abatement and load bearing structural systems.

Pennsville Township intends to partially address its rehabilitation obligation of 69 units by applying for funding through the DCA Small Cities CDBG program, which supports owner-occupied rehabilitations. Pennsville will also contribute funds from its affordable housing trust fund to support the rehabilitation of both renter- and owner-occupied deficient housing units. Appendix F includes a resolution documenting the Township's intent to apply for DCA Small Cities funding.

The Township's rehabilitation program will be administered by Triad Associates ("Triad"), the Township's experienced affordable housing rehabilitation program administrator, and will be available to both renter- and owner-occupied housing units. Pennsville has previously partnered with Triad to implement a local rehabilitation program. Appendix F also contains a copy of Triad's 2013 rehabilitation program manual for Pennsville, which will be updated as needed. According to Triad, previous efforts to market the rehabilitation program included information posted on the Township's website, flyers included with tax bills, and materials distributed at senior centers and churches.

The Township's rehabilitation program adheres to the regulations in N.J.A.C. 5:93-3.4. All new rehabilitated units will meet the applicable Uniform Construction Code requirements. Additionally, all rehabilitated units will be occupied by low- or moderate-income households and upon completion of the rehabilitation, affordability controls will be placed on the property in the form of a lien or deed restriction. All rehabilitations will have a minimum average hard cost of \$10,000.

SATISFACTION OF THE PRIOR ROUND OBLIGATION

As noted above, Pennsville Township's Prior Round obligation is 228. COAH's rules, contained at N.J.A.C. 5:93, permit affordable housing credits and bonuses to be applied toward affordable housing obligations for the Prior Round. The minimum number of affordable rental units¹⁷ and maximum number of age-restricted affordable units¹⁸ are established using the following formulas:

¹⁷ N.J.A.C. 5:93-5.15(a)

¹⁸ N.J.A.C. 5:93-6.1(b)1 - revised per COAH second round policy

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Minimum Prior Round Rental Obligation = 33 units

- $0.25(228 - 99 \text{ prior cycle credits}) = 32.25$, round up.
- A rental unit available to the general public receives one rental bonus.
- No rental bonus is granted in excess of the Prior Round rental obligation.

Maximum Prior Round Age Restricted Units = 41 units

- $0.25(228 + 38) - 99 \text{ prior cycle credits} = 41.75$, round down. The Court approved 41 Prior Round senior rental credits.

As summarized in Table 25, Summary of 228 Prior Round Obligation Credits/Bonuses, 1987-1999, the Township has fully addressed its 228 obligation with Prior Cycle affordable rental credits, completed senior affordable rental and special needs affordable rental units, inclusionary zoning sites, and Prior Round rental bonuses.

Table 25. Summary of 228 Prior Round Obligation Credits/Bonuses, 1987-1999

Scenario 1. with 100% Affordable development on New Site #10	Credits	Bonus	Total
Prior Cycle Credits – 100% Affordable Rentals			
Pennsville Towers	99	–	99
100% Affordable Rentals – Completed			
Kent Avenue – Affordable Senior Rentals (41 of 86, capped)	41	–	41
Kent Avenue – Affordable Special Needs Rentals	14	14	28
Inclusionary Zoning Sites - w 100% option on Site #10			
New Site #10 – 100% Affordable Family Rentals with reserved water capacity (41 of 60)	41	19	60
Total	195	33	228
Scenario 2. <u>without</u> 100% Affordable development on New Site #10	Credits	Bonus	Total
Prior Cycle Credits - 100% Affordable Rentals			
Pennsville Towers	99	–	99
100% Affordable Rentals – Completed			
Kent Avenue – Affordable Senior Rentals (41 of 86, capped)	41	5	46
Kent Avenue – Affordable Special Needs Rentals	14	14	28
Inclusionary Zoning Sites			
Sites #1, 2, 5, 6, 7, 8, or New Sites # 9 and 10 – Inclusionary Family Affordable Units with 275 total/55 affordable reserved water capacity, first-come first-served basis	55	–	55
Total	209	19	228

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Prior Cycle Credits: 100% Affordable Rentals – Completed

Pennsville Towers (Completed)

The Township is eligible for 99 Prior Cycle affordable housing credits from the Pennsville Towers Senior Apartments. Built in 1984, the apartment complex contains 99 affordable senior rental units that were funded through the Department of Housing and Urban Development's ("HUD") Section 202 program. The development is located at 40 Eaton Road (Block 3101, Lot 4).

The units at Pennsville Towers are owned by Foresight Affordable Housing, Inc. and administered by The Walters Group, an experienced developer and administrator of affordable units in New Jersey. Affordability controls are in effect through July 2031. All 99 units are age-restricted, low-income rental units. Appendix G contains a page from the development's Housing Assistance Payments contract with HUD confirming the affordability controls through 2031, the certificate of occupancy dated December 4, 1986, and a certificate of continued occupancy dated October 25, 2012.

The units at Pennsville Towers are considered 'Prior Cycle credits.' Pursuant to COAH's rules at N.J.A.C. 5:93-3.2, units constructed and occupied between April 1, 1980 and December 15, 1986 (prior to the enactment of the FHA) are eligible for a one-for-one credit. Further, Prior Cycle credits are initially subtracted prior to the calculation of the Township's age-restricted unit cap and are not eligible for rental bonuses.

100% Affordable Rental Units – Completed

Kent Avenue Senior/Special Needs Housing (Completed)

Kent Avenue Senior/Special Needs Housing (Block 501, Lot 19) is an existing 101-unit 100% affordable rental community that includes 86 affordable senior units, 14 special needs units, and one (1) unit for an onsite manager. The development was funded in part through the Federal Low Income Housing Tax Credit ("LIHTC") program, the Neighborhood Preservation Balanced Housing Home Express Program, and the Special Needs Housing Trust Fund. The 14 special needs units also received project-based rental assistance through the State Rental Assistance Program ("SRAP") of DCA and are eligible as very low-income units. To further facilitate the project, the Township granted the developer a PILOT (payment in lieu of taxes).

The units at the Kent Avenue received certificates of occupancy on January 30, 2008 and have 30-year affordability controls through 2038. All units were affirmatively marketed and are administered in accordance with the Federal LIHTC regulations and, where applicable, with COAH rules at N.J.A.C. 5:93 et seq. and the UHAC at N.J.A.C. 5:80-26.1. Ron Rukenstein & Associates, an experienced affordable housing provider, administers the Kent Avenue affordable units. With the exception of the very low-income 14 special needs units, all units at Kent Avenue are moderate-income units reserved for households with incomes at 60 percent or less of the median income.

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Appendix H contains a copy of the deed restriction and the January 30, 2008 certificates of occupancy.

In accordance with the Prior Round senior cap calculated above, the Township may receive credit for 41 of the 86 existing affordable senior rental units and for all 14 of the affordable special needs rental units to apply towards its Prior Round obligation. The Township is eligible for five (5) rental bonuses from 16 of the 41 age-restricted units due to the cap on senior rental bonuses pursuant to N.J.A.C. 5:93-5.15(d)2 and 14 special needs rental bonuses pursuant to N.J.A.C. 5:93-5.15(d)1. The remaining 45 of 86 existing affordable senior rental units from the Kent Avenue development will be applied to the Township's Third Round obligation.

Inclusionary Zoning Sites

Pennsville Township will address portions of its Prior Round, Third Round, and Fourth Round obligations using eight (8) inclusionary zoning sites, known as Sites #1, #2, #5, #6, #7, #8, new Site #9, and new Site #10. The Township initially included Site #1 through Site #5 for proposed inclusionary zoning in an amended Second Round plan pursuant to COAH's Second Round rules at N.J.A.C. 5:93 et seq.; these sites were again included in the Township's 2005 and 2008 Third Round Plans. The five (5) sites were found by COAH to be available, suitable, approvable, and developable and were approved as part of the Township's 2009 Third Round substantive certification. The five (5) sites were formally rezoned for inclusionary housing on May 18, 2006.

Subsequent regulatory changes made by DEP impacted the developable area in Pennsville and reduced the yield from the Township's approved inclusionary zoning sites from 133 affordable units to 51 affordable units. Pursuant to the 2016 FSHC settlement, the Township addressed this shortfall by rezoning Site #1 through Site #5 to accommodate significantly higher densities and by adding four (4) additional inclusionary zoning sites, known as Site #6 through Site #9. The revised inclusionary zoning was documented in the Township's 2017 Third Round HEFSP which was approved by the court on December 19, 2017. The revised inclusionary zoning took effect on July 20, 2017 (Ordinance A-16-2017, included as Appendix D).

The 2024 FSHC amended settlement further revised Pennsville's plan for inclusionary zoning. Sites #3 and #4 will no longer be zoned for inclusionary development and instead will be replaced by reconfiguring the former mixed-use Site #9 into new Sites #9 and #10 with full inclusionary residential zoning on both sites and by permitting the options for either 100% affordable or inclusionary family housing on new Site #10.

Table 26, Summary of Inclusionary Zoning Sites, indicates the location of each of the eight (8) adopted inclusionary zoning sites, the current zone in which they are located, the proposed zoning district, the sites' total acreage, the estimated buildable acres, the proposed density as shown by units per acre, and the revised expected total units and affordable housing yield for each site.

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Table 26. Summary of Remaining Inclusionary Zoning Sites

Existing Inclusionary Zoning Sites	Current Zone	Proposed Zone	Total Acres	Buildable Acres	Density	Set Aside	Total Units	Affordable Units
Site# 1: South Broadway (Block 4401, Lot 16)	TH	No Change	69.8	41.5	8	20%	332	66
Site# 2: Supanwa (Block 4401, Lot 17)	TH	No Change	78.4	12.9	8	20%	103	21
Site# 5: Orchard Ave (Block 501, Lot 6)	MF-1	No Change	7.3	5.4	14	15%	76	11
Site# 6: Churchtown Rd (Block 1101, Lot 31)	MF-2	No Change	19.8	16.5	10	15%	165	25
Sites# 7 & 8: Hook Rd (Block 4301, Lot 40, 41)	TH	No Change	54.7	21	8	20%	168	34
New Site# 9: South Broadway (Block 4201, Lot 17)	MU-2	MF-3	43.35	24.7	S1: 6	20%	S1: 150	S1: 30
					S2: 4.5		S2: 110	S2: 22
New Site# 10: South Broadway (Block 4201, Lot 17.01)	MU-2	MF-4/ MU-1	28.12	S1: 6	S1: 10	S1: 100%	S1: 60	S1: 60
				S2: 19.5	S2: 14	S2: 20%	S2: 275	S2: 55
Scenario 1 (S1); Scenario 2 (S2)							S1: 1,054	S1: 247
							S2: 1,229	S2: 234

The estimated buildable acreage represents the area of each site that is within the current sewer service area; if present within the sewer service area, wetlands and a 150-foot transition area buffer were also excluded from the buildable acreage.¹⁹ According to the Township engineer, the current sewer service area approved by DEP in 2006 was generally established based on a 300-foot transition area buffer from wetlands and excluded environmentally sensitive areas such as the bald eagle foraging habitat and the 100-year flood plain. However, the sewer service area for Site #1 was established using a 150-foot transition area buffer based on a freshwater wetlands letter of interpretation/line verification from the property owner's engineer dated 2009. The wetlands delineation for the site was approved by DEP and it clarified that the 300-foot

¹⁹ In 2023, DEP adopted amendments to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13, including the establishment of the Inland Flood Protection Rule. While many areas of Pennsville Township are affected by both the FEMA Flood Hazard Area and New Jersey's fluvial inland flood hazard area, the buildable area calculations in this Fourth Round HEFSP are consistent with the approach used in the Township's Court-approved Third Round HEFSP (i.e., based on land within the sewer service area and not within 300 feet of wetlands). Although areas affected by flood hazard zones may be subject to DEP's permitting and design standards, including mitigation measures such as elevation or floodproofing, the presence of these zones does not preclude development. The designated inclusionary sites remain suitable for development, provided that sites comply with applicable DEP regulations during the development review and permitting process.

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buffers did not extend through the entire site. Ultimately, the buildable acreage of each site is subject to that individual site's wetlands determination, which could also expand or contract the sewer service area as confirmed by the Township's Engineer.

As previously explained and summarized in Table 25, Summary of 228 Prior Round Obligation Credits/Bonuses, 1987-1999, credits from the inclusionary zoning sites will be applied to the Township's Prior Round obligation as follows:

- **Scenario 1.** The 100% affordable development on new Site #10 will satisfy the remainder of the Township's Prior Round obligation and a portion of the Township's Third Round Obligation.
- **Scenario 2.** The Township entire water reservation of 275 total units and 55 affordable units will address the 55-unit balance of the Prior Round obligation. The 275-unit water reservation will be available to the first inclusionary developer(s) that utilizes some or all of it.

All affordable units generated from the inclusionary zoning mechanisms will be family units (not age-restricted) that will be integrated within the development and will have access to all of the community amenities available to the market-rate units. The following COAH rules are addressed for these sites:

- ✓ Administrative Entity – The developer of the site shall contract with an experienced affordable housing administrator to administer the affordable units. The affordable units shall have affordability controls in accordance with UHAC and shall be affirmatively marketed. The experienced administrator shall income qualify applicants and shall provide long-term administration of the units in accordance with COAH's rules at N.J.A.C. 5:93 et seq. and UHAC per N.J.A.C. 5:80-26.1.
- ✓ Low/Moderate Income Split – At least half of all the affordable units at the site shall be affordable to low-income households per N.J.A.C. 5:93-2.20 and UHAC at N.J.A.C. 5:80-26.1. In the case of an odd number of affordable units, the split will favor the low-income unit. Also, 13% of the total number of affordable units must be affordable to very low-income households in accordance with the amended FHA at N.J.S.A. 52:27D-329.1.
- ✓ Bedroom Distribution – The affordable units on the site shall meet the bedroom distribution requirement pursuant to UHAC requirements at N.J.A.C. 5:80-26.1.
- ✓ Accessible and Adaptable – The affordable units on the site shall meet applicable accessible and adaptable requirements pursuant to the Barrier Free Subcode at N.J.A.C. 5:23-7.

Site #1: South Broadway (Block 4401, Lot 16) - Existing

Site #1 is an approximately 69.77-acre site located on South Broadway and Hook Roads (Block 4401, Lot 16). The Township's 2017 rezoning of this property permits attached townhomes at eight units per acre with a 20% affordable housing set-aside. The expected housing yield is 332 total units, of which 66 will be affordable.

In accordance with the COAH's rules at N.J.A.C. 5:93-5.3, Site #1 is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credits. Site #1 was previously deemed suitable by COAH and was approved by the Court as part of Pennsville's 2017 Third Round JOR. The Township is not aware of any encumbrances that preclude the development of affordable housing on the property. The site is currently vacant and adjacent to farmland, medium density residential, and commercial land uses; it is also adjacent to another existing inclusionary zoning site. The site has access to Hook Road and South Broadway. There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. Further, a review of the DEP's NJ-GeoWeb Known Contaminated Sites List indicates that Site #1 is not contaminated.

The Township has confirmed that the site is in the public water and sewer service areas, pending the limited water capacity reservation. Additionally, the site can be developed consistent with the Residential Site Improvement Standards ("RSIS") and all other state regulations, including those of DEP. It should be noted that this site is subject to the state's Coastal Area Facility Review Act ("CAFRA").

The majority of the site is located in PA 1, the preferred location for a municipality to address its affordable housing obligation. The site includes a small portion located in PA 5, which also corresponds with the presence of wetlands. However, this area is generally outside of the existing sewer service area and the estimated buildable acreage of the site. Further, according to the April 15, 2009 COAH report, "the site is flat farm land with some wooded wetlands to the east between this site and Site #2 ... based on a GIS analysis conducted by COAH staff, the wooded wetlands are located in PA 5." Accordingly, the presence of wetlands, while an environmental constraint, does not impact the ability to develop the site for inclusionary housing.

According to DEP's NJ-GeoWeb Landscape Project Data, v.3.4, the site is located within Rank 4 State Endangered habitat for Bald Eagle. The presence of the Rank 4 habitat requires a 150-foot freshwater wetlands transition area (N.J.A.C. 7:7A) and a 150-foot Riparian Zone (N.J.A.C. 7:13). However, these requirements were generally accounted for when the sewer service area was redefined in 2006. Upon discussions with the DEP Endangered Nongame Species Program ("ENSP"), it has been confirmed that there is not an eagle nest on or within 1,000-feet of the site. Correspondence with ENSP is included as Appendix J to this Plan. Accordingly, the presence of the Rank 4

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habitat is not a significant impediment to the development of this site for inclusionary housing.

In summary, the site is (1) available, as evidenced by no known encumbrances precluding inclusionary development; (2) suitable, as documented by complementary surrounding land uses, appropriate site access, and limited environmental constraints; (3) developable, as it is currently vacant and serviced by appropriate water/sewer infrastructure, pending limited water capacity; and (4) approvable, as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

Site #2: Supanwa Road (Block 4401, Lot 17) - Existing

Site #2 is an approximately 78.4-acre site located on Supanwa Road (Block 4401, Lot 17). The Township's 2017 rezoning of this property permits attached townhomes at eight units per acre with a 20% affordable housing set-aside. The expected housing yield is 103 total units, of which 21 will be affordable.

In accordance with the COAH's rules at N.J.A.C. 5:93-5.3, Site #2 is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credits. Site #2 was previously deemed suitable by COAH and was approved by the Court as part of Pennsville's 2017 Third Round JOR. There are no known encumbrances that preclude the development of affordable housing on the property. The site is currently vacant with the exception of a small, one-story nonresidential structure. Site #2 is adjacent to farmland, medium density residential land uses, and Site #1. The site has access to Supanwa Road. There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. Further, a review of the DEP's NJ-GeoWeb Known Contaminated Sites List indicates that Site #2 is not contaminated.

The Township has confirmed that the site is in the public water and sewer service areas, pending the limited water capacity reservation. Additionally, the site can be developed consistent with RSIS and all other state regulations, including those of DEP. It should be noted that this site is subject to CAFRA.

The majority of the site is located in PA 1, with a small portion located in PA 5. The PA 5 portion of the site is generally consistent with the northern area of the site that is wooded wetlands. According to COAH's April 15, 2009 Third Round COAH Compliance Report, COAH staff conducted a GIS analysis and "confirmed that the wooded wetlands ... are located in PA 5." The PA 5 and wetlands area is generally outside of the existing sewer service area and estimated buildable acreage of the site. Accordingly, the presence of wetlands is accounted for and is a not significant impediment to the development of this site for inclusionary housing.

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According to DEP's NJ-GeoWeb Landscape Project Data, v.3.4, the site is located within Rank 4 State Endangered habitat for Bald Eagle. The presence of the Rank 4 habitat requires a 150-foot freshwater wetlands transition area (N.J.A.C. 7:7A) and a 150-foot Riparian Zone (N.J.A.C. 7:13). However, these requirements were generally accounted for when the sewer service area was redefined in 2006. Upon discussions with the ENSP, it has been confirmed that there is not an eagle nest on or within 1,000-feet of the site. Correspondence with ENSP is included as Appendix J to this Plan. Accordingly, the presence of the Rank 4 habitat is not a significant impediment to the development of this site for inclusionary housing.

In summary, the site is (1) available, as evidenced by no known encumbrances precluding inclusionary development; (2) suitable, as documented by complementary surrounding land uses and appropriate site access; (3) developable, as it is largely vacant and serviced by appropriate water/sewer infrastructure, pending limited water capacity; and (4) approvable, as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

Site #5: Orchard Avenue (Block 501, Lot 6) - Existing

Site #5 is an approximately 7.25-acre site located on Orchard Avenue (Block 501, Lot 6). The Township's 2017 rezoning of this property permits multi-family apartment flats at 14 units per acre to encourage rental apartments with a 20% affordable housing set-aside. The expected housing yield is 76 total units, of which 11 will be affordable.

In accordance with N.J.A.C. 5:93-5.3, Site #5 is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credits. Site #5 was previously deemed suitable by COAH and was approved by the Court as part of Pennsville's 2017 Third Round JOR. There are no known encumbrances that preclude the development of affordable housing on the property. The site is currently vacant, adjacent to single-family residences and vacant land, and near to the existing multi-family affordable housing development on Kent Avenue and proposed Site #6. The site has access via Orchard Avenue. There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. Further, a review of the DEP's NJ-GeoWeb Known Contaminated Sites List indicates that Site #5 is not contaminated.

The Township has confirmed that the site is in the public water and sewer service areas, pending the limited water capacity reservation. Additionally, the site can be developed consistent with RSIS and all other state regulations, including those of DEP.

The site is located entirely in PA 1, the preferred location for a municipality to address its affordable housing obligation. The 2009 Third Round COAH Compliance Report notes that "COAH's GIS analysis indicates wetlands exist near the northern edge of

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the site but there are no wetlands on the site.” Thus, the site is comprised of 7.25 acres of developable land.

In summary, the site is (1) available, as evidenced by no known encumbrances precluding inclusionary development; (2) suitable, as documented by complementary surrounding land uses, appropriate site access, and limited environmental constraints; (3) developable, as it is currently vacant and serviced by appropriate water/sewer infrastructure, pending limited water capacity; and (4) approvable, as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

Site #6: Churchtown Road (Block 1101, Lot 31) - Existing

Site #6 is an approximately 19.8-acre site located on Churchtown Road (Block 1101, Lot 31). The Township’s 2017 rezoning of this property permits multi-family apartment flats at ten units per acre with a 20% affordable housing set-aside. The expected housing yield is 165 total units, of which 25 will be affordable.

In accordance with N.J.A.C. 5:93-5.3, Site #6 is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credits. Site #6 was previously approved by the Court for inclusionary zoning as part of Pennsville’s 2017 Third Round JOR. There are no known encumbrances that preclude the development of affordable housing on the property. The site is currently vacant, adjacent to single-family residences and vacant land, and is in close proximity to the existing multi-family affordable housing development on Kent Avenue and the existing Site #5. The site has access to Churchtown Road. There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. Further, a review of the DEP’s NJ-GeoWeb Known Contaminated Sites List indicates that Site #6 is not contaminated.

The site is located within DEP’s revised sewer service area and the Township confirmed that public water and sewer service are available to the site, pending the limited water capacity reservation. Additionally, the site can be developed consistent with RSIS and all other state regulations, including those of DEP.

The site is entirely located within PA 1, the preferred location for a municipality to address its affordable housing obligation. However, a small portion of the site contains wetlands. The estimated developable area omits this portion of the site and the presence of wetlands, while an environmental constraint, is not expected to impact the ability to develop the site for inclusionary housing.

According to DEP’s NJ-GeoWeb Landscape Project Data, v.3.4, the site includes small areas identified as Rank 1 and Rank 2 habitats. The areas correspond with the boundaries of the wetlands area. Rank 1 areas are assigned to species-specific habitat

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patches, but do not necessarily have confirmed occurrences of such species. The Rank 2 area has been identified as a Cooper's Hawk habitat, a species of special concern for the State. However, the presence these habitats is not a significant impediment to the development of this site for inclusionary housing.

In summary, the site is (1) available, as evidenced by no known encumbrances precluding inclusionary development; (2) suitable, as documented by complementary surrounding land uses, appropriate site access, and limited environmental constraints; (3) developable, as it is currently vacant and serviced by water/sewer infrastructure, pending limited water capacity; and (4) approvable, as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

Sites #7 and 8: Hook Road (Block 4301, Lot 40, 41) - Existing

Sites #7 and 8 comprise approximately 54.7 acres of land located on Hook Road (Block 4301, Lots 40 and 41). The Township's 2017 rezoning of this property permits attached townhomes at eight units per acre with a 20% affordable housing set-aside. The expected housing yield is 168 total units, of which 34 will be affordable.

In accordance with N.J.A.C. 5:93-5.3 and as described below, inclusionary zoning Sites #7 and #8 are available, suitable, developable, and approvable and meet the site criteria and general requirements to be eligible for credits. Sites #7 and 8 were previously approved by the Court for inclusionary zoning as part of Pennsville's 2017 JOR. There are no known encumbrances that preclude the development of affordable housing on the properties. The sites are both vacant and adjacent to agricultural and low density residential uses as well as vacant wetlands areas. Site #7 has access to both South Hook Road and Sinnickson Lane, while Site #8 only has access to Sinnickson Lane. There are no historic structures listed on the State or National Historic Registers on these sites, and the properties are not within an historic district listed on the State or National Historic Registers. Further, a review of the DEP's NJ-GeoWeb Known Contaminated Sites List indicates that the sites are not contaminated.

The vast majority of both sites are located within DEP's revised sewer service area and the Township confirmed that public water and sewer service are available to the sites, pending the limited water capacity reservation. Additionally, the sites can be developed consistent with RSIS and all other state regulations, including those of DEP.

Site #7 is entirely located within PA 1. While a portion of Site #8 that is adjacent to Site #7 is also located in PA 1, the large majority of the site is located in PA 5. Further both sites will be subject to CAFRA. Therefore, although the majority of Site #8 is located in the DEP approved sewer service area, the portion of the site also within PA 5 will be subject to a maximum impervious coverage of 3%.

As a result of this limitation, the portion of Site #8 located within PA 5 was subtracted from the estimated buildable acreage of the combined sites. While both sites have a

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small area that contains wetlands, these areas and their transition areas have been omitted in the estimated developable acreage for the site. Accordingly, the presence of wetlands, while an environmental constraint, does not impact the ability to develop the site for inclusionary housing.

According to DEP's NJ-GeoWeb Landscape Project Data, v.3.4, both sites are located within a Rank 4 State Endangered habitat for Bald Eagle. The presence of the Rank 4 habitat requires a 150-foot freshwater wetlands transition area (N.J.A.C. 7:7A) and a 150-foot Riparian Zone (N.J.A.C. 7:13). These transition areas were considered when revising the sewer service area on these sites and were generally excluded from the service area and the estimated buildable acreage of the site. However, the site is specifically mapped within a Bald Eagle nest area and upon discussions with the ENSP, it has been confirmed that an eagle nest is on or within 1,000-feet of the Site #8 (see ENSP Correspondence – Appendix J). The presence of an eagle nest requires up to a 1,000-foot transition area to which a substantial portion of Site #8 would be subject. As detailed above, the large majority of Site #8 is already estimated to be unbuildable, which generally includes the area that would be subject to the 1,000-foot nest buffer. Therefore, the presence of the Rank 4 habitat has already been considered in estimating the combined sites developable acreage and is not anticipated to pose a further significant impediment to the development of this site for inclusionary housing.

In summary, Sites #7 and #8 are (1) available, as evidenced by no known encumbrances precluding inclusionary development; (2) suitable, as documented by complementary surrounding land uses and appropriate site access; (3) developable, as it is currently vacant and serviced by water/sewer infrastructure, pending limited water capacity; and (4) approvable, as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

Site #9: South Broadway (Block 4201, Lot 17) - New

As previously explained, the Township's Third Round HEFSP included the "former Site #9," an approximately 71.5-acre tract (Block 4201, Lot 17) located on South Broadway that was designated to permit mixed-use multifamily (30%) and commercial (70%) development with an anticipated yield of 24 affordable housing units. The former Site #9 was recently subdivided by the owner into two new tracts: new Site #9 (Block 4201, Lot 17) and new Site #10 (Block 4201, Lot 17.01). Pursuant to the terms of the Township's Court-approved 2024 amended settlement agreement with FSHC, and updated by this Fourth Round HEFSP, the Township will rezone new Site #9 to permit multi-family apartment flats at six units per acre with a 20% affordable housing set-aside. The expected housing yield is 150 total units, of which 30 will be affordable.

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In accordance with N.J.A.C. 5:93-5.3 and as described below, new Site #9 is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credits. There are no known encumbrances that preclude the development of affordable housing on the property. The site is largely vacant with the exception of a farmhouse and single-story nonresidential structures that appear to be incidental to agriculture production. These existing structures only represent a very minor portion of the site near South Broadway. New Site #9 is adjacent to vacant and agricultural land and medium and higher density residential and some commercial uses. The site has access to South Broadway, Route 49. There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. Further, a review of the DEP's NJ-GeoWeb Known Contaminated Sites List indicates that Site #9 is not contaminated.

The vast majority of new Site #9 is located within DEP's revised sewer service area. The area located outside of the service area was not included in the estimated buildable acreage for the site. The Township confirmed that public water and sewer service are available to the site, pending the limited water capacity reservation. Additionally, the site can be developed consistent with RSIS and all other state regulations such as those of DEP.

The site is entirely located within PA 1, the preferred location for a municipality to address its affordable housing obligation. However, a small portion of the site contains wetlands, which are located outside of the sewer service area. Therefore, the estimated developable area omits this portion of the site. While wetlands are an environmental constraint, the presence of wetlands on this site is not anticipated to impact the ability to develop the site for inclusionary housing.

According to DEP's NJ-GeoWeb Landscape Project Data, v.3.4, the site is located within a Rank 4 State Endangered habitat for Bald Eagle. The site is specifically mapped within a Bald Eagle nest area. The presence of the Rank 4 habitat requires a 150-foot freshwater wetlands transition area (N.J.A.C. 7:7A) and a 150-foot Riparian Zone (N.J.A.C. 7:13). However, upon discussions with the ENSP, it has been confirmed that an eagle nest is not on or within 1,000-feet of the site (see ENSP Correspondence – Appendix J). Accordingly, the presence of the Rank 4 habitat is not a significant impediment to the development of this site for inclusionary housing.

In summary, the site is (1) available, as evidenced by no known encumbrances precluding inclusionary development; (2) suitable, as documented by complementary surrounding land uses, appropriate site access, and limited environmental constraints; (3) developable, as it is largely vacant and serviced by appropriate water/sewer infrastructure, pending limited water capacity; and (4) approvable, as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

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Site #10: South Broadway (Block 4201, Lot 17.01) - New

New Site #10 is located on South Broadway (Block 4201, Lot 17.01) and is a portion of the “former Site #9”, documented in Pennsville’s Third Round HEFSP. The site comprises approximately 28.12 acres, of which 19.5 acres are buildable. Pursuant to the terms of the Township’s Court-approved 2024 amended settlement agreement with FSHC, and as previously described, the Township will rezone new Site #10 to accommodate two potential development scenarios:

- **Scenario 1.** New Site #10 will be developed as a mixed-use development that includes a 100% affordable development of 60 family affordable rental units; and the balance of new Site #10 will be permitted to develop with commercial uses. Multifamily apartment flats will be permitted at ten units per acre on an approximately six-acre portion of new Site #10, 30% of the buildable acreage.
- **Scenario 2.** If an experienced tax credit developer’s efforts are unsuccessful to secure funding for a 100% Affordable development, then the entirety of new Site #10 will be permitted to develop with an inclusionary development of 275 total units, 55 of which are affordable.

In accordance with N.J.A.C. 5:93-5.3 and as described below, new Site #10 is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credits. There are no known encumbrances that preclude the development of affordable housing on the property. The site is largely vacant with the exception of a farmhouse and single-story nonresidential structures that appear to be incidental to agriculture production. These existing structures only represent a very minor portion of the site near South Broadway. New Site #10 is adjacent to vacant and agricultural land and medium and higher density residential and some commercial uses. The site has access to South Broadway, Route 49. There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. Further, a review of the DEP’s NJ-GeoWeb Known Contaminated Sites List indicates that Site #10 is not contaminated.

The vast majority of new Site #10 is located within DEP’s revised sewer service area. The area located outside of the service area was not included in the estimated buildable acreage for the site. The Township confirmed that public water and sewer service are available to the site, pending the limited water capacity reservation. Additionally, the site can be developed consistent with RSIS and all other state regulations such as those of DEP.

The site is entirely located within PA I, the preferred location for a municipality to address its affordable housing obligation. However, a small portion of the site contains wetlands, which are located outside of the sewer service area. Therefore, the estimated developable area omits this portion of the site. While wetlands are an environmental

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constraint, the presence of wetlands on this site is not anticipated to impact the ability to develop the site for inclusionary housing. However, according to DEP's NJ-GeoWeb Landscape Project Data, v.3.4, the site is located within a Rank 4 State Endangered habitat for Bald Eagle. The site is specifically mapped within a Bald Eagle nest area. The presence of the Rank 4 habitat requires a 150-foot freshwater wetlands transition area (N.J.A.C. 7:7A) and a 150-foot Riparian Zone (N.J.A.C. 7:13). However, upon discussions with the ENSP, it has been confirmed that an eagle nest is not on or within 1,000-feet of the site (see ENSP Correspondence – Appendix J). Accordingly, the presence of the Rank 4 habitat is not a significant impediment to the development of this site for inclusionary housing.

In summary, the site is (1) available, as evidenced by no known encumbrances precluding inclusionary development; (2) suitable, as documented by complementary surrounding land uses, appropriate site access, and limited environmental constraints; (3) developable, as it is largely vacant and serviced by appropriate water/sewer infrastructure, pending limited water capacity; and (4) approvable, as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

In order to complete a 100% affordable development on new Site #10, it will be necessary to secure low income housing tax credit ("LIHTC") financing through either the 4% or 9% LIHTC program. The contingency for obtaining tax credit financing requires satisfying all conditions imposed by HMFA, including the distribution of units by bedroom size and affordability level, the establishment of rents for the units, and the length of the control period. The 100% Affordable development proposed on Site #10 addresses the requirements defined in N.J.A.C. 5:93 5-5, as follows:

- ✓ **Site Control.** On April 11, 2024, Land Partners of New Jersey, LLC, the developer of the 100% project, entered into an agreement of sale with the current owner (the estate of Joseph Humphreys) to purchase the subject property, thereby demonstrating site control. If the agreement of sale is no longer valid, then site control would have to be re-established.
- ✓ **Administrative Agent.** An experienced administrative agent will serve as the long-term administrative agent for the project and will oversee all aspects of the development ensuring adherence with HMFA's/ UHAC requirements.
- ✓ **Funding Capabilities.** The Court-approved 2024 amended settlement agreement between Pennsville and FSHC acknowledges the Township's inability to provide adequate and stable financing to satisfy a possible funding shortfall. In the event the developer does not receive sufficient outside funding, the Township will not be required to fund any potential 100% affordable development proposed on new Site #10. Instead, as agreed to by FSHC, the

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Township will rely on the realistic opportunity presented by the enhanced inclusionary zoning alternative to be enacted on Site #10.

- ✓ **Construction Schedule.** The 2024 amended FSHC Agreement also requires the developer to provide a proposed Construction Schedule and Pro Forma for the proposed project as part of the future compliance plan amendment.

Prior Round Senior Cap, Rental Component and Rental Bonuses

The Prior Round rules, contained at N.J.A.C. 5:93, require a municipality's obligation to consist of a minimum number of rental units, a maximum number age-restricted units, and maximum number of rental bonuses. As previously noted, Pennsville Township's Prior Round obligation is required to include at least 33 rental units, no more than 41 age-restricted units, and no more than 33 rental bonuses. Pennsville Township has addressed its Prior Round obligation with 154 rental units, 41 age-restricted units from the Kent Avenue site, and 19 Prior Round rental bonuses.

SATISFACTION OF THE THIRD ROUND OBLIGATION

As previously stated, Pennsville Township's Third Round obligation was established at 376 in the 2016 settlement agreement executed with FSHC; however, the obligation was ultimately reduced by the Court to 234, as documented in the 2017 JOR. Per COAH's regulations, and as modified by terms set forth in the Pennsville's Court-approved agreements with FSHC, the Township must address a variety of minimum or maximum credits in satisfying its Third Round obligation as set forth in the following formulas:

Minimum Third Round Rental Obligation = 59 units

$0.25 (234) = 58.5$, required to round up

Maximum Third Round Age-Restricted Units = 58 units

$0.25 (234) = 58.5$, require to round down

Minimum Third Round Family Units = 103 units; 113 units

Scenario 1. - $0.50 (206 \text{ total units}) = 103$

Scenario 2. - $0.50 (225 \text{ total units}) = 112.5$; round up

Minimum Third Round Family Rental Units = 30 units

$0.50 (59 \text{ rental requirement}) = 29.5$, required to round up

Minimum Very Low-Income Units = 31 units

$0.13 (234) = 30.4$, required to round up

Minimum Very Low-Income Family Units = 16 units

$0.13 (31 \text{ very low-income requirement}) = 15.5$, required to round up

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As summarized in Table 27, Summary of 234 Third Round obligation Credits/Bonuses 1999-2025, the Township plans to address its Third Round obligation of 234 with a combination of completed and proposed senior affordable rentals, inclusionary zoning sites, and Third Round rental bonuses. These compliance mechanisms are sufficient to address the Township's Third Round obligation of 234.

**Table 27. Summary of 234 Third Round
Obligation Credits/Bonuses, 1999-2025**

Scenario 1. with 100% Affordable development on New Site #10	Credits	Bonus	Total
100% Affordable Rentals – Completed			
Kent Avenue – Affordable Senior Rentals (45 of 86, senior bal.)	45	9	54
100% Affordable Rentals – Proposed			
Pennsville Tower Exp – 100% Aff. Senior Rentals (13 of 60; cap)	13	–	13
Inclusionary Zoning Sites – w/ 100% Affordable Rentals on #10			
New Site #10 – 100% Affordable Family Rentals with reserved water capacity (19 of 60)	19	19	38
Sites #1, 2, 5, 6, 7, 8, or New Site #9 – Inclusionary Family Affordable Units with 150 total/30 affordable reserved water capacity, first-come first-served basis	30	–	30
Subtotal	107	28	135
Durational Adjustment			
Sites #1, 2, 5, 6, 7, 8, or New Site #9 – Inclusionary Family Affordable Units <u>without</u> reserved water capacity	99	–	99
Total	206	28	234

Scenario 2. <u>without</u> 100% Affordable development on New Site #10	Credits	Bonus	Total
100% Affordable Rentals – Completed			
Kent Avenue – Affordable Senior Rentals (45 of 86, senior bal.)	45	9	54
100% Affordable Rentals – Proposed			
Pennsville Tower Exp – 100% Aff. Senior Rentals (13 of 60; cap)	13	–	13
Subtotal	58	9	67
Durational Adjustment			
Sites #1, 2, 5, 6, 7, 8, or New Sites # 9 and 10 – Inclusionary Family Affordable Units <u>without</u> reserved water capacity	167	–	167
Total	225	9	234

Affordable Rental Units – Completed, Proposed

Kent Avenue Senior/Special Needs Housing (Completed)

As previously discussed in the section on the Township's Prior Round obligation, Kent Avenue Senior/Special Needs Housing (Block 501, Lot 19) is an existing 101-unit 100% affordable rental community that includes 86 affordable senior units, 14 special needs units, and one (1) unit for an onsite manager. The units at the Kent Avenue site received certificates of occupancy on January 30, 2008 and have 30-year affordability controls through 2038 (Appendix H). For the purposes of crediting, 45 of 86 existing affordable senior rental units are being used to address the Township's Third Round obligation. The remaining 41 of 86 senior rental units and all 14 special needs units are being used to address the Prior Round obligation.

Pennsville Towers Expansion (Proposed)

The existing Pennsville Towers development (Block 3101, Lot 4) consists of 99 affordable senior units in an eight-story building located on Eaton Road. The development was constructed in 1984 in what was then a commercial zone; however, in 2022 the Township rezoned the property to the MF-3 100% Affordable District in order to enable a proposed expansion of the development with an additional 60 senior affordable units. Appendix I contains a copy of a proposed concept plan for the site. The 5.6-acre partially wooded lot has a small frontage on its southwest side on Eaton Avenue. The surrounding lots are zoned Commercial, including the wooded lot to the northwest which contains a single-family home and a commercial building. To the southeast are single-family homes with frontage along Atlantic Road. To the northeast, the lot abuts the rear of Cranberry Plaza, a one-story strip mall with frontage on Broadway (State Route 49). Across Eaton Avenue to the southwest are single-family homes in the Township's R-1 zone. The lot is in PA1, where redevelopment is encouraged, and is within the Township's water and sewer service areas.

As referenced in the Court-approved 2024 amended FSHC agreement, the developer of the proposed 60-unit expansion had previously reserved sufficient water capacity. DEP's GeoWeb mapping indicates no wetlands or environmental contamination on the site, and the site is outside any FEMA 100-year flood zone. NJ Transit bus route 468, which runs between Woodstown and Carneys Point, stops in front of the existing Pennsville Towers building. Accordingly, the site is available, suitable, approvable and developable for additional affordable housing.

The affordable units are proposed to be constructed and administered by The Walters Group, an experienced developer and administrator of affordable units in New Jersey. A deed restriction of at least 40 years will be imposed on the proposed senior rental units, at least 13% of the units will be affordable to very low-income households at 30% of regional median income, and at least 50% of the units, inclusive of the 13% very low-income units, will be affordable to low-income households at 50% or less of regional median income. The units will be affirmatively marketed in accordance with UHAC at N.J.A.C. 5:80-26.1 et seq., as modified by P.L. 2024, c.2.

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In addition, the proposed 100% affordable 60-unit senior rental project addresses the requirements defined in N.J.A.C. 5:93 5-5, as follows:

- ✓ **Site Control.** The Pennsville Towers site currently supports a 99-unit 100% affordable senior rental development that is presently owned by Foresight Affordable Housing, Inc. (“Foresight”) and administered by the Walters Group, an experienced affordable housing developer and administrator.
- ✓ **Administrative Agent.** The Walters Group will serve as the long-term administrative agent for the project and will oversee all aspects of the development ensuring adherence with HMFA’s/ UHAC requirements.
- ✓ **Funding Capabilities.** The 2024 amended settlement agreement between Pennsville and FSHC acknowledges the Township’s inability to provide adequate and stable financing to satisfy a possible funding shortfall for 100% affordable housing developments. Although the Township may provide significant trust funds per its Fourth Round Spending Plan, pending the funding availability of future trust fund revenue, the Township will not be required to cover funding shortfalls for the proposed 100% affordable 60-unit senior rental project. Instead, as agreed to by FSHC, the Township will rely on the realistic opportunity presented by the enhanced zoning alternatives to be enacted on new Site #10.
- ✓ **Construction Schedule.** At the time of preparing this HEFSP, the following general construction schedule is anticipated: prepare and submit site plan application for approval (Summer 2026), submit application to HMFA for 4% or 9% LIHTC (August 2026), funding awards granted (December 2026), outside agency approvals/permits (Winter 2027), closing, select contractor and construction start (Spring 2027).

Inclusionary Zoning Sites/Durational Adjustment

As previously discussed in the section on the Township’s Prior Round obligation, Pennsville will address portions of its Prior Round, Third Round, and Fourth Round obligations using eight (8) inclusionary zoning sites, known as Sites #1, #2, #5, #6, #7, #8, new Site #9, and new Site #10. Pursuant to the Court-approved 2024 amended settlement agreement with FSHC, Sites #3 and #4 will no longer be zoned for inclusionary development and instead will be replaced by reconfiguring the former Site #9 into new Sites #9 and #10 with higher density inclusionary zoning on both sites and by permitting the options for either 100% affordable or inclusionary residential development on new Site #10. For the purposes of crediting, both development scenarios for new Site #10 are described below and illustrated above in Table 27, Summary of 234 Third Round obligation Credits/Bonuses 1999-2025

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- **Scenario 1.** If new Site #10 is developed with a 60-unit 100% affordable development:
 - 19 of the 60 units, along with 19 bonuses, will be applied to the Third Round Obligation.
 - The remaining 41 of 60 units will be applied to the Prior Round.
 - An additional 30 units will be applied to the Third Round obligation using reserved water capacity from one of the other inclusionary sites, on a first-come first-served basis.
 - The balance of 99 units for the Third Round obligation will be durationally adjusted.
- **Scenario 2.** If new Site #10 is instead developed as an inclusionary site:
 - The entire 55-unit water reservation from any one of the inclusionary sites, on a first-come first-served basis, will be applied to the Prior Round.
 - The Township's remaining 167-unit balance of the Third Round obligation will be durationally adjusted.

As previously discussed, Pennsville is purposefully siting possible future inclusionary developments through the eight (8) inclusionary zoning sites and therefore shall not be required to "amend its compliance plan to provide additional inclusionary zoning pursuant to N.J.A.C. 5:93-4.3(c) other than the ... existing and proposed inclusionary zoning sites denoted in the Agreement." The Township's request for a durational adjustment of a portion of its Third Round obligation of 234 was previously agreed to by FSHC, as documented in the 2016 settlement agreement, and was approved by the Court in a settlement fairness order dated January 27, 2017. Thereafter, the Court approved the Township's Third Round HEFSP in a Final Third Round JOR, dated December 19, 2017.

SATISFACTION OF THE FOURTH ROUND OBLIGATION

On January 16, 2025, Pennsville Township adopted a resolution declaring a Fourth Round Present Need of 69 units and a Fourth Round Prospective Need of 46, based on calculations created by DCA and described in the October 2024 report titled *Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*. As no objections/challenges were filed against the Township's reliance on DCA's Fourth Round fair share numbers, the Superior Court affirmed the Township's Fourth Round obligations by Order dated April 28, 2025.

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The minimum number of affordable family units and maximum number of age-restricted affordable units are established using the following formulas:

Maximum Fourth Round Bonuses = 11 units

$$0.25 \text{ (Fourth Round obligation)} = 0.25 (46) = 11.5, \text{ round down}$$

Minimum Fourth Round Total Rental Units = 9 units

$$0.25 \text{ (Fourth Round obligation - bonuses)} = 0.25 (46 - 10) = 9$$

Minimum Fourth Round Family Rental Units = 5 units

$$0.50 \text{ (Min Fourth Round Total Rental Units)} = 0.50 (9) = 4.5, \text{ round up}$$

Minimum Fourth Round Total Family Units = 18 units

$$0.50 \text{ (Fourth Round obligation - bonuses)} = 0.50 (46 - 10) = 18$$

Maximum Fourth Round Age-Restricted Units = 10 units

$$0.30 \text{ (Fourth Round obligation - bonuses)} = 0.30 (46 - 10) = 10.8, \text{ round down}$$

Minimum Fourth Round Very Low-Income Units = 5 units

$$0.13 \text{ (Fourth Round obligation - bonuses)} = 0.13 (46 - 10) = 4.68, \text{ round up}$$

Minimum Fourth Round Very Low-Income Family Units = 3 units

$$0.50 \text{ (Min Fourth Round Very Low-Income Units)} = 0.50 (5) = 2.5, \text{ round up}$$

As summarized in Table 28, Summary of Fourth Round Credits/Bonuses, 2025-2035, the Township proposes to address its Fourth Round obligation of 46 using the Pennsville Senior Towers expansion site and Fourth Round bonuses for projects that are 100% affordable and where the municipality provides 3% of project costs. The Township is requesting a durational adjustment for the remainder of its Fourth Round obligation, which will be addressed using the eight (8) inclusionary zoning sites. These compliance mechanisms are sufficient to address the Township's Fourth Round obligation of 46.

Table 28. Summary of Fourth Round Credits/Bonuses, 2025-2035

46 Fourth Round - Compliance Mechanisms	Credits	Bonus	Total
100% Affordable Rentals – Proposed			
Pennsville Tower Exp – 100% Aff. Senior Rentals (10 of 47, bal. of 60; cap)	10	10	20
Durational Adjustment			
Sites #1, 2, 5, 6, 7, 8, or New Sites # 9 and 10 – Inclusionary Family Affordable Units without reserved water capacity	26	–	26
Total	36	10	46

Affordable Rental Units – Proposed

Pennsville Towers Expansion (Proposed)

As previously discussed, the existing Pennsville Towers development contains 99 affordable senior units within an eight-story building on Block 3101, Lot constructed in 1984. In 2022 the Township rezoned this property as the MF-3 100% Affordable District in order to enable a proposed expansion of the development with an additional 60 senior affordable rental units. The Township is eligible to apply a maximum of 10 senior affordable rental units from this proposed development to its Fourth Round obligation, plus an additional 10 bonuses for projects that are 100% affordable and where the municipality provides 3% of project costs. The previous section on Pennsville's Third Round obligation includes a site suitability analysis and documents compliance with the requirements for 100% affordable sites. Thirteen of the proposed 60 senior affordable rental units will address the Third Round and 10 of the balance of 47 of the total 60 senior affordable rental units will address the Fourth Round.

Durational Adjustment

Pennsville Township is requesting the continuation of its durational adjustment of the 26-unit balance of its Fourth Round obligation. Although water capacity is not reserved, the eight (8) inclusionary zoning sites remain zoned to accommodate an affordable unit yield of 26 units. As previously discussed, the Township has reserved water capacity for 55 affordable housing units, and these credits will be used to satisfy the remainder of the Township's Prior Round obligation and, possibly, a portion of the Third Round obligation.

Fourth Round Requirements - Rental, Family, Senior, Rental Bonuses, Very Low-Income

Pursuant to P.L. 2024, c.2, Pennsville Township must address a variety of minimum or maximum credits in satisfying its Fourth Round obligation. The formulas for these requirements are included in the section above. The Township will address its Fourth Round obligation with 10 senior affordable rental units (the maximum number allowed) from the Pennsville Towers expansion site as well as 10 bonuses which do not exceed the Fourth Round bonus maximum. Future affordable housing in the Township shall provide the minimum required number of family units, rental units, family rental units, very low-income units, and family very low-income units.

VERY LOW-INCOME UNITS

Pursuant to the amended FHA (P.L. 2008, c.46), municipalities must ensure that at least 13% of affordable housing units approved and constructed after July 17, 2008, are available to very low-income households. In addition, per the more recently amended FHA (P.L. 2024, c.2) at N.J.S.A. 52:27D-329.1, at least half of very low-income units addressing a Fourth Round Prospective Need must be "available for families with children." Similarly, the Township's 2016 settlement agreement with FSHC also

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requires half of very low-income units to be available with families (though, not specifically families with children).

The Township will satisfy the very low-income requirements with 14 very low-income special needs units at Kent Avenue, very low-income senior units at Pennsville Towers expansion, and with very low-income units for families that will be a required component of the eight (8) inclusionary zoning sites. At least half of these units will be available to families with children.

INCOME AND BEDROOM DISTRIBUTION

Per N.J.A.C. 5:93-7.3 and UHAC at N.J.A.C. 5:80-26.4, 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. Future affordable housing in Pennsville Township shall comply with this bedroom distribution.

Existing affordable housing in Pennsville includes a combination of HUD or LIHTC age-restricted and special needs affordable units within the Pennsville Senior Towers and Kent Avenue developments. These units are therefore not subject to the UHAC bedroom-income distribution.

MULTIGENERATIONAL FAMILY HOUSING CONTINUITY

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

ADMINISTRATION AND AFFIRMATIVE MARKETING

Pennsville Township currently has a Court-approved Fair Share Ordinance (included in Appendix K). Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated Fair Share Ordinance in accordance with COAH's rules, DCA's proposed new regulations at N.J.A.C. 5:99 and UHAC's new 2025 regulations that are anticipated to be released shortly. The Fair Share Ordinance governs the establishment of affordable units in the Township as well as regulating the occupancy of such units. The Township's Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc. including 13% very low-income housing shall be required to be affordable to households earning no more than 30 percent of median income.

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As approved by municipal resolution, the Municipal Clerk, has held and will continue to hold the position of the Municipal Housing Liaison. The Township utilizes several existing experienced affordable housing administrative agents including The Walters Group, Ron Rukenstein & Associates, and Triad Associates.

Pennsville Township currently has a Court-approved Affirmative Marketing Plan and has provided a preliminary Fourth Round updated Affirmative Marketing Plan . Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated Affirmative Marketing Plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules. The Township will adopt an Affirmative Marketing Plan for all affordable housing sites. The Township's preliminary Fourth Round updated Affirmative Marketing Plan, included in Appendix L, is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Township. Additionally, the Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Township's housing region, Region 6, consisting of Atlantic, Cape May, Cumberland, and Salem Counties.

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

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

Finally, in accordance with the July 2020 amendment to the FHA, Pennsville Township will include in its Affirmative Marketing Plan the requirement that all units

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subject to affirmative marketing requirements be listed on the state Housing Resource Center website.²⁰

DEVELOPMENT FEE ORDINANCE

Pennsville Township initially adopted a development fee ordinance in 2005 which was approved by COAH on February 27, 2006. A revised development fee ordinance was adopted on February 19, 2015 (included as Appendix M). The updated ordinance permits collection of residential development fees equal to 1.5% of the equalized assessed value of new residential construction and additions, and mandatory nonresidential development fees equal to 2.5% of the equalized assessed value of new nonresidential construction and additions. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated development fee ordinance in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules as well as to address any terms of the court-approved Third Round FSHC agreement.

SPENDING PLAN

Pennsville Township's affordable housing trust fund was established on February 27, 2006. As of December 31, 2024, the trust fund maintained a balance of \$1,780,043.34. A new Fourth Round Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, has been prepared in accordance with N.J.A.C. 5:93-5.1(c) and is included as Appendix N. All collected revenues are placed in the Township's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities as indicated in the Fourth Round Spending Plan. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will prepare an updated spending plan in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, any remaining relevant COAH rules, not superseded by either the proposed 2025 DCA regulations or the upcoming 2025 revised UHAC rules.

In general, the Township intends to use its trust fund revenues to support development costs and provide affordability assistance for two proposed 100% affordable developments, located at new Site #10 and the Pennsville Towers Expansion site, pending the availability of future projected development fees and trust funds. Additional trust fund expenditures will include the rehabilitation of existing deficient housing units, a general affordability assistance program, and administrative costs related to affordable housing efforts. The Township may, in the future, seek to amend its Spending Plan and obtain court approval to use its affordable housing trust funds for the following additional permitted affordable housing activities, including new,

²⁰ <https://njhrc.gov>

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emergent 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.

At least 30% of development fees and interest collected must 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 trust fund revenues collected each year may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a rehabilitation program, a new construction program, an HEFSP, and/or an affirmative marketing program.

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

COST GENERATION

Pennsville Township's Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards; it provides for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, RSIS at N.J.A.C. 5:21-1 et seq. and the mandate of the FHA regarding unnecessary cost generating features. Pennsville Township shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing, N.J.A.C. 5:93-10.3. Once DCA and HMFA finalize their rule proposals (not anticipated before June 30, 2025), the Township will revise its Land Development Ordinance, if needed, in accordance with DCA's proposed new regulations at N.J.A.C. 5:99, UHAC's new 2025 regulations that are anticipated to be released shortly, in order to address new requirements to address cost generative issues.

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MONITORING

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

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

APPENDIX A

DECEMBER 19, 2017 THIRD ROUND JOR

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 Attorney for Declaratory Plaintiff, Township of Pennsville

FILED

DEC 19 2017

Anne McDonnell, P.J.Ch.

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

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION
 SALEM COUNTY
 DOCKET NO.: L-119-15

Civil Case

**JUDGMENT OF MOUNT LAUREL
 COMPLIANCE AND REPOSE
 AND APPROVING MUNICIPAL
 AFFORDABLE HOUSING
 SPENDING PLAN**

THIS MATTER having been opened to the Court by Plaintiff, the Township of Pennsville, by and through its attorney Walter J. Ray, Esquire (hereinafter the "Township"); and Joshua Bauers, Esquire, appearing for Fair Share Housing Center (hereinafter "FSHC"), a Supreme Court-designated interested party pursuant to the NJ Supreme Court's decision in In Re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015); and FSHC and the Township having agreed that the Township's cumulative 1987-2025 Third Round Mount Laurel affordable housing obligation is comprised of a Present Need/Rehabilitation Share obligation of 38 units, a Prior Round obligation of 228 units, and a Third Round Prospective Need obligation of 376 units, subject to a Durational Adjustment pursuant to N.J.A.C. 5:93-4.3; and on January 12, 2017, the Court having conducted a Fairness Hearing and found that the settlement reached in this matter is fair and reasonable to low-and moderate-income persons per Order dated January 27, 2017; and the Pennsville Township Planning Board having adopted a Housing Element and Fair Share Plan (the "Plan"), endorsed by the Pennsville Township Committee, to satisfy the

Township's cumulative Third Round affordable housing obligation; and the Court having scheduled a Compliance Hearing held on November 28, 2017, for the purposes of determining whether the Township's Plan is constitutionally compliant and making a determination as to the Township's entitlement to a Judgment of Compliance and Repose; and the Township having properly caused notice to be published of the Compliance Hearing, with said notice providing an opportunity for any interested party to file an objection on or before November 14, 2017; and no parties having entered objection; and the Court having considered the moving papers, the matters of record submitted by the parties, the testimony of Township Planning Consultant, Mary Beth Lonergan, AICP, PP, and the representations of counsel; and the Court having provided an opportunity for the parties and members of the public to ask questions or provide comments on the Plan and matters addressed in the proceedings; and good and sufficient cause having been shown for entry of this Judgment, and for the reasons placed on the record during the November 28, 2017, Compliance Hearing;

IT IS on this 19th day of December, 2017,

ORDERED AND ADJUDGED as follows:

1. The Township of Pennsville has a cumulative 1987-2025 third round Mount Laurel affordable housing obligation comprised of:
 - a. A Present Need/Rehabilitation Share obligation of 38 units;
 - b. A Prior Round obligation of 228 units; and

- c. A Third Round Prospective Need obligation of 376 units, which was further reduced to 234 units by virtue of Court-approved durational adjustment pursuant to N.J.A.C. 5:93-4.3.
2. The settlement agreement reached by and between the Township and Fair Share Housing Center is fair and reasonable to the interests of low and moderate income households and, as such, was approved by this Court by Order on January 27, 2017.
3. The parties shall comply with the terms and conditions set forth in said settlement agreement.
4. As detailed in the January 27, 2017 Order, the Court-approved durational adjustment reducing the Township's Third Round Prospective Need obligation to 234 units is a result of limited fiscal and infrastructure capacity. The Township has purposefully sited future inclusionary developments limited to nine (9) inclusionary zoning sites. The Township is not required to have overlay zoning per N.J.A.C. 5:93-4.3(b). The Township shall reserve water and sewer capacity for the inclusionary housing site(s) to be developed to fully satisfy the remaining 55-unit balance of the Prior Round obligation. The remaining 179 affordable housing units to be developed on these sites to help address the 234-unit Third Round Prospective Need obligation (in addition to 45 existing affordable housing credits and 10 rental bonuses) are subject to availability of future additional water and sewer capacity.
5. As detailed in the Township's Housing Element and Fair Share Plan, the Township has demonstrated that it has met its Prior Round obligation and has in place a plan to meet its Present Need/Rehabilitation Share obligation and its Third Round Prospective Need obligation

as modified by the Court-approved durational adjustment. As such, the Township's Plan and implementing ordinances are constitutionally sufficient and compliant with the Township's Third Round Mount Laurel affordable housing obligation and are therefore approved.

6. The Township shall fully implement its Housing Element and Fair Share Plan.
7. The Township's Affordable Housing Spending Plan is hereby approved. The proposed expenditure of funds from the Township's Affordable Housing Trust Fund detailed therein is found and determined to be consistent with and authorized by the Fair Housing Act, and as such, those funds are properly committed for expenditure as required by the 2008 amendment to the Fair Housing Act, P.L. 2008, c. 46.
8. The Township is entitled to this Judgment of Compliance and Repose and immunity from exclusionary zoning lawsuits, including but not limited to "builder's remedy" lawsuits, for its Third Round Mount Laurel affordable housing obligations for a period of ten (10) years, retroactive to the date of the Township's filing of the instant action on June 29, 2015, with said protections extending through and expiring on June 29, 2025.
9. Subject to the preservation of the rights and responsibilities of the parties set forth in the settlement agreements, the Township may apply to the Court for an amendment to its Plan and implementing ordinances and/or Spending Plan.

10. Should the parties be unable to resolve any issue(s), an application may be made to the Court for relief on proper motion filed with notice provided to all parties. Otherwise, the Court does not retain further jurisdiction over this matter.

11. A copy of this Judgment shall be served on all counsel of record and the official service list within seven days of receipt by counsel for Petitioner, Township of Pennsville.



Hon. Anne McDonnell, J.S.C., P.J.

5 day - no opp

APPENDIX B

THIRD ROUND 2016/2024 FSHC SETTLEMENTS; 2017, 2025 COURT FAIRNESS ORDERS