

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Township of Pilesgrove
Salem County, New Jersey

June 2025

Adopted by the Planning Board on June 18, 2025

Prepared By:



Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street, Red Bank, NJ 07701
(732) 741-2900

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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12

A handwritten signature in dark ink, appearing to read "Michael Davis", is written over a horizontal line.

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EXECUTIVE SUMMARY

The following Fourth Round Housing Element and Fair Share Plan has been prepared for the Township of Pilesgrove in the County of Salem in accordance with the Fair Housing Act as most recently amended (P.L.2024, c.2).

Pilesgrove Township is a 35.17 square mile community located in southwest New Jersey, within the northern portion of Salem County that abuts the County of Gloucester to the northeast and the County of Cumberland to the southeast. The Township boundary encases Woodstown and shares municipal boundaries with Oldsmans Township and Carney's Point Township to the northwest, Mannington Township and Alloway Township to the south, and Upper Pittsgrove Township to the east. State routes, including NJ Route 40 and NJ Route 45, run through the Township.

The Township can be characterized as a rural municipality and, according to the State Development and Redevelopment Plan (SDRP), is located primarily in Rural Planning Area 4, with smaller areas being part of the Rural Environmentally Sensitive Planning Area 4b; and Fringe Area 3.

According to the 2023 Census, Pilesgrove Township's population was 4,202, which represents an increase of 0.5% from 2020. In 2020, the Township's median age was 44.9 years, representing a -5.1% decrease from the median age of 47.3 years in 2010. The Township's average household size in 2020 was 2.55 people, which was slightly lower than the average at the County level (2.82 persons).

The housing stock of the Township is predominantly single-family detached dwelling units. Most (70.4%) of the housing stock was built between 1950 to 2000. According to the guidelines originally established by COAH, the Township is located in [Housing Region 6,] a region that consists of Atlantic, Cape May, Cumberland, Salem counties. Based on the 2024 Regional Income Limits (released by Affordable Housing Professionals of New Jersey on April 12, 2024), the median income in Region 6 for a four-person household is \$98,360, the moderate-income is \$78,688, the low-income is \$49,180, and the very-low-income level is \$29,508.

Affordable housing obligations in New Jersey are divided into "housing rounds," as will be discussed in detail later in this Plan. Each municipality in New Jersey has a constitutional obligation to provide their fair share of the calculated regional need for affordable housing within the respective housing round. These obligations to construct new affordable housing are known as the "Prospective Need" obligation. Municipalities also have an obligation to rehabilitate units that are deemed substandard, pursuant to the criteria of the Fair Housing Act. This obligation is known as the Present Need, or Rehabilitation Share. The housings rounds are as follows: Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035).

This Fourth Round Housing Element and Fair Share Plan will show how the Township Pilesgrove is addressing its Prior Round, Third Round and Fourth Round affordable housing obligations.

INTRODUCTION

The need to provide a realistic opportunity for the construction of affordable housing in New Jersey, the country's most densely populated state, has been recognized for decades. In the case of Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975), (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to create a realistic opportunity for their fair share of low and moderate income housing.

In Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983), decided on January 20, 1983 (commonly known as Mount Laurel II), the Supreme Court responded to the response of municipalities to Mount Laurel I. The builder's remedy created a mechanism for developers to sue non-compliant municipalities and force them to comply. Mount Laurel II also created the Judgment of Compliance and Repose to incentivize municipalities to comply. A Judgment of Compliance and Repose protected municipalities from potential lawsuits and those who would claim entitlement to a builder's remedy or other relief based upon the claim that the municipality was noncompliant.

In the wake of Mount Laurel II, developers sued municipalities seeking builder's remedies. The wave of builder's remedy lawsuits created the impetus for legislation to protect municipalities from builder's remedies. A decision by Judge Serpentelli, one of three judges appointed by Chief Justice Wilentz to implement Mount Laurel II, increased the need for a legislative cure. More specifically, in 1984, Judge Serpentelli issued the "AMG decision" (AMG Realty Co. v. Warren Twp), which established a formula for any developer to determine the fair share obligation of any municipality.

The pressure of builder's remedy suits, combined with the ease in determining the fair share of any municipality through the AMG formula, culminated in the enactment of the New Jersey Fair Housing Act in 1985. The Fair Housing Act (FHA) is found at N.J.S.A. 52:270-301, et seq. The FHA established the Council on Affordable Housing (COAH) as an administrative alternative to builder's remedy lawsuits and the concomitant jurisdiction of the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need.

In 2008, the Legislature amended the FHA to add requirements for very low-income housing. Very low-income households are those in which the gross household income is 30% or less than the region's median household income. Low-income households are those with incomes no greater than 50% of the region's median household income. Moderate-income households are those with incomes no greater than 80% and

no less than 50% of the region's median household income. Each is adjusted for household size and is in relation to the median gross income of the housing region in which the municipality is located.

FIRST AND SECOND ROUNDS

The First and Second Rounds under COAH are collectively referred to as the "Prior Round." The Prior Round obligation is the cumulative 1987-1999 fair share obligation. The First Round consists of the six-year period between 1987 and 1993 for which COAH first established a formula for determining municipal affordable housing obligations (N.J.A.C. 5:92-1 et seq.). Then in 1994, COAH established amended regulations (N.J.A.C. 5:93-1.1 et seq.) and produced additional municipal affordable housing obligations for the years 1993 to 1999. This round of obligations is known as the Second Round. When COAH adopted regulations for the Second Round, it made the First and Second Round obligations cumulative for both periods.

THIRD ROUND

Housing rounds were originally established by the Fair Housing Act as six-year periods, but in 2001 the Legislature extended the rounds to 10-year periods. This should have meant that the Third Round ran from 1999 to 2009. However, COAH didn't establish new rules for the Third Round until the end of 2004 (N.J.A.C. 5:94-1 and 95-1 et seq.). The Third Round time period was therefore extended to 2014. The Third Round rules established a new method for calculating a municipality's affordable housing obligation, known as "growth share." This method required municipalities to project future residential and non-residential development, and then derive their obligation from that growth.

After the New Jersey Appellate Court invalidated several components of the Third Round rules, COAH released revised rules in 2008. The Third Round was once again extended to 2018 to provide municipalities with the time to apply the amended rules and establish mechanisms to meet their obligations. The revised Third Round rules, like the initial Third Round, rules established obligations based on a growth share approach.

On October 8, 2010, in response to numerous legal challenges to the second iteration of COAH's Third Round regulations, the Appellate Division ruled that COAH could not allocate obligations through a "growth share" formula and directed COAH to use similar methods to those used in the First and Second Rounds.

COAH proposed Third Round regulations a third time in 2014 using a formula similar to the ones it had used in the First and Second Rounds. However, when COAH met to consider adopting these rules on October 20, 2014, it deadlocked.

On March 10, 2015, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), wherein it responded to COAH's failure to adopt defensible rules for the Third Round. This decision changed the landscape by which municipalities are required to comply with their constitutional obligation to provide their fair share of affordable housing. The Supreme Court held that since COAH was no longer functioning, trial courts were

to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations, and also established a transitional process for municipalities to seek temporary immunity and ultimately a Judgment of Compliance and Repose (“JOR”) from a Court, which was the “judicial equivalent” of Substantive Certification from COAH.

On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court’s Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel V”), which held that need having accrued during the Gap Period (1999-2015) was part of the Present Need, not Prospective Need. The Supreme Court held that there is an obligation with respect to that period for households that came into existence during that gap that are eligible for affordable housing, that are presently (as of 2015) in need of affordable housing, and that are not already counted in the traditional Present Need.

As the methodology and obligations from the Gap and Prospective Need had not been fully adjudicated at that time, various trial judges issued opinions on the appropriate methodology and 354 municipalities reportedly settled with Fair Share Housing Center wherein they negotiated the obligations for Round 3.

Municipal obligations were therefore broken down in Round Three Housing Element and Fair Share Plans as Present Need/Rehabilitation, Prior Round (1987-1999), and Third Round and Gap Period (1999-2015). Municipalities that received their Final Judgement of Compliance and Repose were guaranteed immunity from builders’ remedy lawsuits through the end of the Third Round, June 30, 2025.

FOURTH ROUND

On March 18, 2024, the affordable housing legislation known jointly as Senate Bill S50 and Assembly Bill A4 passed both houses of the legislature. Governor Murphy signed the bill (P.L.2024, c.2) into law on March 20, 2024, establishing a new methodology for determining municipalities’ affordable housing obligations for the Fourth Round and beyond. The new legislation, which comprehensively amends the FHA, overhauled the process that municipalities undertake to establish and plan for their constitutionally mandated affordable housing obligation. Most notably, this legislation formally abolished COAH while transferring some of its functions to the New Jersey Department of Community Affairs (DCA) and Housing Mortgage and Finance Agency (HMFA). The legislation also created a new entity known as the Affordable Housing Dispute Resolution Program or simply the Program, which consists of retired Mount Laurel judges as well as Special Adjudicators, to assist with mediations and to review and approve municipal Fourth Round Housing Elements and Fair Share Plans.

The amended FHA called on the DCA to issue a non-binding report on the new Present Need Obligation (commonly referred to as the rehab obligation) and the Prospective Need for Round 4 and subsequent rounds. The amended FHA requires the DCA to base its analysis of the obligations for each municipality based upon the standards set forth in the amended FHA. Accordingly, on October 18, 2024 the DCA

released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of low- and moderate-income obligations for each of the State's municipalities. The amended FHA gave municipalities until January 31, 2025, to review the obligation reported by the DCA and perform their own analysis of their obligation based on the methodology in the legislation and previously established by the Courts. If any municipality wished to commit to an obligation different from the one reported by the DCA, the amended FHA required the municipality to adopt a resolution by January 31, 2025, committing to the number that it contended was the appropriate obligation. If a municipality wished to commit to the numbers that the DCA reported, the amended FHA required the municipality to adopt a resolution committing to the DCA numbers.

The amended FHA required any municipality that wished to participate in the new process that the Act created to file a declaratory relief action within 48 hours of adopting the resolution committing to the numbers the municipality deemed appropriate.

The amended FHA gave any interested party who wished to oppose the numbers to which any municipality committed to file an Answer by February 28, 2025 which included a particularized objection to the numbers to which the municipality committed.

The amended FHA gave "the Program" until March 31, 2025, to try to resolve any disputes over the fair share numbers to which a municipality committed.

The amended FHA gives municipalities until June 30, 2025, to file a Fourth Round Housing Element and Fair Share Plan and related documents showing how the municipality will comply with its obligations. The Fourth Round Plans will follow the same general format as they have with certain updates to their requirements dealing with various types of housing and the bonus credit calculation system. Notably, HEFSPs are required to be consistent with the State Development and Redevelopment Plan (SDRP) (a new draft SDRP was released in late 2024 and has yet to be adopted) and the Highlands Regional Master Plan for conforming municipalities. As part of the HEFSP, municipalities shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing (i.e. First, Second, and Third Rounds).

PILESGROVE TOWNSHIP'S HISTORY OF AFFORDABLE HOUSING

Pilesgrove Township has a history of compliance with its Mount Laurel obligations. Pilesgrove Township's Planning Board adopted a Housing Element and Fair Share Plan on February 22, 2007, which was endorsed by the Township Committee on March 12, 2007. The Township then sought court approval of its 2007 Housing Element and Fair Share Plan and received a Final Judgment of Compliance and Repose on July 12, 2007, which satisfied the Township's Prior Round Obligations.

The Township then amended its Housing Element and Fair Share Plan in 2010, which was adopted and endorsed by the Township on March 9, 2010, and the Township sought court approval of that plan. On July 21, 2010, the Township received a Final Judgment of Compliance and Repose which granted the Township immunity from Mount Laurel lawsuits for the Third Round of affordable housing obligations until December 31, 2018.

The Township adopted a resolution on January 28, 2025, committing to the Fourth Round Present and Prospective Need Obligations calculated by the DCA, and filed a Fourth Round Declaratory Judgment Action with the Program and the Court on January 29, 2025. See Appendix A. The Court entered an Order on April 28, 2025, established the Township's Fourth Round Present and Prospective Need Obligations. See Appendix B.

PLANNING FOR AFFORDABLE HOUSING

Pursuant to both the FHA (N.J.S.A. 52:27D-310, et seq.) and the Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-28), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to describe the specific, intended methods that a municipality plans to use in order to meet its low- and moderate-income housing needs. Further, the housing element is meant to demonstrate the existing zoning or planned zoning changes that will allow for the provision of adequate capacity to accommodate household and employment growth projections, to achieve the goal of access to affordable housing for present and future populations. The statutorily required contents of the housing element are:

- 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 for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);

-
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
 - 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 section 1 of P.L.2021, c.273 (C.52:27D-329.20);
 - 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.

PART 1: HOUSING ELEMENT**DEMOGRAPHIC CHARACTERISTICS****Population**

Table 1 below depicts the population trends experienced in Pilesgrove Township, Salem County, and the State of New Jersey in the 93-year period between 1930 and 2023. In 2023, there were 4,202 residents in Pilesgrove Township, which indicates an increase of 19 people (0.5%) from 2020. Pilesgrove Township has experienced steady growth over the past 93 years, with just one decrease of 201 residents (-11.1%) between 1930 and 1940. Overall, the Township has seen a growth of 2,387 residents during this time frame, reflecting a 131.5% increase in its population. Proportionally speaking, the Township's most significant period of growth occurred in the decade between 1950 and 1960 when the Township saw a 29.7% increase in its population. These trends are reflected at the County and State level, as well, which saw a similarly significant increase in population throughout the 1950s. While population growth has been steady during this time period in Salem County and the State of New Jersey as a whole, the Township's overall growth (131.5%) has proportionally exceeded that of the County (76.4%) and State (129.3%).

Table 1: Population Trends, 1930-2023									
Pilesgrove Township, Salem County, and New Jersey									
Year	Pilesgrove Township			Salem County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	1,815	-	-	36,834	-	-	4,041,334	-	-
1940	1,614	-201	-11.1%	42,274	5,440	14.8%	4,160,165	118,831	2.9%
1950	1,942	328	20.3%	49,508	7,234	17.1%	4,835,329	675,164	16.2%
1960	2,519	577	29.7%	58,711	9,203	18.6%	6,066,782	1,231,453	25.5%
was	2,706	187	7.4%	60,346	1,635	2.8%	7,171,112	1,104,330	18.2%
1980	2,810	104	3.8%	64,676	4,330	7.2%	7,365,011	193,899	2.7%
1990	3,250	440	15.7%	65,294	618	1.0%	7,730,188	365,177	5.0%
2000	3,923	673	20.7%	64,285	-1,009	-1.5%	8,414,350	684,162	8.9%
2010	4,016	93	2.4%	66,083	1,798	2.8%	8,791,894	377,544	4.5%
2020	4,183	167	4.2%	64,837	-1,246	-1.9%	9,288,994	497,100	5.7%
2023	4,202	19	0.5%	64,973	136	0.2%	9,267,014	-21,980	-0.2%
Total Change	-	2,387	131.5%	-	28,139	76.4%	-	5,225,680	129.3%

Source: 1930-2020 U.S. Decennial Census; 2019-2023 American Community Survey 5-Year Estimates

Population Composition by Age

The median age of the residents in Piles Grove Township in 2020 was 44.9 years, which shows a 5.1% decrease from the 2010 median age of 47.3 years. Analysis of age group characteristics provides insight into the actual changes in population. This comparison is helpful in determining the impacts these changes have on housing needs, community facilities and services for the municipality. As detailed in Table 2 below, the entire composition of Piles Grove Township experienced notable shifts in the years between 2010 and 2020. The most significant shift occurred in the population aged 55 and over, which collectively saw a 182-person increase. Simultaneously, the Township experienced a significant decrease in its population under the ages 35 to 54 (-15.3%). This data suggests that a larger portion of the Township's residents are transitioning into the senior citizen age range, which will require the Township to consider planning tools and approaches that encourage aging-in-place.

Table 2: Population by Age, 2010 to 2020 Piles Grove Township						
Population	2010		2020		Change (2010 to 2020)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	171	4.3%	194	4.6%	23	13.5%
5 to 14	458	11.4%	547	13.1%	89	19.4%
15 to 24	488	12.2%	442	10.6%	-46	-9.4%
25 to 34	322	8.0%	414	9.9%	92	28.6%
35 to 44	433	10.8%	498	11.9%	65	15.0%
45 to 54	697	17.4%	459	11.0%	-238	-34.1%
55 to 64	604	15.0%	651	15.6%	47	7.8%
65 and over	843	21.0%	978	23.4%	135	16.0%
Total population	4,016	100.00%	4,183	100.00%	167	4.2%
Median Age	47.3		44.9		-2.4	-5.1%

Source: U.S. Decennial Census, 2010 and 2020

Salem County experienced population fluctuation as well. The County also saw the greatest shift of roughly 18% in its population aged 55 and over, which was proportionally slightly higher than the increase experienced at the Township level. The County experienced rather significant decreases in its population aged 35 to 54 (-16.9%), directly mirroring shifting age trends occurring in the Township. This data is displayed in Table 3 below.

Table 3: Population by Age, 2010 to 2020 Salem County						
Population	2010		2020		Change (2010 to 2020)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	3,847	5.8%	3467	5.3%	-380	-9.9%
5 to 14	8,684	13.1%	8282	12.8%	-402	-4.6%
15 to 24	8,409	12.7%	7,707	11.9%	-702	-8.3%
25 to 34	7,358	11.1%	7460	11.5%	102	1.4%
35 to 44	8,421	12.7%	7,598	11.7%	-823	-9.8%
45 to 54	10,545	16.0%	8154	12.6%	-2,391	-22.7%
55 to 64	8,902	13.5%	9,697	15.0%	795	8.9%
65 and over	9,917	15.0%	12,472	19.2%	2,555	25.8%
Total population	66,083	100.0%	64,837	100.0%	-1,246	-1.9%
Median Age	40.8		42.1		1.3	3.2%

Source: U.S. Decennial Census, 2010 and 2020

Households

A household is defined as one or more persons, either related or not, living together in a housing unit. In 2020 there was a total of 1,570 households in Pilesgrove Township. Over half of the Township's households comprised two or less people. In fact, Two-person households were the most common household size at both the Township (36.9%) and County (32.7%) levels, followed by one-person households. The average household size of the Township in 2020 was 2.55, which was slightly lower than that of the County's average of 2.82.

Table 4: Household Size of Occupied Housing Units, 2020 Pilesgrove Township and Salem County				
	Pilesgrove Township		Salem County	
	Number	Percent	Number	Percent
1-person household	341	21.7%	6,727	26.7%
2-person household	579	36.9%	8,242	32.7%
3-person household	235	15.0%	4,186	16.6%
4-person household	221	14.1%	3,286	13.0%
5-person household	143	9.1%	1,682	6.7%
6-person household	40	2.5%	647	2.6%
7-or-more-person household	11	0.7%	455	1.8%
Total Households	1,570	100.0%	25,225	100.0%
Average Household Size (2023)	2.55		2.82	

Source: US Decennial Census, 2020

According to the United States Census, family households are defined as two or more persons living in the same household, related by birth, marriage, or adoption. As shown in Table 5, most (76.5%) of all households in the Township in 2023 were categorized as family households. Approximately 24% of the married-couple families within the Township had children under the age of 18.

In providing more detail on American households, the 2020 Census includes the sub-groups of non-traditional households, including “Other Family” and “Non-Family” households. “Other Family” households accounted for 10.3% of all households, broken down into 9.2% female householders with no spouse or partner present and 1.1% male householders with no spouse or partner present. “Non-Family” households are defined as those that consist of a householder living alone or sharing the home exclusively with people to whom he/she is not related. Non-family households comprised approximately 23.5% of all households in the Township.

Table 5: Household Size and Type, 2023		
Pilesgrove Township		
	Total	Percent
Total Households	1,458	100.0%
Family Households	1115	76.5%
Married couple family	965	66.2%
With children	350	24.0%
Without children	615	42.2%
Other Family	150	10.3%
Male householder, no spouse	16	1.1%
With children	10	0.7%
Without children	6	0.4%
Female householder, no spouse	134	9.2%
With children	48	3.3%
Without children	86	5.9%
Nonfamily household	343	23.5%
Male householder	194	13.3%
Living alone	160	11.0%
Not living alone	34	2.3%
With children	0	0.0%
Female householder	149	10.2%
Living alone	149	10.2%
Not living alone	0	0.0%
With children	0	0.0%

Source: 2019-2023 American Community Survey 5-Year Estimates

Income

As measured in 2023, Pilesgrove Township had a significantly higher median household income compared to Salem County and the State of New Jersey. The median income in Pilesgrove Township was \$96,968, which was roughly \$18,556 greater than that of the County and \$4,082 less than that of the State. The per capita income in Pilesgrove Township was comparable to that of the State, although notably higher than that of the County. This data is outlined in Table 6 below.

Table 6: Per Capita and Household Income, 2023 Pilesgrove Township, Salem County, and New Jersey		
	Per Capita Income	Median Household Income
Pilesgrove Township	\$57,847	\$96,968
Salem County	\$39,397	\$78,412
New Jersey	\$53,118	\$101,050

Source: 2019-2023 American Community Survey 5-Year Estimates

In 2020 roughly 80% percent of all households in the Township earned an income of \$50,000 or more, as compared to roughly 70% of households in the County. The income range that accounted for the most Township households was the \$100,000 to \$149,999 bracket, which comprised nearly 21% of households in Pilesgrove; this was also the case across Salem County as a whole, but at a lower percentage of 17.7%. The second largest income bracket in the Township was \$75,000 to \$99,999, comprising 16.9% of households. At the County level, this same income bracket accounted for a lesser 14.9% of households. This suggests that the Township's household income distribution is slightly skewed toward these higher income brackets as compared to the County, which may at least partially help explain the stark difference between the median income reported at the Township and County levels.

Table 7: Household Income, 2023 Pilesgrove Township and Salem County				
	Pilesgrove Township		Salem County	
	Number¹	Percent	Number¹	Percent
Less than \$10,000	398	2.5%	896	3.6%
\$10,000 to \$14,999	335	2.1%	1,244	5.0%
\$15,000 to \$24,999	590	3.7%	1,941	7.8%
\$25,000 to \$34,999	797	5.0%	1,742	7.0%
\$35,000 to \$49,999	1,147	7.2%	2,165	8.7%
\$50,000 to \$74,999	2,295	14.4%	3,807	15.3%
\$75,000 to \$99,999	2,693	16.9%	3,707	14.9%
\$100,000 to \$149,999	3,314	20.8%	4,404	17.7%
\$150,000 to \$199,999	2,167	13.6%	2,563	10.3%
\$200,000 or more	2,183	13.7%	2,413	9.7%
Total Households	15,935	100.0%	24,881	100.0%
Median Household Income	\$96,968		\$78,412	

Source: 2019-2023 American Community Survey 5-Year Estimates

Poverty Status

Of the 4,160 people in Pilesgrove Township for which poverty status was determined, 69 (1.7%) individuals lived in poverty in 2023; this was considerably lower than the County's poverty rate of 12.8%. Of Pilesgrove Township's population that fell below the poverty level in 2023, more than half were between the ages of 18 and 64; this trend was mirrored at the County level as well. Proportionally the Township's population living in poverty over the age of 65 (39.1%) was significantly higher than that of the County (10.5%) and the County's population living in poverty under the age of 18 was significantly higher than in the Township. This data is presented in Table 8 below.

Table 8: Poverty Status, 2023 Pilesgrove Township and Salem County						
	Pilesgrove Township			Salem County		
	Number	% of Total Persons	% of Persons In Poverty	Number	% of Total Persons	% of Persons In Poverty
Total persons	4,160	100.0%		63,702	100.0%	
Total persons below poverty level	69	1.7%		8,131	12.8%	
Under 18	0	0.0%	0.0%	2,854	4.5%	35.1%
18 to 64	42	1.0%	60.9%	4,424	6.9%	54.4%
65 and over	27	0.6%	39.1%	853	1.3%	10.5%

Source: 2019-2023 American Community Survey 5-Year Estimates

Household Costs

Tables 9 and 10 below show the expenditures for housing as a percentage of household income for those who own and rent in Pilesgrove Township and Salem County. In 2023 a majority of Township residents lived in homes they owned, which was the same at the County level as well. General affordability standards set a limit at 30% of gross income to be allocated for owner-occupied housing costs and 28% of gross income to be allocated for renter-occupied housing costs. Approximately 20.7% of Township residents who owned the units they occupied spent 30% or more of their household income on housing, as compared to 36.5% of Township residents who rented the units they occupied. These figures were on par with those of the County.

Table 9: Selected Monthly Owner Costs as a Percentage of Household Income, 2023 Pilesgrove Township and Salem County				
	Pilesgrove Township		Salem County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	1,261	100.0%	17,738	100.0%
Less than 20.0%	765	60.7%	8,819	49.7%
20.0 to 24.9%	172	13.6%	2,643	14.9%
25.0 to 29.9%	63	5.0%	1,471	8.3%
30.0 to 34.9%	26	2.1%	1,066	6.0%
35.0% or more	235	18.6%	3,632	20.5%
Not computed	0	0.0%	107	0.6%

Source: 2019-2023 American Community Survey 5-Year Estimates

Table 10: Gross Rent as a Percentage of Household Income, 2023 Pilesgrove Township and Salem County				
	Pilesgrove Township		Salem County	
	Number	Percent	Number	Percent
Total Renter-Occupied Housing Units	197	100.00%	7,143	100.00%
Less than 10.0%	64	32.5%	408	5.7%
10.0 to 14.9%	0	0.0%	336	4.7%
15.0 to 19.9%	0	0.0%	710	9.9%
20.0 to 24.9%	7	3.6%	790	11.1%
25.0 to 29.9%	54	27.4%	643	9.0%
30.0 to 34.9%	18	9.1%	786	11.0%
35.0 to 39.9%	0	0.0%	494	6.9%
40.0 to 49.9%	14	7.1%	519	7.3%
50.0% or more	40	20.3%	2,012	28.2%
Not computed	0	0.0%	445	6.2%

Source: 2019-2023 American Community Survey 5-Year Estimates

EXISTING HOUSING CONDITIONS**Housing Unit Data**

Pilesgrove Township's housing stock is largely comprised of structures built prior to the year 2000. In 2023, Pilesgrove Township had a total of 1,458 occupied housing units, 86.5% of which were owner-occupied and 13.5% of which were renter-occupied. The Township experienced housing booms in the 1950s, 1970s and 1990s, during which approximately 16.8%, 17.6% and 18.4% of the Township's housing structures were constructed, respectively. According to 2019-2023 American Community Survey Estimates, the Township has seen very few housing structures built since 2010. The median year of construction for the housing stock in Pilesgrove Township is 1977. This data is outlined in Tables 11 and 12 below.

Table 11: Housing Data, 2023 Pilesgrove Township			
	Number	% of Total Housing Units	% of Occupied Housing Units
Total Housing Units	1,564	100.00%	-
Occupied Housing Units	1,458	93.2%	100.00%
Owner Occupied	1,261	80.6%	86.5%
Renter Occupied	197	12.6%	13.5%
Vacant Housing Units	106	6.8%	-

Source: 2019-2023 American Community Survey 5-Year Estimates

Table 12: Year Structure Built, 2023 Pilesgrove Township		
	Number	Percent
Total Housing Units	1,564	100.00%
Built 1939 or earlier	177	11.3%
Built 1940 to 1949	7	0.4%
Built 1950 to 1959	263	16.8%
Built 1960 to 1969	150	9.6%
Built 1970 to 1979	275	17.6%
Built 1980 to 1989	125	8.0%
Built 1990 to 1999	287	18.4%
Built 2000 to 2009	217	13.9%
Built 2010 to 2013	63	4.0%
Built 2014 or later	0	0.0%
Median Year Structure Built	1977	

Source: 2019-2023 American Community Survey 5-Year Estimates

According to 2019-2023 American Community Survey Estimates, Pilesgrove Township has a high occupancy rate, with very few of their housing units vacant. Of Pilesgrove Township's 1,564 housing units, 1,458 (93.2%) were occupied and only 106 (6.8%) were vacant. Nearly three-quarters (74.5%) of vacant units could be attributed to "Other Vacant", with "For Rent/Rented Not Occupied" accounting for the remaining 25.5%. This data is represented in Table 13 below.

Table 13: Housing Occupancy, 2023 Pilesgrove Township			
	Total	% of Total Housing Units	% of Vacant Housing Units
Total Housing Units	1,564	100.00%	-
Occupied	1,458	93.2%	-
Vacant Housing Units	106	6.8%	100.0%
For Rent/Rented Not Occupied	27	1.7%	25.5%
For Sale Only	0	0.0%	0.0%
Sold, not occupied	0	0.0%	0.0%
For Seasonal, Recreational or Occasional Use	0	0.0%	0.0%
Other Vacant	79	5.1%	74.5%

Source: 2019-2023 American Community Survey 5-Year Estimates

Housing Type and Size

In 2023, single-family detached housing made up the vast majority of the Township's housing stock at 90%. Two-family homes were the next most common housing type, representing 2.4% of the Township's housing stock. The median number of rooms within housing structures in the Township was 7.4, with nearly 80% of housing units having a minimum of 6 rooms and less only 2.3% of housing units having 2 or less rooms.

Table 14: Housing Type and Size, 2023 Pilesgrove Township		
Units in Structure	Total	Percent
1, detached	1,407	90.0%
1, attached	37	2.4%
2	60	3.8%
3 or 4	0	0.0%
5 to 9	32	2.0%
10 to 19	14	0.9%
20 or more	14	0.9%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Total Housing Units	1,564	100.00%
Rooms	Total	Percent
1 room	0	0.0%
2 rooms	36	2.3%
3 rooms	135	8.6%
4 rooms	82	5.2%
5 rooms	63	4.0%
6 rooms	197	12.6%
7 rooms	307	19.6%
8 rooms	328	21.0%
9 or more rooms	416	26.6%

Total Housing Units	1,564	100.00%
Median number of rooms	7.4	

Source: 2019-2023 American Community Survey 5-Year Estimates

Housing Growth and Projections

In terms of residential growth, the issuance of building permits serves as one of the indicators that help to determine housing needs in a given municipality. Table 15 below illustrates the number of building permits that were issued over the 10-year period between January 2013 through December 2023, when the Township issued building permits authorizing the development of 23 housing units. Within this time frame, the busiest years for building permits occurred between 2022 and 2024, with roughly 65% of all building permits since 2013 having been issued in those years. The vast majority of the permits issued during this time frame were for single- and two-family homes, while only one permit was issued for mixed-use structures and none were issued for multifamily structures.

Further, throughout the same 10-year period, Pilesgrove issued permits authorizing the demolition of 33 units, which averages to approximately 3.3 units per year. The average demolition rate is approximately 30% more than the abovementioned development rate. If the demolition rate were to remain relatively constant over the next approximately 10-year period, an additional 33 residential units could be expected to be demolished between January 2025 and the end of 2035, resulting in a projected net decrease of 10 units.

Table 15: Housing Units Authorized by Building Permits, 2014-2024				
Pilesgrove Township				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2014	3	0	0	3
2015	4	0	0	4
2016	0	0	0	0
2017	0	0	0	0
2018	1	0	0	1
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	5	0	0	5
2023	5	0	0	5
2024	4	0	1	5
Total 2014-2024	22	0	1	23
10-Year Average				2.3
10-Year Permit Projection (2025-2035)				23

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

Table 16: Housing Units Demolished by Building Permits, 2014-2024 Pilesgrove Township				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2014	2	0	0	2
2015	1	0	0	1
2016	7	0	0	7
2017	17	1	0	18
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	1	0	0	1
2023	1	0	0	1
2024	2	0	1	3
Total 2014-2024	31	1	1	33
10-Year Average				3.3
10-Year Demolition Projection (2025-2035)				33

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

Housing Values and Contract Rents

According to the 2019-2023 American Community Survey, more than half (57.6%) of the owner-occupied housing stock in Pilesgrove Township in 2023 was valued at over \$200,000, as compared to 87.9% of the County's housing stock. In addition, the Township's median home value (\$223,000) fell below that of the County (\$365,100) by an estimated \$142,100. This data is outlined in Table 17 below.

Table 17: Value for Owner-Occupied Housing Units, 2023 Pilesgrove Township and Salem County				
	Pilesgrove Township		Salem County	
	Number	Percent	Number	Percent
Total	17,738	100.0%	1,261	100.0%
Less than \$50,000	1026	5.8%	40	3.2%
\$50,000 to \$99,999	1067	6.0%	0	0.0%
\$100,000 to \$149,999	2393	13.5%	11	0.9%
\$150,000 to \$199,999	3029	17.1%	102	8.1%
\$200,000 to \$299,999	5189	29.3%	253	20.1%
\$300,000 to \$499,999	3806	21.5%	619	49.1%
\$500,000 to \$999,999	992	5.6%	236	18.7%
\$1,00,000 and greater	236	1.3%	0	0.0%
Median Value	\$223,000		\$365,100	

Source: 2019-2023 American Community Survey 5-Year Estimates

As shown on Table 18 below, it is estimated that 63.7% of owner-occupied units in the Township were financed by a primary mortgage, contract to purchase, or similar debt. Of these units, approximately 7.1% were multiple mortgages, and the remaining 79.7% were associated with just a primary mortgage.

Proportionally there were slightly less owner-occupied housing units with a mortgage at the County level; more specifically, 57.1% of such units had a primary mortgage, while 42.9% of units did not. Of those units in the County tied to a primary mortgage, 87.1% did not have any additional lines of credit associated with the unit, while 7.2% were associated with a home equity loan and a mortgage, 1.1% were associated with a second mortgage, and 4.4% were associated with both a home equity loan without a primary mortgage.

Table 18: Mortgage Status
Pilesgrove Township and Salem County, 2023 Estimates

	Pilesgrove Township			Salem County		
	Number	% of Total Units	% of Mortgage Units	Number	% of Total Units	% of Mortgage Units
Total Owner-Occupied Units	1,261	100.00%	-	17,738	100.00%	-
Housing units with a mortgage, contract to purchase, or similar debt:	803	63.7%	100.00%	10,120	57.1%	100.00%
Housing units with no second mortgage and no home equity loan	640	50.8%	79.7%	8,814	49.7%	87.1%
Housing units with multiple mortgages:	57	4.5%	7.1%	856	4.8%	8.5%
Mortgage with both second mortgage and home equity loan	0	0.0%	0.0%	23	0.1%	0.2%
Mortgage, with only home equity loan	57	4.5%	7.1%	726	4.1%	7.2%
Mortgage, with only second mortgage	0	0.0%	0.0%	107	0.6%	1.1%
Home equity loan without a primary mortgage	106	8.4%	13.2%	450	2.5%	4.4%
Housing units without a mortgage	458	36.3%	-	7,618	42.9%	-

Source: 2019-2023 American Community Survey 5-Year Estimates

As shown in Table 19 below, the median contract rent in Pilesgrove Township in 2020 was \$1,694, which was roughly \$325 higher than the County median rent of \$1,369. Within the Township, the highest percentage of renters paid between \$500 to 999 for monthly rent (29.8%), followed by \$1,000 to \$1,499 (28.4%), and \$3,000 or more (19.3%). Overall, more than two-thirds (63.3%) of renters in the Township paid between less than \$1,500 for monthly rent in 2023. At the County most (89.1%) of renters paid less than \$1,499 for monthly rent, and there was a significantly higher occurrence of renters paying less than \$500 for rent (17.2%). This data suggests that rent in the Township is slightly less affordable as it is throughout the County as a whole.

Table 19: Contract Rent, 2023
Pilesgrove Township and Salem County

	Pilesgrove Township		Salem County	
	Number	Percent	Number	Percent
Total Renter-Occupied Units	218	100.0%	7,270	100.0%
Less than \$500	11	5.0%	1247	17.2%
\$500 to \$999	65	29.8%	2556	35.2%
\$1,000 to \$1,499	62	28.4%	2,672	36.8%
\$1,500 to \$1,999	0	0.0%	276	3.8%

\$2,000 to \$2,499	30	13.8%	115	1.6%
\$2,500 to \$2,999	8	3.7%	8	0.1%
\$3,000 or More	42	19.3%	115	1.6%
No Rent Paid	0	0.0%	281	3.9%
Median Contract Rent	\$1,694		\$1,369	

Source: 2019-2023 American Community Survey 5-Year Estimates

Housing Conditions

Table 20 below details the conditions of the Township's housing stock in 2023. Overcrowding and age, plumbing, and kitchen facilities are used to determine housing deficiency. In 2023, over one-third (37%) of the Townships housing stock relied on utility gas for heating, followed by fuel oil and kerosene (32.4%). No occupied housing units experienced overcrowding (more than one person per room). Throughout the Township, there were no occupied housing units that lacked complete plumbing or telephone service, and only 14 (0.9%) units lacked kitchen facilities.

Table 20: Housing Conditions, 2023 Pilesgrove Township		
	Number	Percent
House Heating Fuel-Occupied Housing Units		
Total	1,458	100.0%
Utility gas	539	37.0%
Bottled, tank, or LP gas	72	4.9%
Electricity	282	19.3%
Fuel oil, kerosene, etc.	473	32.4%
Coal or coke	0	0.0%
Wood	36	2.5%
Solar energy	40	2.7%
Other fuel	10	0.7%
No fuel used	6	0.4%
Occupants per Room – Occupied Housing Units		
Total	1,458	100.0%
1.00 or Less	1,458	100.0%
1.01 to 1.50	0	0.0%
1.51 or More	0	0.0%
Facilities – Total Units		
Total	1,564	100.0%
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	14	0.9%
Telephone Service – Occupied Housing Units		
Total	1,564	100.0%
No Service	0	0.0%

Source: 2019-2023 American Community Survey 5-Year Estimates

EMPLOYMENT DATA

Tables 21, 22, and 23 below detail the changes in employment between the years 2010 and 2023 in Pilesgrove Township, Salem County, and New Jersey, respectively. Throughout this thirteen-year period, the Township saw an overall 4.4% decrease in its unemployment rate; although the Township experienced a 4.6% spike in unemployment between 2019 and 2020 due to the COVID-19 pandemic, it has rebounded to a considerably lower unemployment rate in recent years. This overall trend is mirrored at both the County and State level as well, although in comparison the Township has consistently exhibited a lower unemployment rate throughout this time period. In 2023, the Township's unemployment rate was 4.3%, which was 1.3% lower than the County (5.5%) and 0.1% lower than the State (4.4%).

Table 21: Employment and Residential Labor Force, 2010 to 2023 Pilesgrove Township				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	1,971	1,800	171	8.7%
2011	2,098	1,903	195	9.3%
2012	1,897	1,714	183	9.6%
2013	1,878	1,712	166	8.8%
2014	1,852	1,721	131	7.1%
2015	1,878	1,785	93	5.0%
2016	1,847	1,765	82	4.4%
2017	1,864	1,782	82	4.4%
2018	1,860	1,779	81	4.4%
2019	1,889	1,827	62	3.3%
2020	1,899	1,749	150	7.9%
2021	1,883	1,766	117	6.2%
2022	1,918	1,836	82	4.3%
2023	1,953	1,869	84	4.3%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates, Municipal Historical Annual Data, 2010-2023

Table 22: Employment and Residential Labor Force, 2010 to 2023				
Salem County				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	32,188	28,384	3,804	11.8%
2011	32,409	28,634	3,775	11.6%
2012	32,143	28,329	3,814	11.9%
2013	31,685	28,317	3,368	10.6%
2014	31,103	28,468	2,635	8.5%
2015	30,830	28,594	2,236	7.3%
2016	30,113	28,202	1,911	6.3%
2017	30,233	28,412	1,821	6.0%
2018	29,894	28,314	1,580	5.3%
2019	30,482	29,049	1,433	4.7%
2020	30,607	27,781	2,826	9.2%
2021	30,398	28,050	2,348	7.7%
2022	30,632	29,159	1,473	4.8%
2023	31,419	29,692	1,727	5.5%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates, County Historical Annual Data, 2010-2023

Table 23: Employment and Residential Labor Force, 2010 to 2023				
New Jersey				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	4,559,778	4,118,982	440,796	9.7%
2011	4,561,786	4,134,708	427,078	9.4%
2012	4,576,286	4,147,221	429,065	9.4%
2013	4,528,019	4,147,661	380,358	8.4%
2014	4,493,894	4,191,318	302,576	6.7%
2015	4,494,606	4,237,876	256,730	5.7%
2016	4,492,821	4,271,201	221,620	4.9%
2017	4,614,953	4,406,151	208,802	4.5%
2018	4,604,787	4,420,713	184,074	4.0%
2019	4,687,390	4,525,044	162,346	3.5%
2020	4,638,386	4,200,980	437,406	9.4%
2021	4,648,814	4,337,793	311,021	6.6%
2022	4,736,213	4,552,563	183,650	3.7%
2023	4,829,671	4,615,722	213,949	4.4%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates, State Historical Annual Data, 2010-2023

Employment Status

It is estimated that over half (57.6%) of Pilesgrove Township's population over the age of 16 was in the labor force in 2023, which was slightly lower than the County's rate of 60.6%. Of the Township's labor force, 100% of workers were civilians and a vast majority (97.8%) was employed. At the County level, 99.9% of workers were civilians and 92.5% of the labor force was employed, indicating that the Township and County exhibited similar trends. This data is shown in Table 24 below.

Table 24: Employment, 2023 Pilesgrove Township and Salem County						
	Pilesgrove Township			Salem County		
	Number	% of 16+ Population	% of Labor Force	Number	% of 16+ Population	% of Labor Force
Population 16 years and over	3,375	100.0%	-	52,581	100.0%	-
In labor force	1,944	57.6%	100.0%	31,877	60.6%	100.0%
Civilian Labor Force	1,944	57.6%	100.0%	31,860	60.6%	99.9%
Employed	1,901	56.3%	97.8%	29,476	56.1%	92.5%
Unemployed	43	1.3%	2.2%	2,384	4.5%	7.5%
Armed Forces	0	0.0%	0.0%	17	0.0%	0.1%
Not in labor force	1,431	42.4%	-	20,704	39.4%	-

Source: 2019-2023 American Community Survey 5-Year Estimates

Class of Worker and Occupation

According to the 2019-2023 American Community Survey Estimates, the majority of workers (68.1%) living in Pilesgrove Township were a part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer. The next largest category was local government workers (13.0%), followed by those who were private not-for-profit wage and salary workers (7.2%). This data is outlined in Table 25 below.

Table 25: Class of Worker, 2023 Pilesgrove Township		
	Number	Percent
Employed Civilian Population 16 Years and Over	1,901	100.0%
Private Wage and Salary Worker	1,294	68.1%
Private not-for-profit wage and salary workers	137	7.2%
Local Government Worker	247	13.0%
State Government Worker	105	5.5%
Federal Government Worker	29	1.5%
Self-Employed Worker or Unpaid Family Worker	89	4.7%

Source: 2019-2023 American Community Survey 5-Year Estimates

The occupational breakdown shown in Table 26 below includes only private wage and salary workers. Township residents who worked within the private wage field were concentrated heavily in Management,

Business, Science, and Arts occupations as well as Sales and Office occupations. Collectively, the two fields accounted for over 68% of the entire resident workforce over the age of 16.

Table 26: Resident Employment by Occupation, 2023 Pilesgrove Township		
	Number	Percent
Employed Civilian Population 16 Years and Over	1,901	100.0%
Management, business, science and arts occupations	908	47.8%
Service occupations	160	8.4%
Sales and office occupations	385	20.3%
Natural resources, construction and maintenance occupations	286	15.0%
Production Transportation and material moving occupations	162	8.5%

Source: 2019-2023 American Community Survey 5-Year Estimates

As portrayed in Table 27, the industry that employed the greatest number of Pilesgrove Township residents in 2023 was the Educational Services, and Health Care and Social Assistance sector, which accounted for 28% of the Township's resident workforce. The second most common industries during this time were the Finance and insurance, and real estate and rental and leasing sector, and Professional, scientific, and management, and administrative and waste management services sector, which accounted for 9.0% each of jobs occupied by Township residents.

Table 27: Employment by Industry, 2023 Pilesgrove Township		
Industry	Number	Percent
Employed Civilian Population 16 Years and Over	1,901	100.00%
Agriculture, forestry, fishing and hunting, mining	111	5.8%
Construction	133	7.0%
Manufacturing	144	7.6%
Wholesale Trade	37	1.9%
Retail Trade	171	9.0%
Transportation and Warehousing, and Utilities	142	7.5%
Information	5	0.3%
Finance and insurance, and real estate and rental and leasing	174	9.2%
Professional, scientific, and management, and administrative and waste management services	175	9.2%
Educational services, and health care and social assistance	533	28.0%
Arts, entertainment, and recreation, and accommodation and food services	90	4.7%
Other Services, except public administration	100	5.3%
Public administration	86	4.5%

Source: 2019-2023 American Community Survey 5-Year Estimates

Commuting to Work

In 2023, it is estimated that just over half (59.2%) of the employed population that did not work from home commuted up to 29 minutes to their place of work. Approximately one-quarters of the township's workers commuted between 30 minutes and an hour, with the last 6.1% of the population traveling over an hour to an hour to get to work. A vast majority (86.1%) of the Township's working population drove alone as their primary means of travel to work. Roughly 1.6% of workers carpooled or utilized public transportation, a taxicab, motorcycle, bike, or other means of transportation to commute to work, and 12.1% of the population worked from home. It is estimated that only 0.3 residents utilized walking as their primary means of transportation to work in 2023. This data is outlined in Tables 28 and 29 below.

Table 28: Travel Time to Work, 2023 Pilesgrove Township		
	Number	Percent
Workers who did not work at home	1,640	100.0%
Less than 5 minutes	72	4.4%
5 to 9 minutes	157	9.6%
10 to 14 minutes	161	9.8%
15 to 19 minutes	253	15.4%
20 to 24 minutes	202	12.3%
25 to 29 minutes	126	7.7%
30 to 34 minutes	244	14.9%
35 to 39 minutes	69	4.2%
40 to 44 minutes	79	4.8%
45 to 59 minutes	176	10.7%
60 to 89 minutes	83	5.1%
90 or more minutes	18	1.1%
Mean Travel Time to Work (minutes)	25.9	

Source: 2019-2023 American Community Survey 5-Year Estimates

Table 29: Means of Travel to Work, 2023 Pilesgrove Township		
	Number	Percent
Workers 16 years and over	1,865	100.0%
Car, truck, van - Drove Alone	1,606	86.1%
Car, truck, van - Carpooled	20	1.1%
Public Transportation	9	0.5%
Walked	5	0.3%
Taxicab, Motorcycle, Bike, or Other	0	0.0%
Worked at home	225	12.1%

Source: 2019-2023 American Community Survey 5-Year Estimates

Covered Employment

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor and Workforce Development collects information on covered employment, which is

employment and wage data for private employees covered by unemployment insurance. The following table provides a snapshot of private employers located within Pilesgrove. The first table reflects the number of jobs covered by private employment insurance from 2013 through 2023.

According to data from the New Jersey Department of Labor and Workforce Development, the highest number of covered jobs in Pilesgrove between 2013 and 2023 was in 2023 when 1,040 jobs were covered by unemployment insurance. Private employment has remained relatively steady in Pilesgrove since 2013, with its largest loss occurring between 2019 and 2020 (-11.5%), and largest gain occurring between 2021 and 2022 (23.4%). Pilesgrove Township experienced a gain of 76 jobs in 2023, representing an increase of 7.9% from 2022.

Table 30: Private Wage Covered Employment 2013 - 2023			
Pilesgrove Township			
Year	Number of Jobs	# Change	% Change
2013	.	-	-
2014	780	-	-
2015	879	99	12.7%
2016	878	-1	-0.1%
2017	994	116	13.2%
2018	945	-49	-4.9%
2019	923	-22	-2.3%
2020	817	-106	-11.5%
2021	781	-36	-4.4%
2022	964	183	23.4%
2023	1,040	76	7.9%

In-Township Establishments and Employees by Industry: 2022

Table 31 below depicts the average annual number of establishments and employees by industry sector that exist within the Township, as reported in the Quarterly Census of Employment and Wages (QCEW) published by the New Jersey Department of Labor and Workforce Development (NJDLWD). The QCEW provides a quarterly accounting of employment, establishments, and wages throughout the State of New Jersey, and accounts for over 95% of available jobs in the state. The annual municipal reports group data according to the North American Industry Classification System (NAICS). The QCEW considers an establishment to be a single economic unit, which is located at one physical location and engaged in one type of economic activity. The NJDLWD specifies that establishments differ from firms or companies in the sense that the latter can have multiple establishments.

In 2023, the Township had an annual average of 89 establishments employing an average of 1,040 persons in the private sector. In the private sector, the annual averages were broken out as follows: local government had an average of 1 unit employing an average of 27 people. The manufacturing sector was

the Township's predominant private sector by employment, accounting for 10 units, employing 95 individuals.

Table 31: Average Number of Establishments and Employees by Industry, 2023 Pilesgrove Township			
Industry ID and Description		2023 Average¹	
		Units	Employment
11	Agriculture	.	.
21	Mining	.	.
22	Utilities	.	.
23	Construction	.	.
31	Manufacturing	10	95
42	Wholesale Trade	.	.
44	Retail Trade	.	.
48	Transp/Warehousing	.	.
52	Finance/Insurance	.	.
53	Real Estate	.	.
54	Professional/Technical	.	.
56	Admin/Waste Remediation	.	.
61	Education	14	60
62	Health/Social	.	.
71	Arts/Entertainment	5	55
72	Accommodations/Food	11	86
81	Other Services	.	.
	Private Sector Totals	89	1,040
	Local Government Totals	1	27

Source: NJ Dept. of Labor & Workforce Development Labor Force, Quarterly Census of Employment and Wages (QCEW), Municipal Report by Sector (NAICS Based), 2023

¹ Data has been suppressed (.) for industries with few units or where one employer is a significant percentage of employment or wages of the industry.

Probable Future Employment Opportunities

The South Jersey Transportation Planning Organization (SJTPO) completes regional forecasts for population, households, and employment. The most recent report documented projections between 2015 and 2050. The report predicts that the Township’s population, households, and employment will see steady growth through 2050. It is estimated that the population will see an overall 2.9% increase, while households will increase by 5.8% and employment will increase by 18.6%.

Table 32: Population and Employment Projections, 2015 to 2050				
Pilesgrove Township				
Category	2015	2050 (Projected)	Overall Projected Change	
			Number	Percent
Population	4,057	4,175	118	2.9%
Households	1,529	1,617	88	5.8%
Employment	2,884	3,419	535	18.6%

Source: SJTPO Municipal Forecasts

PART 2: FAIR SHARE PLAN

INTRODUCTION

The following Fair Share Plan ("Plan") details the Pilesgrove Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035) Prospective Need obligations, as well as the Township's Fourth Round Present Need. This Plan proposes mechanisms by which the Township can realistically provide opportunities for affordable housing for those moderate-, low-, and very low- income households.

CURRENT STANDARDS

The below section details the current standards applicable to the Township's Fourth Round obligation including the various categories of credits.

Age-Restricted Housing

A municipality may not satisfy more than 30% of the affordable units, exclusive of bonus credits, to address its prospective need affordable housing through the creation of age-restricted housing.

Transitional Housing

Transitional housing units, which will be affordable for persons of low- and moderate-income, were not previously categorized by the Fair Housing Act as a standalone housing type. The amended legislation includes such transitional housing units as a new category which may be included in the HEFSP and credited towards the fulfillment of a municipality's fair share obligations. This is limited to a maximum of 10% of the municipality's obligations.

Veterans Housing

Up to 50% of the affordable units in any particular project may be prioritized for low- and moderate-income veterans.

Families with Children

A minimum of 50% of a municipality's actual affordable housing units, exclusive of bonus credits, must be made available to families with children.

Rental Units

A minimum of 25% of a municipality's actual affordable housing units, exclusive of bonus credits, shall be satisfied through rental units. At least half of that number shall be available to families with children.

Very-Low Income Requirement

At least 13% of the housing units made available for occupancy by low-income and moderate-income houses shall be reserved for low-income households earning 30% or less of the median income pursuant to the Fair Share Housing Act, N.J.S.A. 52:27D-301, et seq. Half of the very low-income units will be made available to families with children.

Low/Moderate Income Split

At least 50% of the units addressing the Township's obligation shall be affordable to very-low income and low-income households, and the remaining may be affordable to moderate-income households.

Affordability Controls

Newly created rental units shall remain affordable to low-and moderate-income households for a period of not less than 40 years, 30 years for for-sale units, and 30 years for housing units for which affordability controls are extended for a new term of affordability, provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended terms, in combination, total at least 60 years.

Affirmative Marketing

The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law, to include the community and regional organizations identified in the agreement as well as the posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

Uniform Housing Affordability Controls (UHAC)

All affordable units created through the provisions of this Plan shall be developed in conformance with the Uniform Housing Affordability Controls (UHAC) pursuant to N.J.A.C. 5:80-26.1 et seq. as amended.

Unit Adaptability

All new construction units shall be adaptable in conformance with P.L.2005, c.250/N.J.S.A. 52:27D-311a and -311b and all other applicable laws.

Inclusionary Development Requirements

Pursuant to UHAC N.J.A.C. 5:80-26.5(b), in inclusionary developments, the affordable units shall be integrated with the market-rate units. The affordable units shall not be concentrated in less desirable locations, nor shall the affordable units be physically clustered so as to segregate the affordable units and market-rate units. Affordable units must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services.

Construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:80-26(b)4. All inclusionary developments shall be subject to the most recent version of UHAC standards.

Bonus Credits

Bonus credits shall not exceed 25% of a municipality's prospective need obligation, nor shall a municipality receive more than one type of bonus credit for any one unit. Bonus credits may be granted on the following schedule:

Unit Type	Unit Credit	Bonus Credit
Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24).	1	1
Each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer.	1	0.5
Each unit of low- or moderate-income housing located within a one-half mile radius, or one-mile radius for projects located in a Garden State Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations. ¹	1	0.5
A unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations.	1	0.5
A unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.	1	0.5
Each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, and the municipality contributes funding towards the costs necessary for this preservation.	1	0.5
Each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project. ²	1	1
Each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).	1	0.5
Each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit. ³	1	1

¹ The distance from the bus, rail, or ferry station to a housing unit shall be measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property.

² This contribution may consist of: (a) real property donations that enable siting and construction of the project or (b) contributions from the municipal affordable housing trust fund in support of the project, if the contribution consists of no less than three percent of the project cost.

³ A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.

PILESGROVE'S AFFORDABLE HOUSING OBLIGATIONS

The Township's affordable housing obligations are as follows:

Prior Round Obligation	35
------------------------	----

Third Round Obligation	62
Fourth Round Prospective Need Obligation	20
Fourth Round Present Need / Rehabilitation Obligation	0

REVIEW OF PREVIOUS ROUND COMPLIANCE

As part of any Housing Element and Fair Share Plan, a municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the previous rounds of affordable housing obligations as established by prior court approval or approval by COAH and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its previous round obligations. If a previous round obligation remains unfulfilled, or a municipality never received an approval from the court or COAH for any previous round, the municipality shall address such unfulfilled previous round obligation in its Housing Element and Fair Share Plan.

In addressing previous round obligations, the municipality shall retain any sites that, in furtherance of the previous round obligation, are the subject of a contractual agreement with a developer, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the Housing Element and Fair Share Plan are required to be submitted, and shall demonstrate how any sites that were not built in the previous rounds continue to present a realistic opportunity.

Prior Round Compliance 1987-1999

The Township has a Prior Round obligation of 35 units. Pilesgrove has fully satisfied its Prior Round obligation through the following mechanisms:

Summary of Pilesgrove's Prior Round of 35	
Existing 100% Affordable Family Rental Development: <i>Bailey's Corner (24 of 74)</i>	24
Existing Alternate Living Arrangements <i>ARC</i>	3
Total Units	
Rental Bonus Credits <i>Bailey's Corner</i>	8
Total Rental Bonus Credits	8
TOTAL PRIOR ROUND	35

Pilesgrove Township has fully satisfied its Prior Round obligation of 35 through 24 units from the existing 74-unit Bailey's Corner one hundred percent (100%) affordable family rental development, existing alternate living arrangements, and rental bonus credits from the Bailey's Corner project.

Third Round Compliance

The Township has a Third Round obligation of 62 units, per Judge Jacobson's Third Round obligation methodology calculations. Pilesgrove has fully satisfied its Third Round obligation through the following mechanisms:

Summary of Pilesgrove's Third Round of 62	
Existing 100% Affordable Family Rental Development: <i>Bailey's Corner (50 of 74)</i>	50
Existing Alternate Living Arrangements	
Elwyn	5
Allies	5
Devereux (2 of 5)	2
Total Units	12
THIRD ROUND COMPLIANCE TOTAL	62

Pilesgrove Township has addressed its Third Round obligation of 62 through 51 units from the existing Bailey's Corner one hundred percent (100%) affordable family rental development, and existing alternate living arrangements. Although the Township could claim 15 Third Round rental bonus credits from the Bailey's Corner project, it is not claiming them since it has enough actual affordable units to fully satisfy the entire Third Round number. That said, the Township reserves the right to claim these 15 bonus credits in any amended Fourth Round Plan should that become necessary.

FOURTH ROUND COMPLIANCE

Present Need Compliance

Present Need was previously determined in N.J.A.C. 5:93-1.3 to be the sum of a municipality's indigenous need, the deficient housing units occupied by low- and moderate-income households, and the reallocated present need, which is the portion of a housing region's present need that is redistributed throughout the housing region. Under the Prior Round rules, evidence for deficient housing included: year structure was built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply. (N.J.A.C. 5:92, Appendix A).

The Third Round Rules (N.J.A.C. 5:97-1.1 et seq.) reduced the number of criteria of evidence of deficient housing to three: pre-1960 over-crowded units, which are units that have more than 1.0 persons per room; incomplete plumbing, and incomplete kitchen facilities. (N.J.A.C. 5:97, Appendix B). This reduction in the

number of criteria was found to be by the Appellate Division to be within the Council's discretion and was upheld in the Supreme Court's decision in Mount Laurel IV.

The previously discussed Mount Laurel IV decision found that the reallocated need is no longer a component in the determination of Present Need. Therefore, the Present Need now equates to indigenous need, which means the obligation is based on deficient housing as determined by pre-1960 over-crowded units, incomplete plumbing, and incomplete kitchen facilities.

The Township had a 4-unit rehabilitation obligation which was fully satisfied based on the July 21, 2010 Final Judgment of Compliance and Repose. The Township has a Rehabilitation Obligation of Zero (0), so it has no units that need to be rehabilitated in the Township during the Fourth Round.

Fourth Round Prospective Need Compliance

The Township is addressing its Fourth Round Prospective Need Obligation of 20 as follows:

Summary of Pilesgrove's Fourth Round of 20	
Devereux (3 of 5)	3
Bancroft	5
Scioto Properties (B 7, L 8)	4
Scioto Properties (B 21.02, L 11)	6
Market to Affordable Program	6
Total Units	24
FOURTH ROUND COMPLIANCE TOTAL	24
TOTAL FOURTH ROUND SURPLUS	4

What follows is a more detailed look at how the Township proposes to meet its entire Fourth Round obligation.

Alternate Living Arrangements – Group Homes

Allies, Inc. – 129 Marlton Road

Allies, Inc. operates one facility within Pilesgrove Township, located at 129 Marlton Road, or Block 57, Lot 6, as shown on the Township's tax maps. The existing single-family home is occupied by very low-income households and contains 3 bedrooms.

Bancroft – 74 Fox Road

Bancroft operates one facility within Pilesgrove Township, located at 74 Fox Road, or Block 80, Lot 4, as shown on the Township's tax maps. The existing single-family home is occupied by very low-income households and contains 3 bedrooms.

Devereux – 241 Woodstown – Daretown Road

Devereux operates one facility within Pilesgrove Township, located at 241 Woodstown – Daretown Road, or Block 86, Lot 4.01, as shown on the Township's tax maps. The existing single-family home is occupied by very low-income households and contains 6 bedrooms.

Elwyn – 383 Whig Lane Road

Elwyn operates one facility within Pilesgrove Township, located at 383 Whig-Lane Road, or Block 42, Lot 1.08, as shown on the Township's tax maps. The existing single-family home is occupied by very low-income households and contains 4 bedrooms.

Scioto Properties – 1335 Kings Highway and 21 Two Penny Run

Scioto operates two facilities within Pilesgrove Township, located at 1335 Kings Highway, or Block 7, Lot 8, and at 21 Two Penny Run, or Block 21.02, Lot 11. The existing single-family homes are occupied by very low-income households and contain 4 bedrooms, and 6 bedrooms respectively.

Additional Mechanisms

Market to Affordable Program

In a market to affordable program units are purchased at market rate prices and then sold or rented to low- and moderate-income households. The new affordable units must have 30-year or 40-unit deed restrictions and comply with the Uniform Housing Affordability Controls.

Pilesgrove Township plans to meet a portion of the Township's total prospective need with six (6) market to affordable units. The Township will utilize trust fund monies to purchase structurally sound houses and then re-sell those units to income qualified households at the low to moderate income sales prices with 30-year deed restrictions. The money received from the sale of the units is deposited back to the trust fund essentially establishing a revolving fund for the purchase of affordable units.

Fourth Round Summary

Pilesgrove Township is addressing its Fourth Round 20-unit prospective need obligation through proposed inclusionary development at the Gessner property, existing alternate living facilities, and the establishment of a market to affordable program supported by the Township's Affordable Housing Trust Fund.

CONSISTENCY WITH STATE PLANNING REQUIREMENTS**State Plan**

In accordance with the amended Fair Housing Act, Housing Elements and Fair Share Plans shall provide an analysis of consistency with the State Development and Redevelopment Plan (SDRP), including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Sites that are located in the Metropolitan Planning Area 1 or Suburban Planning Area 2 of the SDRP, or are located in an existing sewer service area, are the preferred location for municipalities to address their fair share obligation.

New Jersey adopted its last SDRP in 2001. A draft amendment to the SDRP was prepared in 2011 but ultimately never adopted. The Office of Planning Advocacy released a new draft SDRP on December 4, 2024. The State is currently going through the Plan conformance process.

Multigenerational Family Housing

A previous amendment to the Fair Housing Act requires “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 section 1 of P.L.2021, c.273 (C.52:27D-329.20).” As of the date of this Housing Plan there have been no recommendations by the Multigenerational Family Housing Continuity Commission in which to provide an analysis.

USE OF SURPLUS CREDITS

Any surplus credits generated would be applied to any future obligation that the Township may have.

SUMMARY OF FAIR SHARE COMPLIANCE

Summary of Pilesgrove Township's Obligation				
	Total	Very Low	Low	Moderate
Fourth Round Present Need Obligation	0			
Prior Round Obligation	35	-	-	-
Bailey's Corner (24 of 74)	24	4	12	8
Rental Bonus	8	-	-	-
ARC Group Home	3	3	-	-
TOTAL PRIOR ROUND	40	7	12	8
Third Round Obligation	62			
Bailey's Corner (50 of 74)	50	8	25	16

Township of Pilesgrove
Fourth Round Housing Element and Fair Share Plan

June 2025

Elwyn	5	5	-	-
Allies	5	5	-	-
Devereux (2 of 5)	2	1	-	-
TOTAL THIRD ROUND	62	19	25	16
Fourth Round Obligation	20			
Devereux (3 of 5)	4	4	-	-
Bancroft	5	5	-	-
Scioto Properties (B 7, L 8)	4	4	-	-
Scioto Properties (B 21.02, L 11)	6	6	-	-
Market to Affordable Program	6	-	-	-
TOTAL FOURTH ROUND	24	19	0	0
TOTAL FOURTH ROUND SURPLUS	4	-	-	-

Appendix A: Township of Pilesgrove Resolution 25-016 Committing to DCA's Fourth Round Affordable Housing Present Need and Prospective Need Numbers

**PILESGROVE TOWNSHIP
RESOLUTION 25-016
RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE
HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates Pilesgrove Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 20; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further 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, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Pilesgrove Township accepts the DCA calculations of Pilesgrove Township's fair share obligations and commits to its fair share of 0 units present need and 20 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

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

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

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

WHEREAS, in light of the above, the Township Committee of Pilesgrove Township finds that it is in the best interest of Pilesgrove Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

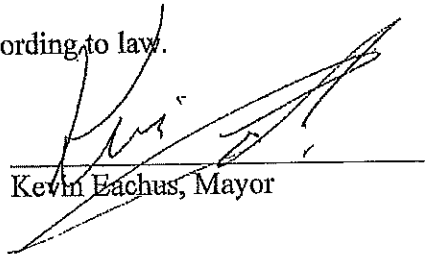
WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

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

WHEREAS, Pilesgrove Township seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to file a declaratory relief action within 48 hours of the adoption of this resolution in Salem County.

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January, 2025 by the Township Committee of Pilesgrove Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Pilesgrove Township hereby commits to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 20 units described in this resolution, subject to all reservations of rights set forth above.
3. Pilesgrove Township hereby directs its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to file a declaratory judgment complaint in Salem County within 48 hours after adoption this resolution, attaching this resolution.
4. Pilesgrove Township authorizes its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.


Kevin Eachus, Mayor

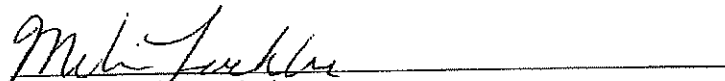
ATTEST:


Melissa Fackler, Clerk

January 28, 2025

CERTIFICATION

I, Melissa Fackler, Clerk of Pilesgrove Township, County of Salem, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by Pilesgrove Township Committee at a meeting held on January 28, 2025.


Melissa Fackler, Clerk

Appendix B: Complaint for Declaratory Relief Pursuant to the New Jersey Fair Housing Act

HILL WALLACK, LLP

Michael A. Jedziniak, Esq. (Atty No.: 012832001)

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Princeton, New Jersey 08540

Ph: 609-924-0808

Email: mjedziniak@hillwallack.com

Attorneys for Declaratory Plaintiff,

Pilesgrove Township, Salem County

**IN THE MATTER OF THE TOWNSHIP OF
PILESGROVE, COUNTY OF SALEM**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

SALEM COUNTY

DOCKET NO. SLM-L-

MOUNT LAUREL ACTION

**COMPLAINT FOR DECLARATORY
RELIEF PURSUANT TO THE NEW
JERSEY FAIR HOUSING ACT,
N.J.S.A. 52:27D-301 et. seq.;
ADMINISTRATIVE DIRECTIVE
#14-24, AND THE MOUNT LAUREL
DOCTRINE**

Declaratory Plaintiff, the Township of Pilesgrove, ("Plaintiff"), a municipal corporation and body politic organized under the laws of the State of New Jersey, with offices located at 1180 Route 40 East, Pilesgrove, Salem County, New Jersey, by way of Complaint For Declaratory Judgment says:

Jurisdiction

1. Jurisdiction is established pursuant to the New Jersey Declaratory Judgment Act, N.J.S.A. 2A:16-50 to -62.

2. Jurisdiction is further established by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329 ("FHA") and Administrative Directive #14-24 ("AD14-24") issued by the

Administrative Office of the Courts through the recently established “Affordable Housing Dispute Resolution Program” (“Program”).

Background

3. Pilesgrove Township is a body politic organized under the laws of the state of New Jersey.

4. The Mayor and Township Committee are the governing body of Pilesgrove and are responsible, among other things, to ensure that Pilesgrove takes the actions necessary to achieve and maintain compliance with its constitutional obligations under the laws collectively known as the “Mount Laurel doctrine,” which is collectively embodied by the judicial precedent established in So. Burlington Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 67 N.J. 151 (1975) (“Mount Laurel I”), So. Burlington Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and their judicial progeny; the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”), and certain regulations promulgated by the former New Jersey Council on Affordable Housing (“COAH”); and related laws and policies.

5. The Planning Board of Pilesgrove is a municipal agency responsible under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. Seq. (“MLUL”) for preparing and adopting the Township’s Housing Element and Fair Share Plan (“Housing Element and Fair Share Plan”), a component of the Township’s Master Plan, in a manner that creates a “realistic opportunity” for the construction of its “fair share” of the regional need for affordable housing.

6. Pilesgrove hereby brings this action seeking a declaratory judgment as contemplated in the FHA granting the Township a “Certification of Compliance” and, accordingly, Round 4 immunity from all exclusionary zoning lawsuits continued for the period between the filing of this action and June 30, 2035.

The History of the “Mount Laurel Doctrine”

7. In 1975, the New Jersey Supreme Court issued Southern Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 67 N.J. 151 (1975)(“Mount Laurel I”), the seminal affordable housing opinion in New Jersey holding that developing municipalities in the state have a constitutional obligation to apply their zoning powers in a manner that creates a “realistic opportunity” for the construction of their “fair share” of the region's low- and moderate-income housing needs.

8. In 1983, the Supreme Court clarified and reconfirmed constitutional obligation in Southern Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158 (1983)(“Mount Laurel II”), to apply to all New Jersey municipalities and, due to “widespread noncompliance” following Mount Laurel I, created the “Builder’s Remedy” cause of action to force recalcitrant municipalities to comply with their constitutional Mount Laurel obligations.

9. Thereafter, property owners, developers, and builders filed scores of Builder’s Remedy lawsuits throughout the state.

10. In 1985, to address the spate of the lawsuits, the New Jersey Legislature enacted the FHA which, among other things, created the New Jersey Council on Affordable Housing (“COAH”) “and vested primary responsibility for assigning and determining municipal affordable housing obligations in that [administrative] body.” In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”) (citing N.J.S.A. 52:27D-305 and 307).

11. In 1986, the Supreme Court affirmed the validity of the FHA via Hills Dev. Co. v. Tp. Of Bernards, 103 N.J. 1 (1986) (“Mount Laurel III”).

12. COAH thereafter adopted procedural and substantive regulations for the period between 1987 and 1993 (“Round 1”) and 1993 to 1999 (“Round 2”).

13. When the Round 2 rules expired in 1999, COAH failed to adopt legally valid regulations for the next sixteen years.

14. In 2015, the Supreme Court issued Mount Laurel IV which, among other things, declared COAH to be “defunct” and eliminated the FHA's exhaustion-of-administrative-remedies requirement, explaining the requirement “[wa]s premised on the existence of a functioning agency, not a moribund one.” Mount Laurel IV, 221 N.J. at 5.

15. As a result, roughly 350 New Jersey municipalities secured jurisdiction in the Superior Court, Law Division, by filing Declaratory Judgment Actions, and the vast majority of those matters resulted in judicial approval of Round 3 Fair Share Plans by way of a Judgment of Compliance and Repose.

16. Pilesgrove Township is one of those municipalities and, accordingly, secured legal “immunity” from all exclusionary zoning lawsuits until the end of Round 3, namely July of 2035.

Round 4 (2025 – 2035)

17. On March 20, 2024, Governor Murphy signed substantial amendments to the FHA enacted by the Legislature earlier in the year.

18. One such amendment required the New Jersey Department of Community Affairs (“DCA”) to calculate Round 4 Present and Prospective Need obligations for all New Jersey municipalities on or before October 20, 2025.

19. On October 18, 2025, the DCA timely published its statewide Round 4 calculations.

20. DCA calculated the Township’s Round 4 obligations as follows:

- a. Present “Rehabilitation” Need: 0
- b. Prospective (“New Construction” Need: 20

21. The amended FHA also permits municipalities to participate in the Program by adopting a “Binding Resolution” either accepting the aforementioned Round 4 calculations or challenging the calculations supported by a report presenting alternative calculations. See AD14-24 issued by the Administrative Office of the Courts.

22. On January 27, 2025, the Township adopted Binding Resolution 25-016 which (a) accepted the DCA’ fair share calculations; (b) directed the undersigned Special Mount Laurel Counsel to file the instant Declaratory Judgment Action within 48 hours subsequent to the aforementioned municipal action; and (c) authorized the undersigned to take any additional actions as required by law. See Exhibit A.

23. To the extent that the FHA and any future amendments thereto are adjudged, interpreted, or construed differently than AD14-24, the Township of Pilesgrove hereby reserves all rights to take actions to maintain its legal immunity and to thereafter comply with said changes in Mount Laurel laws, principles, and policies.

WHEREFORE, the Township of Pilesgrove respectfully requests for the Court to enter judgment as follows:

a. Declaring that, by timely adopting Binding Resolution 25-016, the Township is eligible to participate in proceedings before the Program, as contemplated in the FHA and Administrative Directive #14-24;

b. Declaring that the Township’s Round 4 Present Need is 0 and its Prospective Need is 20;

c. Declaring that, by timely adopting Binding Resolution 25-016, the Township is protected by legal immunity from all exclusionary zoning lawsuits and shall maintain immunity

by complying with all future deadlines and actions mandated by the FHA and Administrative Directive #14-24;

d. Declaring that the Township's future adopted and endorsed Round 4 Housing Element and Fair Share Plan satisfies its constitutional Mount Laurel obligations and is therefore entitled to a Round 4 Judgment of Compliance and Repose and continued legal immunity through July 1, 2035;

e. Awarding such other relief as the Court may deem equitable, fair, and reasonable.

HILL WALLACK, LLP

By: 

MICHAEL A. JEDZINIAK, ESQ.

Dated: January 28, 2025

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that, pursuant to Rule 4:25-4 of the New Jersey Court Rules, Michael A. Jedziniak Esq. is hereby designated as trial counsel.

HILL WALLACK, LLP

By: :


MICHAEL A. JEDZINIAK, ESQ.

Dated: January 28, 2025

RULE 4:5-1 CERTIFICATION

PLEASE TAKE NOTICE that, pursuant to Rule 4:5-1 of the New Jersey Court Rules, I hereby certify that, to the best of my knowledge, information, and belief, the matter in controversy is not the subject of any other action currently pending or contemplated in any court or arbitration proceeding, and that I know of no other party or parties at this time who should be joined, pursuant to Rule 4:28, or whom are subject to joinder pursuant to Rule 4:29-1(b) in this action.

HILL WALLACK, LLP

By:


MICHAEL A. JEDZINIAK, ESQ.

Dated: January 28, 2025

**CERTIFICATION OF COMPLIANCE WITH
ADMINISTRATIVE DIRECTIVE #14-24**

I hereby certify that I caused the within Complaint for Declaratory Judgment to be filed within 48 hours of the adoption of the Township's Binding Resolution 25-016 determining the Township Round 4 fair share obligations.

HILL WALLACK, LLP

By: 

MICHAEL A. JEDZINIAK, ESQ.

Dated: January 28, 2025

RULE 4:6-1 CERTIFICATION

I hereby certify that I caused or will cause the within Complaint for Declaratory Judgment to be served on the Administrative Office of the Courts and all parties within the time period permitted by Rule 4:6-1.

HILL WALLACK, LLP

By: 

MICHAEL A. JEDZINIAK, ESQ.

Dated: January 28, 2025

EXHIBIT A

**(Binding Resolution 25-016 adopted by the Pilesgrove Township Committee
on January 27, 2025)**

**PILESGROVE TOWNSHIP
RESOLUTION 25-016
RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE
HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates Pilesgrove Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 20; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further 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, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Pilesgrove Township accepts the DCA calculations of Pilesgrove Township's fair share obligations and commits to its fair share of 0 units present need and 20 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

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

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

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

WHEREAS, in light of the above, the Township Committee of Pilesgrove Township finds that it is in the best interest of Pilesgrove Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

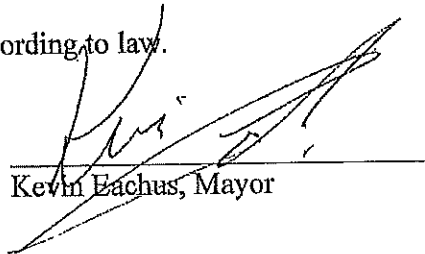
WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

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

WHEREAS, Pilesgrove Township seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to file a declaratory relief action within 48 hours of the adoption of this resolution in Salem County.

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January, 2025 by the Township Committee of Pilesgrove Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Pilesgrove Township hereby commits to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 20 units described in this resolution, subject to all reservations of rights set forth above.
3. Pilesgrove Township hereby directs its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to file a declaratory judgment complaint in Salem County within 48 hours after adoption this resolution, attaching this resolution.
4. Pilesgrove Township authorizes its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.


Kevin Eachus, Mayor

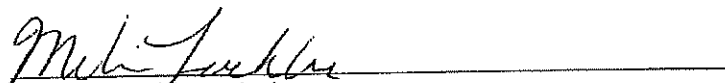
ATTEST:


Melissa Fackler, Clerk

January 28, 2025

CERTIFICATION

I, Melissa Fackler, Clerk of Pilesgrove Township, County of Salem, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by Pilesgrove Township Committee at a meeting held on January 28, 2025.


Melissa Fackler, Clerk

**PILESGROVE TOWNSHIP
RESOLUTION 25-016
RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE
HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates Pilesgrove Township's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 20; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further 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, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, Pilesgrove Township accepts the DCA calculations of Pilesgrove Township's fair share obligations and commits to its fair share of 0 units present need and 20 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

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

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

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

WHEREAS, in light of the above, the Township Committee of Pilesgrove Township finds that it is in the best interest of Pilesgrove Township to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

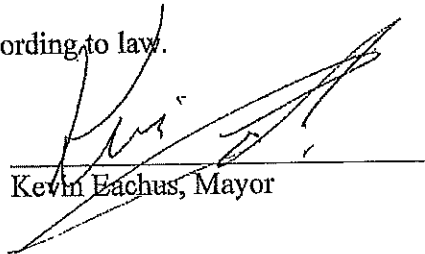
WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

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

WHEREAS, Pilesgrove Township seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to file a declaratory relief action within 48 hours of the adoption of this resolution in Salem County.

NOW, THEREFORE, BE IT RESOLVED on this 28th day of January, 2025 by the Township Committee of Pilesgrove Township as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
2. Pilesgrove Township hereby commits to the DCA Round 4 Present Need Obligation of 0 units and the Round 4 Prospective Need Obligation of 20 units described in this resolution, subject to all reservations of rights set forth above.
3. Pilesgrove Township hereby directs its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to file a declaratory judgment complaint in Salem County within 48 hours after adoption this resolution, attaching this resolution.
4. Pilesgrove Township authorizes its Affordable Housing Counsel, Micheal A. Jedziniak from Hill Wallack to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
5. This resolution shall take effect immediately, according to law.


Kevin Eachus, Mayor

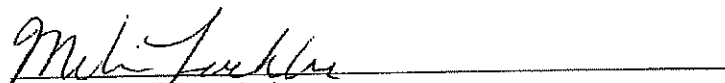
ATTEST:


Melissa Fackler, Clerk

January 28, 2025

CERTIFICATION

I, Melissa Fackler, Clerk of Pilesgrove Township, County of Salem, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by Pilesgrove Township Committee at a meeting held on January 28, 2025.


Melissa Fackler, Clerk

Civil Case Information Statement

Case Details: SALEM | Civil Part Docket# L-000025-25

Case Caption: IN THE MATTER OF PILESGROVE TWP

Case Initiation Date: 01/29/2025

Attorney Name: MICHAEL ALDO JEDZINIAK

Firm Name: HILL WALLACK LLP

Address: 21 ROSZEL RD PO BOX 5226

PRINCETON NJ 08543

Phone: 6099240808

Name of Party: PLAINTIFF : Township of Pilesgrove

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: AFFORDABLE HOUSING

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Township of Pilesgrove? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/29/2025

Dated

/s/ MICHAEL ALDO JEDZINIAK

Signed

**Appendix C: Order Fixing Municipal Obligations for Present Need and Prospective
Need for the Fourth Round Housing Cycle**

FILED

April 28, 2025

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

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

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

PREPARED BY THE COURT:

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

Petitioner.

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

Civil Action

Mt. Laurel Program

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

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on JANUARY 29, 2025 (“DJ Complaint”) by the Petitioner, TWP of PILESGROVE (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

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

AND IT APPEARING that, pursuant to the DCA’s Fourth Round Report, the “**present need**” obligation of the Petitioner has been calculated and reported as 0 affordable units, and its “**prospective need**” obligation of the Petitioner has been calculated and reported as 20 affordable units, and which calculations have been deemed “presumptively valid” for purposes of the FHA;

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

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

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

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

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

2. That the “prospective need” obligation of the Municipality, be, and hereby is fixed as 20 affordable units for the Fourth Round Housing cycle; and

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

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

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

SO ORDERED:

Robert G. Malestein, P.J.Ch.

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

(X) Uncontested.

Appendix D: Exhibit B from 2010 Judgment of Compliance and Repose

EXHIBIT B

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BACKGROUND

1. On May 12, 2010, a final Compliance Hearing (hereinafter "Hearing") took place before the Honorable James E. Rafferty involving the declaratory action filed by the Township of Pilesgrove, Salem County, captioned In the Matter of the Township of Pilesgrove, Docket No. SLM-L-20-09.
2. The subject of this Hearing was the compliance of Pilesgrove Township's Housing Plan Element 2010 Update, adopted by the Pilesgrove Township Planning Board on March 9, 2010, (hereinafter the "Plan") and endorsed by the Township Committee on March 9, 2010, with the substantive regulations of the New Jersey Council on Affordable Housing (hereinafter "COAH").
3. The Plan addresses the Township's rehabilitation, prior round and third round affordable housing obligations as set forth in COAH regulations and through various techniques authorized by COAH regulations.
4. The Township previously received a Judgment of Compliance and Repose from the Honorable James E. Rafferty on July 12, 2007, which granted affordable housing credits to a number of the Township's compliance programs and provided protection from exclusionary lawsuits until such a time as:

COAH adopts amended regulations in response to In Re Adoption Of N.J.A.C. 5:94 and 5:95 By New Jersey Council On Affordable Housing, 390 N.J. Super. 1 (App. Div. 2007) and (ii) Pilesgrove and its Planning Board are given a reasonable period of time to adopt an amendment to their current affordable housing plan responsive to any additional responsibilities created by the amended regulations, and to respond to any concerns the Master and the Court may have with the anticipated amendment to the current affordable housing plan
5. On May 6, 2008, COAH adopted revised third round regulations, which became effective on June 8, 2008. Also on May 6, 2008 COAH proposed significant amendments to the regulations which were adopted on September 22, 2008 and became effective on October 20, 2008.
6. In response, the Pilesgrove Township Planning Board adopted a third round Housing Element and Fair Share Plan on December 29, 2008 (hereinafter the "2008 Plan"). The Township filed the 2008 Plan was subsequently filed with Superior Court and cooperated with the Special Master in the compliance review of said 2008 Plan.

7. As a result of the discussions, the Township amended its 2008 Plan and adopted the Housing Plan Element 2010 Update, referenced throughout this Judgment as “Plan”, which was the subject of the Hearing conducted by the Court on May 12, 2010.

THE TOWNSHIP’S CURRENT AFFORDABLE HOUSING OBLIGATIONS

8. Pilesgrove Township’s COAH-derived affordable housing obligation is comprised of three components, including a rehabilitations obligation, and “prior cycle” obligation, and a “growth share” obligation.
9. COAH has calculated Pilesgrove’s rehabilitation obligation to be 4 units.
10. COAH has calculated Pilesgrove’s prior round obligation to be 35 units.
11. In addition to satisfying the total prior cycle obligation of 35 units, the Township must also adhere to a minimum rental housing obligation of eight (8) units and a maximum of nine (9) age-restricted units.
12. COAH has calculated Pilesgrove’s growth share obligation to be 81 units.
13. However, pursuant to N.J.A.C. 5:97-2.3, municipalities may elect to utilize their own household and employment projections, provided they exceed the projections produced by COAH.
14. Pilesgrove Township has elected to utilize its own household and employment projections and determined that, based upon local knowledge and its own growth estimates, the Township’s projected growth share obligation is 117 units.
15. In addition to satisfying the 117 unit third round obligation, the Township must also adhere to standards pertaining to minimum total family units, minimum rental obligation, minimum family rental units, a maximum age-restricted units, maximum bonus credits and minimum very low income units.
16. The Township’s minimum family unit obligation is 48 units.
17. The Township’s minimum rental obligation is 30 units.
18. The Township’s minimum family rental obligation is 15 units
19. The Township’s maximum age-restricted unit limitation is 29 units.
20. The Township’s maximum bonus credit limitation is 29 credits.
21. The Township’s minimum very low income obligation is 13 units.

Eligible Reductions from the Township's Growth Share Obligation

22. Pilesgrove Township is eligible for specific reductions to its growth share obligation.
23. For instance, demolished and rebuilt units do not generate a growth share obligation if, pursuant to N.J.A.C. 5:94-2.5(a)1.v., they are owner-occupied residential structures that were occupied by the current owner for at least one year prior to a demolition permit being issued and in which no change in use occurred once rebuilt.
24. The Township has submitted sufficient data on 12 demolished/rebuilt units.
25. The Township is also projecting that 2 demolished/rebuilt units per year will be exempt from generating a growth share obligation, consistent with N.J.A.C. 5:94-2.5(a)1.v.
26. This projected exclusion is reasonable
27. Subject to the outcome of the challenge at the Appellate Division to COAH's treatment of a teardown/rebuild as "growth", future demolition exclusions will be verified through COAH's monitoring process.
28. In addition, the 2007 Settlement Agreement for the Kings Road LLC builder's remedy lawsuit, Docket No. SLM-L-2840-02, approved by the Court on July 12, 2007, states that the Kings Road LLC project shall not generate a growth share obligation.
29. Grandview Park is a proposed 145-unit age-restricted inclusionary development with a 20% affordable-housing set-aside.
30. The Township proposed to exclude the market rate units, as well as the affordable units, from generating a growth share obligation consistent with guidance to municipalities issued by COAH on October 30, 2008.
31. On this date, COAH issued a letter to municipal mayors that responded to the passage of P.L. 2008 c. 46, the "Roberts Bill". Specifically, COAH's letter stated the following:

In order to provide increased incentives to both developers and municipalities to provide affordable housing through inclusionary development and ensure the economic feasibility of the inclusionary developments now required by the statute, COAH will permit any additional market rate units that result from a rezoning to permit increased density to accommodate affordable housing to be exempted from the actual growth share obligation. In such circumstances, provided the affordable housing set-aside complies with COAH's standards, the increased density provided in an inclusionary zone would not generate a growth share obligation. Only the base density before the obligation would generate a growth share obligation.

32. All of the market units should be excluded from generating a growth share obligation because of the site's unique circumstances.
33. The Township purchased the Grandview Park property with the intention of developing it for a school, which was the basis for adoption of a Land Use Plan Amendment recommending a "Public" zoning designation of the property.
34. Consequently, the base density before the decision to change the property to an affordable housing use has little meaning in terms of calculating the growth share obligation.
35. Furthermore, the project's density, which is now proposed to be 3.8 dwelling units per acre, is not relevant since COAH's density standards are intended to ensure the economic feasibility of private developments rather than municipal projects.
36. As a municipal project, the Township may adjust the land price downward as necessary to ensure that a realistic opportunity is created with a density of 3.8 units per acre and a 20% affordable housing set-aside.
37. The Township's housing and employment projections and the 117 unit growth share target are valid.
38. Consistent with N.J.A.C. 5:97-2.5 and N.J.A.C. 5:96-10.4, the actual growth share obligation shall be based on the number of market units and jobs created since January 1, 2004 at the time of plan evaluation, conducted every two years after a Judgment of Compliance and Repose is issued.
39. At plan evaluation, if the difference between the number of affordable units provided and the number of units required, pursuant to the Township's projections, results in a pro-rated production shortage of 10% or greater, the Township may be required to amend its Plan to account for the shortfall.

SATISFACTION OF THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

Satisfaction of the 4-Unit Rehabilitation Obligation

40. The Township participates in a housing rehabilitation program in conjunction with Woodstown Borough, which is funded by a federal Small Cities Community Development Block Grant.
41. To date, the program has completed 5 rehabilitations in the Township that meet COAH's requirements for rehabilitated units (N.J.A.C. 5:97-6.2).
42. The Woodstown Borough/Pilesgrove Township rehabilitation program is not available to rental households, as required by N.J.A.C. 5:97-6.2(b)6.

43. However, pursuant to the criteria set forth in N.J.A.C. 5:96-15.2, Pilesgrove's rehabilitation program satisfies the rental component of the Township's rehabilitation obligation based on the following facts:

- (a) The 5 completed rehabilitations exceeds the Township's 4 unit obligation and the program will continue to complete additional rehabilitations during the remainder of the third round;
- (b) Federal guidelines for Small Cities Grants do not permit funding to be used for rental units; and
- (c) There is a small and declining percentage of rental units in the Township. The rental rate in the Township as of 2000 was 11%, a reduction from 14% in 1990 and 16% in 1980.

44. The Township submitted an operations manual for the rehabilitation program which complies with COAH's substantive rules, N.J.A.C. 5:97-6.2, and the Uniform Housing Affordability Control Rules N.J.A.C. 5:80-26.

45. In light of the above, the Township has satisfied its four-unit rehabilitation obligation.

Satisfaction of the 35-Unit Prior Round Obligation

ARC of Salem County

46. The Township's Plan proposes to satisfy the 35-unit "prior round" obligation via a 3-bedroom alternative living facility and a portion of a 75-unit municipally-sponsored construction project.

47. The Township has one three-bedroom alternative living (special needs) facility called "ARC of Salem County" which is eligible for credit.

48. The facility received its certificate of occupancy and initial licensing in 1985 and remained in the Township until it relocated to a site outside of the Township in late 2008.

49. Notwithstanding the relocation, the facility provided affordable housing in the Township for approximately 23 years.

50. The facility is a group home that had been operated by The Association of Retarded Citizens (hereinafter "ARC") of Salem County and was located at 89 Steward Road, also known as Block 41, Lot 6.01.

51. The facility was licensed by the New Jersey Department of Developmental Disabilities (DDD) and had three bedrooms available for rent to 6 adults.

52. Pursuant to N.J.A.C. 5:97-1.4, as affordable housing which was constructed on or after April 1, 1980 and before December 15, 1986, the site qualifies as a "prior cycle credit".

53. As a prior cycle credit, the facility is eligible to satisfy the prior round obligation but it cannot satisfy the rental obligation nor provide rental bonus credits.

54. Considering these circumstances, and inasmuch as the Township's July 12, 2007 Final Judgment of Compliance and Repose granted 3 prior cycle credits to the Township for this facility, the Township is entitled to three credits for this facility.

Bailey Corner

55. The Township has facilitated a municipally-sponsored construction project, known as Bailey Corner, which is eligible for both prior round and third round credit.

56. The facility is currently under construction, and is scheduled for occupancy in the Summer of 2010.

57. The project is located within the Bailey Corner Redevelopment Area at Block 63, Lot 1 along Bailey Street near U.S. Route and NJ Route 45.

58. A portion of the site is located in Woodstown Borough and this area will also include affordable housing.

59. The site will have 75 affordable family rental units in Pilesgrove.

60. The gross density of the site, which is approximately 6.7 acres in size, will be 11 dwelling units per acre.

61. Ingerman Affordable Housing Inc. (hereinafter "Ingerman") will serve as the project developer.

62. The July 12, 2007 Final Judgment of Compliance and Repose granted the 74 units in the project a total of 82 credits (74 units plus 8 prior round rental bonus credits).

63. The Township has complied with all of the post-judgment conditions relevant to this project in the July 12, 2007 Final Judgment.

64. In addition, the manager's unit (unit number 75) will be restricted to a low and moderate income household and affirmatively marketed.

65. Accordingly, the manager's unit also qualifies for affordable housing credit, for a total of 75 credit-eligible units, provided the Township submits documentation, such as a copy of the deed restriction, indicating that the unit will be restricted to a low and moderate income household and affirmatively marketed.

66. Of the 75 creditworthy units and available rental bonuses, the Township is entitled to apply 32 affordable housing credits/rental bonuses for the Bailey Corner project against its prior cycle obligation as follows: 24 actual units and 8 rental bonus credits.

67. Since the Township is entitled to 75 credits, not counting bonus credits, and is only applying 24 units to satisfy its prior cycle obligation, the Township shall be able to carry forward 51 affordable housing credits to be applied to its growth share obligation.

68. By combining the 32 credits for the Bailey Corner development and the 3 credits for the ARC of Salem County site, the Township has satisfied its 35-unit prior cycle obligation.

Auburn Lands

69. The Auburn Lands project (locally known as Whispering Woods and Hedgerow Estates) resulted from litigation entitled Auburn Land Corp. v. Twp. of Pilesgrove that was settled on April 5, 2000.

70. The Settlement Agreement was amended in December 2007 to reduce the scale of the project from 138 to 70 single-family units.

71. Under the terms of the settlement, the developer is obligated to pay a residential development fee to the Housing Trust Fund and will not be constructing any affordable housing.

72. The Township is currently in negotiations with the developer and the Special Master to address design issues that have been raised.

Kings Road LLC

73. The July 12, 2007 Final Judgment approved a Settlement Agreement between the Township and Kings Road LLC for the construction of up to 101 market rate single-family detached housing units and 35,000 square feet of commercial space.

74. The site is 120 acres and is identified as Block 29, Lots 12 and 17 and Block 25, Lots 10 and 11, which is bisected by Kings Highway, with the western parcel also fronting on Robinson Road and the eastern parcel also fronting on State Highway Route 40.

75. The developer is obligated to make a contribution to the Township's affordable housing trust fund in the amount of \$4,370 for each residential unit or 1.0% of the equalized assessed value of each residential unit, whichever is greater and 2.0% of the equalized assessed value of the commercial development, all due upon construction.

76. The Township's Plan states that, subsequent to the 2007 Order, the site has been sold to a neighboring property owner who evidently does not intend to develop the site consistent with the Settlement Agreement.

77. The Plan states that the Township will make a formal petition to remove the site once the project's status is confirmed.

Satisfaction of the 117 Unit Third Round Obligation

78. The Township is satisfying its 117-unit third round obligation using credits from the Bailey Corner project, the Grandview Park inclusionary development, and a future municipally-sponsored housing project, if necessary.

Bailey Corner

79. The Township is entitled to apply its 51 prior round surplus credits from the Bailey Corner project to satisfy a portion of the third round obligation. See para. 67, supra.

80. Since these units will have affordability controls in place during the entirety of the third round, they are eligible to satisfy the growth share obligation, including the family obligation, the rental obligation, the family rental obligation and the very low income obligation.

81. The Plan states that a minimum of 13% of the units (10) will be reserved for very low income households.

Grandview Park

82. As described previously, the Township is proposing an inclusionary development on Block 26, Lot 4 and a contiguous parcel in the Borough of Woodstown on Block 10, Lot 1.

83. The tract is a total of 88.95 acres – 85.3 acres in Pilesgrove Township and 3.65 acres in the Borough of Woodstown.

84. The site is on Auburn Road toward the center of the Township and just north of the Borough of Woodstown.

85. The Township currently owns the entire property, including the portion in Woodstown Borough.

86. Development of the site would be limited to 38.2 acres in Pilesgrove and that the remaining 47.1 acres in Pilesgrove would be reserved for an expansion of the adjacent Marlton Park.

87. The 3.65 acres in Woodstown would remain undeveloped and serve as a buffer for the development.

88. The site is currently located in the SR zone district which permits single family housing at a density of one dwelling unit per acre.

89. The Township purchased the site in 2005 with the intention of developing a school on the site; however, the 2006 referendum to fund the school was defeated.
90. The proposed Age-Restricted Residential Development District would permit 145 age-restricted single-family detached, attached, duplex, triplex and quadplex units at a density of 3.8 dwelling units per acre within Township limits.
91. The draft ordinance requires that 20% of the units be for-sale affordable units.
92. The Township anticipates that 29 age-restricted for-sale affordable units will be provided on the site.
93. The draft ordinance must be adopted prior to the sale of the property to a developer.
94. Because the Township owns the property associated with this proposed project, there is less of a burden for the Township to prove the economic feasibility of the proposed density and set-aside, since the Township may adjust the price of its land downward as necessary to ensure that a realistic opportunity for inclusionary development is created.
95. The Implementation Schedule in the Plan indicates the property will be sold to a developer in 2012.
96. Should the property prove difficult to sell at the specified price the Township may need to either increase the permitted density or reduce the asking price to ensure that the development of the site with a 20% affordable housing set-aside is feasible.
97. The Grandview Park site is also suitable for the production of affordable housing based on the criteria in N.J.A.C. 5:97-3.13.
98. First, the site has a clear title and no legal encumbrances which would preclude its development as an affordable housing project. The property is owned by the Township.
99. Second, the site is adjacent to compatible land uses and has access to appropriate streets.
100. The site has road frontage and access to Auburn Road.
101. As noted below, a NJ DEP waiver for a stream corridor buffer crossing is needed to access the site.
102. Surrounding land uses consist of preserved land to the west and north, Marlton Park to the southwest and residential development of similar density to the east and southeast.
103. Third, adequate sewer and water capacity is reasonably available.

104. Although the property is not currently served by public water or sewer, the Township has proposed, via its on-going Plan Endorsement process with the NJ Office of Smart Growth, that the Woodstown Town Center be expanded to include the property.
105. The Township also states that it will petition Salem County to include the site in the County's Wastewater Management Plan; this is reflected in the 2007 Draft Pilesgrove Township Wastewater Management Plan, which proposes to include the site in the public service area.
106. The proposed zoning ordinance for the Grandview Park property states that if sewer and water service cannot be extended to the site, the SR district standards for one dwelling unit per acre will apply.
107. The Township will need to amend the Plan should the site not be developed in accordance with the Age-Restricted Residential Development District standards.
108. Fourth, the site can be developed in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
109. Fifth, development of the property is consistent with the State Development and Redevelopment Plan (hereinafter the "State Plan") and the rules and regulations of all agencies with jurisdiction over the site.
110. The 2001 Adopted State Plan Map and the 2010 Draft State Plan Map designate the site as Planning Area 4, the Rural Planning Area.
111. However, the Township has proposed, via its on-going Plan Endorsement process with the NJ Office of Smart Growth, that the Woodstown Town Center be expanded to include the property.
112. The site is located outside of the Pinelands, CAFRA, Highlands and Meadowlands.
113. Sixth, the site will comply with all applicable environmental regulations.
114. There are wetlands located on the northern portion of the property which are associated with a Category One tributary of the Salem River; however, these lands will be merged with the adjacent Marlton Park and will therefore not be subject to the inclusionary zoning ordinance.
115. The 38.2 acres intended for development are free of environmental constraints with the exception of land adjacent to Auburn Road where access will be provided.
116. A Category One buffer waiver from the NJ DEP will be required for the purpose of gaining access to the site.
117. Seventh, and finally, there are no historic or architecturally important sites or buildings on the property or in the immediate vicinity that will be impacted by the development.

Future Municipally-Sponsored Housing

118. If growth within the Township creates a growth share obligation in excess of that which can be addressed by Bailey Corner and Grandview Park, the Township proposes to provide 15 special needs units in a municipally-sponsored construction project to be identified in 2012, the anticipated date of the first plan review, consistent with N.J.A.C. 5:97-2.5.

119. The Township must submit documentation on the future site at the first biennial plan review, unless the housing and employment projections have been revised to indicate that the Township's third round obligation has been reduced or the Township can otherwise demonstrate that the site will not be needed to satisfy the third round obligation.

Implementation Schedule

120. The Township's implementation schedule has been prepared in accordance with N.J.A.C. 5:97-3.2(a) and demonstrates that the Township will have sufficient affordable units to satisfy the third round obligation generated at the time of each plan evaluation.

121. However, the actual growth share obligation will be compared to the number of affordable units provided at plan evaluation, conducted every two years after a Judgment of Compliance and Repose is issued.

122. If upon any plan evaluation the Court finds the difference between the number of affordable units provided and the number of units required, pursuant to the Township's projections, results in a pro-rated production shortage of 10% or greater, the Township may be required, in accordance with N.J.A.C. 5:96-10.4(a), to amend its Plan to account for the shortfall.

123. In light of the above, the Township has satisfied its 117-unit growth share obligation, subject to biennial reviews discussed above.

124. The Township has also satisfied its 48-unit family obligation, 30-unit rental obligation, 59-unit family rental obligation, and 13 unit very low income obligation through the Bailey Corner project.

125. The Township also sought 22 third-round rental bonus credits.

126. However, pursuant to N.J.A.C. 5:97-3.6, the Township is entitled to 21 third round rental bonus credits from the Bailey Corner site.

127. The one-unit deficit created by this difference can be accommodated in the future municipally-sponsored housing project by including 16, rather than 15, units.

Affordable Housing Funding

128. The Township adopted a development fee ordinance most recently on December 30, 2008.

129. This ordinance provides for residential development fees collected in an amount equal to 1.5% of the equalized assessed value of new construction and nonresidential development fees to be collected in an amount equal to 2.5% of the equalized assessed value.

130. On April 30, 2009, the Court approved this Development Fee Ordinance.

131. The Township executed a three party escrow agreement with COAH and The Bank, the bank which holds the Township's affordable housing trust fund, on October 29, 2008.

132. With the passage of P.L. 2008 c.46, in July 2008, COAH also has approving authority over the Township's Spending Plan.

133. The Township submitted a draft Spending Plan which is consistent with the Fair Share Plan, and will provide guidance to the Township and COAH, as necessary, during the Spending Plan approval process.

134. The Township must file its draft Spending Plan with COAH for review and approval.

135. Finally, if and when the Township enters into a Developer's Agreement in association with its 16-unit Special Needs development, the Township should submit a resolution of intent to fund and gaps in financing in accordance with COAH's regulations.

Affordable Housing Administration

136. The Township has submitted operating manuals for the rehabilitation program, rental units and sale units.

137. These documents comply with COAH's substantive rules (N.J.A.C. 5:97) as well as the Uniform Housing Affordability Controls Rules (N.J.A.C. 5:80-26).

138. The Township also has submitted an Affirmative Marketing Plan for the Bailey Corner project.

139. This document comply with COAH's substantive rules (N.J.A.C. 5:97) as well as the Uniform Housing Affordability Controls Rules (N.J.A.C. 5:80-26).

140. The Township properly adopted an ordinance to create the position of Municipal Housing Liaison on August 14, 2007.

141. The Township Clerk, Maureen Abdill, was properly appointed by the Township and approved by COAH as the Municipal Housing Liaison.

142. The Township has submitted a draft Affordable Housing Ordinance.

143. The ordinance complies with COAH's substantive rules (N.J.A.C. 5:97) as well as the Uniform Housing Affordability Controls Rules (N.J.A.C. 5:80-26.).

144. The ordinance cites that 10% of affordable units shall be affordable to very low income households.

145. The Township is authorized to revise this figure to 13%, consistent with P.L. 2008 c.46.