



FOURTH ROUND

HOUSING ELEMENT AND FAIR SHARE PLAN

BRANCHBURG TOWNSHIP | SOMERSET COUNTY, NEW JERSEY

June 2025



FOURTH ROUND

HOUSING ELEMENT AND FAIR SHARE PLAN

ADOPTED BY THE PLANNING BOARD: *JUNE 24, 2025*

ENDORSED BY THE MAYOR & TOWNSHIP COMMITTEE: *JUNE 25, 2025*

PREPARED BY:

A handwritten signature in black ink, appearing to be 'KE', is written over a horizontal line.

KENDRA LELIE, PP, AICP, LLA
NEW JERSEY PROFESSIONAL PLANNER LICENSE #5537
KYLE + McMANUS ASSOCIATES

A SIGNED AND SEALED ORIGINAL IS ON FILE WITH THE TOWNSHIP CLERK



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TABLE OF CONTENTS

Introduction & Executive Summary	1
Affordability Requirements	5
Present and Prospective Need Obligation	6
Fair Share Plan	7
Satisfaction of the Affordable Housing Obligation	9
Preservation of Multigenerational Family Continuity	15
State Development and Redevelopment Plan Consistency	16
Affordable Housing Administration & Affirmative Marketing	16
Affordable Housing Trust Fund	17
Monitoring	18
Cost Generation	18

APPENDICES

1. Housing, Demographic & Employment Analysis
2. Mapping
3. Resolutions
4. Ordinances
5. Draft Spending Plan

EXECUTIVE SUMMARY

This Fourth Round Housing Element and Fair Share Plan (HEFSP) has been prepared pursuant to the Amended Fair Housing Act (“FHA” or “Amended FHA”) which was signed into law in March 2024. The Township is required to adopt a Fourth Round HEFSP by June 30, 2025 in accordance with the FHA.

This Plan will serve as the foundation for the Township’s application to the Affordable Housing Dispute Resolution Program (“Program”), which is the mediation arm of the Court to resolve disputes related to a municipality’s obligation and/or Housing Element and Fair Share Plan, and Superior Court for that approval, referred to as a Judgment of Compliance and Order of Repose. Branchburg Township filed a complaint for Declaratory Judgement in Superior Court on January 28, 2025, seeking a declaration of compliance with the Mount Laurel Doctrine and the Amended Fair Share Housing Act of 2024.

There have been two (2) previous rounds of affordable housing in the State, the Prior Round which covered a time period from 1987 to 1999 and a Third Round which covered a time period from 1999-2025. Branchburg Township received a Judgment of Compliance from Superior Court of the Third Round HEFSP on March 14, 2022. The Third Round prospective need (new construction) obligation was 1,000 units. The Township is compliant with the Court approval providing, to date, 689 affordable housing units that are either occupied, constructed or under construction. The Township received 250 bonus credits, and 54 units were extension of controls or surplus credits from the Prior Round. There is a very small deficit of seven (7) special needs units that were not implemented from the Third Round, in which the Township will address the satisfaction of these units in the Fourth Round HEFSP.

The Fourth Round prospective need obligation, as determined by Superior Court Order, is 255 affordable housing units. The Fourth Round period is a 10-year obligation period running from July 1, 2025 to June 30, 2035. As detailed in the Fourth Round HEFSP, the Township is satisfying the obligation through extension of controls, inclusionary developments and a supportive and special needs units.

INTRODUCTION & BACKGROUND

Since the 1975 New Jersey Supreme Court decision known as “Mount Laurel I”, New Jersey municipalities have had a constitutional obligation to provide opportunities for the creation of low and moderate housing units. This 1975 decision led to a body of case law, legislative changes, and rulemaking by a state agency that, collectively, is now referred to as the “Mount Laurel doctrine”. Through these actions, New Jersey municipalities have been assigned a specific number of affordable housing units that must be created or planned to “satisfy” their constitutional obligation, commonly referred to as their affordable housing obligation.

Participation in this process and satisfaction of the affordable housing obligation can be achieved voluntarily or involuntarily. However, the affordable housing laws heavily incentivize voluntary

compliance. Municipalities that do not voluntarily comply may be vulnerable to “builder’s remedy” litigation. A builder’s remedy is a litigation tool to compel the municipality to include a builder’s site in the Fair Share plan. However, to secure such a remedy, the developer must “succeed in litigation”, provide a “substantial” affordable housing set-aside and the developer’s “proposed project” must not clearly violate “sound land use planning”. The Supreme Court’s desire to ensure that developers who provide affordable housing do so in accordance with sound planning, which is a pillar of the Mount Laurel doctrine.

Branchburg Township seeks to avoid the possibility of builder’s remedy litigation through the adoption of this HEFSP which includes development projects that include the required affordable housing units setaside to be deed restricted for very-low, low- and moderate-income households.

Affordable housing in New Jersey is defined as housing units which are reserved for households with incomes not more than 80% of the regional median income. Each affordable unit, with limited exceptions, must remain reserved for very-low-, low- and moderate-income households for a minimum of 30 years and for rental units, 40 years, and it is typically enforced by a deed restriction. Each affordable unit is eligible for one “credit” against the affordable housing obligation and certain units are eligible for “bonus credits”. In addition to providing the minimum number of credits, municipalities must ensure diversity in the level of affordability – meaning very-low-, low- and moderate-income units – and diversity in the size of affordable units – meaning one-, two- and three-bedroom units.

Fair Housing Act Amendments

The 2024 Fair Housing Act (FHA) was signed into law in March 2024. The amendments made to the 2024 FHA govern how the municipal fair share obligations are established and satisfied. A few of the noteworthy changes include the following:

- The Department of Community Affairs (DCA) using the FHA methodology computes an advisory Fourth Round present (rehabilitation) and prospective need (new construction) obligation.
- The Affordable Housing Dispute Resolution Program (Program) will administer the review, dispute resolution and approval of the Housing Element and Fair Share Plans submitted. However, the Program recently published new administrative rules requiring municipalities to file a Declaratory Judgment action to Superior Court once a municipality adopts their Fourth Round affordable housing obligation. The process for review, dispute resolution and approval moves through a judicial process with a mediation process occurring at the Program level.
- Each municipality must adopt a binding resolution committing to a present need, also known as the rehab obligation, and to its Fourth Round prospective need obligation by January 31, 2025.

- The deadline for the submission of a Fourth Round Housing Element and Fair Share Plan to the Program is June 30, 2025. If a municipality does not meet this deadline, the municipality may be open to a builder's remedy lawsuit. The Fourth Round runs from July 1, 2025, to June 30, 2035.
- An overview of the general requirements of the law are as follows:
 - ✓ Third Round Assessment: A municipality shall include an assessment of meeting the Third Round obligation and determine if there is a deficit or surplus that must be addressed.
 - ✓ Unused/Underutilized Property: A municipality must consider converting or redevelopment of this type of property when planning for location of affordable housing.
 - ✓ 25% of affordable units have to be rental housing units and half of those have to be available to families with children.
 - ✓ 50% of the municipality's prospective need (exclusive of any bonus credits) have to be available to families with children.
 - ✓ Transitional Housing: Municipalities can now count affordable housing credits from transitional housing, but towards no more than 10 percent of the municipality's fair share obligation.
 - ✓ Age-Restricted Units: 30% of a municipality's prospective need (exclusive of any bonus credits) can be age restricted.
 - ✓ Extension of Expiring Controls is a permitted mechanism credit if 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 term, in combination, total at least 60 years. Any 100 percent affordable rental property shall have a right to extinguish a deed restriction regardless of original length, beginning 30 years following the start of the deed restriction, provided a refinancing or rehabilitation, or both, for the purpose of preservation is commenced and that a new deed restriction of at least 30 years is provided.
 - ✓ Adaptability Requirements/Possible Loss of Immunity: If affordable units do not properly comply with adaptability and barrier free requirements, the municipality "shall lose its immunity to builder's remedy lawsuits."
 - ✓ Loss of Immunity and Trust Fund: If a municipality loses immunity, the municipality is prohibited from expending trust funds.
 - ✓ Affordability controls for rental units shall be a minimum of 40 years and for for-sale shall be a minimum of 30 years.
- Bonus credits for affordable housing have been updated as follows:
 - Bonus credits are limited:
 - No more than one type of credit for any unit
 - No more than 25% of the obligation shall be bonus credits
 - One Full Bonus Credit
 - Supportive and Special Needs Bedrooms

- 100% Affordable Projects: Units within 100% affordable housing project provided the municipality provides the land or a minimum of 3% of the project costs
- Market to Affordable Unit which includes municipal site control of the property or an agreement between the municipality and the landowner
- Half Bonus Credit
 - Partnership with a non-profit developer
 - The affordable housing units are within ½ mile of transit (rail, bus)
 - Age restricted units are limited to 10% of the age-restricted units provided the age-restricted unit total is capped at 30% of the obligation
 - Three-bedrooms units above the required three-bedroom distribution (min. 20%)
 - Units constructed on land that is or was previously developed and utilized for retail, office, or commercial space
 - Redevelopment for units on land that is within a redevelopment zone
 - Extension of affordability controls on rental housing only and the municipality funds the cost for the preservation
 - Very Low-Income units above the 13% required

The Housing Element and Fair Share Plan

In accordance with the 2024 Amended Fair Housing Act this Housing Element and Fair Share Plan includes the following:

- 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 (10) 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; and
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- f. A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have

expressed a commitment to providing 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. 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.

Items (a) through (d) are included as an appendix item and items (e) through (h) are included in the body of this Fair Share Plan.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under New Jersey’s FHA as a dwelling, either for sale or rent, which is within the financial means of households of very-low-, low-, or moderate-income, as is measured within each housing region. Branchburg Township is in Region 3, which includes Somerset, Hunterdon and Middlesex counties. Moderate-income households are those with annual incomes greater than 50%, but less than 80% of the regional median income. Low-income households are those with annual incomes that are 50% or less than the regional median income. Very-low-income households are a subset of “low-income” households and are defined as those with incomes 30% or less than the regional median income.

Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.3, et seq., requires that the maximum rent for a qualified unit be affordable to households with incomes 60% or less than the median income for the region. The average rent must be affordable to households with incomes no greater than 52% of the median income. The maximum sale prices for affordable units must be affordable to households with incomes 70% or less than the median income. The average sale price must be affordable to a household with an income of 55% or less than the median income.

For 2025, New Jersey Housing and Mortgage Finance Agency (NJHMFA) updated income limits for all housing regions in New Jersey. See Table 1 for 2025 income limits for Region 3.

Table 1: 2025 Income Limits for Region 3					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Median	\$107,400	\$122,800	\$138,100	153,400	\$165,700
Moderate	\$85,920	\$98,240	\$110,480	\$122,720	\$132,560

Table 1: 2025 Income Limits for Region 3

Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Low	\$53,700	\$61,400	\$69,050	\$76,700	\$82,850
Very Low	\$32,220	\$36,840	\$41,430	\$46,020	\$49,710

Source: 2025 Income limits from NJHMFA

PRESENT AND PROSPECTIVE NEED OBLIGATION

The fair share affordable housing obligation consists of a rehabilitation component (present need) and a new construction component (prospective need). Pursuant to the Amended Fair Housing Act (FHA), the NJ State Department of Community Affairs (DCA) was required to calculate the rehabilitation (present need) and prospective need obligations for municipalities within the State. The Amended FHA entitled municipalities to adjust the obligation if the information used in the DCA calculation was outdated or in error. After reviewing the DCA methodology for the present and prospective need obligations, the Township determined that the DCA calculation for prospective need (297 units) was incorrect and adopted a recalculated obligation (248 units) by the Township Committee (Resolution 2025-45) on January 27, 2025. The resolution and supporting report were submitted to Superior Court on January 28, 2025.

Two parties filed objections to the Township's adoption of the recalculated obligation, Fair Share Housing Center and the New Jersey Builder's Association. In accordance with the Amended FHA, the Affordable Housing Dispute Resolution Program ("Program") held mediation sessions between the parties and as a result of the mediation process provided by the Program, the parties agreed to a prospective need obligation of 255 units. The Settlement Agreement was executed on March 24, 2025 by the Township and Fair Share Housing Center, recommended by the Program on March 20, 2025 and ordered by the Superior Court Judge on April 8, 2025. The New Jersey Builder's Association did not object to the settlement between the Township and Fair Share Housing Center.

Each component of the obligation is identified below.

- **Present Need (Rehabilitation) Obligation: 0 units**
The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Branchburg Township occupied by low- and moderate-income households.
- **Prospective Need (New Construction) Obligation: 255 units**
The prospective need obligation can be defined as the cumulative 2025 through 2035 new construction affordable housing obligation.

FAIR SHARE PLAN

Third Round Compliance Status

Pursuant to the Amended FHA, the Fourth Round Fair Share Plan is required to provide an assessment of the degree to which the Third Round fair share obligation has been met as established by prior court approval. The municipality is required to determine to what extent the obligation is unfulfilled or whether the municipality has excess credits.

If the Third Round obligation remains unfulfilled the municipality shall address the Third Round unfulfilled obligation in this Fourth Round Fair Share Plan. Units included as part of the municipality's unfulfilled prior round obligation shall not count towards the cap on units in the municipality's Fourth Round prospective need obligation. In addressing the status of the Third Round projects, the municipality must demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity.

The Third Round obligation was 1,000 units. The following table provides the status of the projects that addressed the Third Round prospective need obligation.

Table 2: Status of Third Round Projects			
Program/Project	Unit Type	Status	Units
Cedar Brook	Prior Round Credit surplus allocated to the gap allocation	Completed	14
Summit Green	Supportive and Special Needs	Under Construction	39
Midland	Supportive and Special Needs	4 of 11 Occupied	-7
Cedar Brook	Extension of Controls	Completed	40
Conifer/Triangle Site	Family Rental - Municipally Sponsored/100%	Occupied	100
Cornerstone	Senior Rental – Municipally Sponsored/100%	Occupied	75
Cornerstone	Senior Rental – Municipally Sponsored/100%	Occupied	75

Table 2: Status of Third Round Projects			
Program/Project	Unit Type	Status	Units
Henderson/Genesis	Family Rental – Municipally Sponsored/100%	Use Variance Approved Awaiting Site Plan Approval	9
TJC/Premier	Senior Rental – Municipally Sponsored	Site Plan Approved	40
Advance/Fox Hollow	Family Rental – Inclusionary	Occupied	28
River Trace	Family For-Sale – Inclusionary	Occupied	11
North Branch Walk	Family Rental – Inclusionary	Under Construction	91
Summit Green	Family Rental – Inclusionary	Under Construction	92
Judelson/Glen Willow	Inclusionary Family Rental (31 units) Family For-Sale (40 units) Senior Rental (28 units) Senior For-Sale (26 units)	Under Construction	125

The Township anticipates that the two projects that have not started construction, Genesis and TJC/Premier, will begin in the next 12-18 months. Genesis has submitted a site plan application that is currently pending before the Board of Adjustment and TJC/Premier received site plan approval in March 2025. These projects continue to represent realistic opportunities for the construction of affordable housing. Seven (7) units from the Midland supportive and special needs program have not been completed and the Township does not anticipate they will be completed. As such, the Township will satisfy these unfulfilled units in the Fourth Round Fair Share Plan.

SATISFACTION OF THE AFFORDABLE HOUSING OBLIGATION

The Township is addressing its Fourth Round affordable housing obligation through a variety of mechanisms that include extension of controls, two inclusionary developments and supportive and special needs bedrooms.

Prospective Need (New Construction) Obligation: 255 Units + 7 Units from Third Round

The Township's proposed compliance mechanisms are summarized in Table 3, Summary of Credits for the Fourth Round, 2025-2035, with two (2) inclusionary development, supportive and special needs housing, extension of controls and bonus credits.

Table 3: Summary of Credits for the Fourth Round (2025-2035)					
Project/Program	Unit Type	Status	Units	Bonus Credits	Total Credits
Whiton Hills	Age-Restricted Rental Extension of Controls	Proposed	30	15	45
Whiton Hills	Family Rental Extension of Controls	Proposed	44	22	66
Evans Way/KRE	Multi-Family	Proposed	80	-	80
Vollers/Premier	Multi-Family Supportive/Special Needs	Proposed	46	18.5	64.5
			4	4	8
147 Stony Brook Road	Supportive and Special Needs	Occupied	4	4	8
Total			208	63.5	271.5
Surplus					16.5
Deficit Units from Third Round					-7
Surplus toward future round					9.5

The affordable housing rules require municipalities to designate sites that are “suitable, approvable, available and developable”, as defined in N.J.A.C. 5:93-1. These terms are defined as follows:

- ***Suitable site*** means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
- ***Approvable site*** means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules and regulations of all agencies with jurisdiction over the site. A site may be approvable although it is not currently zoned for low- and moderate-income housing.
- ***Available site*** means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- ***Developable site*** means a site that has access to appropriate water and sewer infrastructure and is consistent with the applicable areawide water quality management plan (including the waste management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by the NJ Department of Environmental Protection.

Fourth Round Project Descriptions

EXTENSION OF CONTROLS– PROPOSED

Whiton Hills: Age-Restricted and Family Rental Units – 74 units and 37 bonus credits (111 total credits)

The Whiton Hills development (Block 74, Lot 1) consists of 288 multi-family apartment units of which 74 are deed restricted for low- and moderate-income households. Thirty of the affordable units are age-restricted rental units and the remaining units are family rental units. Certificates of occupancy were provided between 1992 and 1996. The Township will provide financial subsidies to the owner of the property to extend the affordability controls on all 74 affordable housing units. The affordability controls will be extended for at least 40 years beyond the original expiration date of the affordability controls providing extensions in accordance with the requirements of UHAC. The FHA permits $\frac{1}{2}$ bonus credits for each unit of affordable housing extended, therefore, the Township is eligible for 37 bonus credits ($74 \times 0.5 = 37$).

SUPPORTIVE AND SPECIAL NEEDS HOUSING – PROPOSED

147 Stony Brook Road: 4 bedrooms + 4 bonus credits (8 total credits)

Youth Consultation Service, Inc., a licensed provider of supportive and special needs services, owns a single-family home consisting of four bedrooms located at 147 Stony Brook Road (Block 36, Lot 2) to provide supportive and special needs housing for young adults that have intellectual and developmental

disabilities. In accordance with the FHA, supportive and special needs bedrooms are eligible for four (4) full bonus credits.

INCLUSIONARY DEVELOPMENT – PROPOSED

Evans Way/KRE: 80 family units

The Evans Way site is 38 acres in area and located at the intersection of Evans Way and Old York Road (Block 58, Lot 36 and 36.02). The project will provide 400 family units of which 80 units (20% affordable housing setaside) will be restricted for moderate, low and very-low income households equating to a density of approximately 10.5 dwelling units per acre. The development will consist of 240 apartment units of which 60 units will be affordable and 80 townhouse units of which 20 units will be affordable. In addition, the developer will donate 2 acres of land along Stony Brook Road for future open space and recreational purposes to the Township.

The site is suitable. The subject site is vacant with access to Evans Way, which is a Township road that will be improved by the developer to provide access from the development to Old York Road, a County roadway, which is an appropriate street to accommodate traffic from the development. The surrounding land uses include multi-family housing to the west, light industrial uses and overhead utility power lines to the north and east and a Township owned park and single-family residences to the south. The 2001 Adopted State Plan Map and the proposed new State Plan designates the property as being in Suburban Planning Area (PA 2). Among the intentions of the Suburban Planning Area are to provide for much of the state's future redevelopment; promote growth in compact forms; and redesign areas of sprawl. It is a preferred location for affordable housing development. The site is outside of the Highlands, Pinelands, CAFRA and Meadowlands planning areas.

The site is approvable. The site will be developed consistent with the rules and regulations of all agencies with jurisdiction over the site including the State, Township and County. The Township will adopt an amendment to the existing Stony Brook Redevelopment Plan to permit the proposed development and require the minimum affordability control deed restrictions on the units in accordance with N.J.A.C. 5:93 et seq. and N.J.A.C. 5:80-26.1. In addition, the project will be compliant with Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no Category One streams or known contaminated sites on the property. There is a small isolated wetland area in the southwest corner of the site along Stony Brook Road but the proposed development will not impact the wetland and therefore, affordable housing construction will not be impeded by the wetland area.

The site is available. The site has no known legal encumbrances or deed restrictions that would preclude the development of affordable housing, and there are no known historic or architecturally important sites or buildings on the property or in the immediate vicinity that will affect the development of affordable housing.

The site is developable. The site is within the Branchburg Township Sewerage Authority's sewer service area and the Township Engineer has indicated that adequate sewer capacity and infrastructure is available and accessible.

Voller's/Premier: 46 family units + 18.5 bonus credits and 4 supportive and special needs units + 4 bonus credits

The Voller's site is 21.5 acres in area and located at the intersection on a portion of Block 9.03, Lot 16 which currently consists of a light industrial user that provides private recycling services for landscape materials. The rear portion of the parcel will be redeveloped for inclusionary multi-family housing. A proposed new connector road will provide a connection between two existing inclusionary developments (Summit Green and North Branch Walk) which are under construction by the same developer proposing this new multi-family community. The current owner of the light industrial use will continue to operate from an office space on the front portion of Block 9.03, Lot 16.

The project will provide 250 family units of which 50 units (20% affordable housing setaside) will be restricted for moderate, low and very-low income households in apartments, townhouses and one single-family home for supportive and special needs individuals creating a density of 11.6 dwelling units per acre. The development will consist of 84 apartments and 166 townhouse units. The project is eligible for four (4) full bonus credits for the supportive and special needs bedrooms. In addition, the project is eligible for a maximum of 18.5 half-bonus credit for each affordable housing unit pursuant to the Amended Fair Housing Act because this project is a redevelopment of an existing commercial use.

The site is suitable. The site is located to the rear of an existing industrial office building and between two existing inclusionary developments currently under construction. The project will be physically connected to Summit Green and North Branch Walk with a new connector road, owned and operated by the developer. Summit Green and North Branch Walk both have access roads to Route 22, a State Highway, which is an appropriate street to accommodate traffic from the development. In addition, the project will have access to Meister Avenue, a Township owned local collector road, also an appropriate street to accommodate traffic from the proposed development.

The surrounding land uses include light industrial and office uses to the north and south and future inclusionary multi-family residents to the east and west. Future retail commercial uses are zoned for a parcel to the northwest of the site and the developer is proposing a future connection to the commercial use parcel.

The 2001 Adopted State Plan Map and the proposed State Plan Map designates the property as being in Suburban Planning Area (PA 2). Among the intentions of the Suburban Planning Area are to provide for much of the state's future redevelopment; promote growth in compact forms; and redesign areas of sprawl. It is a preferred location for affordable housing development. The site is outside of the Highlands, Pinelands, CAFRA and Meadowlands planning areas.

The site is approvable. The site will be developed consistent with the rules and regulations of all agencies with jurisdiction over the site including the State, Township and County. The Township will adopt an ordinance to permit the proposed development and require the minimum affordability control deed restrictions on the units in accordance with N.J.A.C. 5:93 et seq. and N.J.A.C. 5:80-26.1. In addition, the project will be compliant with Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. There are no Category One streams or known contaminated sites on the property. There is a small vein of wetlands associated with the Chambers Brook Tributary to the northwestern corner of the parcel, but the construction of affordable housing will not be impeded by the wetlands.

The site is available. The site has no known legal encumbrances or deed restrictions that would preclude the development of affordable housing, and there are no known historic or architecturally important sites or buildings on the property or in the immediate vicinity that will affect the development of affordable housing.

The site is developable. The site is within the Branchburg Township Sewerage Authority's sewer service area and the Township Engineer has indicated that adequate sewer capacity and infrastructure are available and accessible.

OBLIGATION MICRO-REQUIREMENTS

Per the Amended FHA, the Township must address a variety of minimum or maximum credits in satisfying its Fourth Round fair share obligation. The Township must meet a rental obligation, total family unit obligation, the very low-income obligation and not exceed the maximum senior unit cap.

Maximum Bonus Credits = 63.5 units

.25 (Obligation) = 63.5 units | .25 (255) = 63.75, round down to 63.5

The Township does not exceed the maximum number of bonus credits and is requesting bonus credits for the Whiton Hills extension of controls (37 credits = half of 74 credits), the 147 Stony Brook special needs bedrooms (4), the Voller's redevelopment of a commercial use which permits $\frac{1}{2}$ bonus credit per unit (18.5) and the Voller's special needs group home (4). Due to the limitation on the maximum bonus credits, 18.5 bonus credits are the maximum available for the Voller's project.

Minimum Rental = 64 units

.25 (Obligation) = 64 units | .25 (255) = 63.75, round up to 64 units

This obligation is satisfied with 158 credits associated with Whiton Hills (74), 147 Stony Brook Road Supportive and Special Needs project (4), Evans Way project (60), Voller's apartments (16) and Voller's special needs (4).

Maximum Senior = 76 units

.30 (Obligation) = 76 units | .30 (255) = 76.5, round down to 76 units

This maximum number of senior units is not exceeded as there are 30 senior credits associated with Whiton Hills extension of controls.

Minimum Family = 96 units

.50 (Obligation-bonus) = 96 units | .50 (255-63.5) = 95.75, round up to 96 units

This obligation is satisfied with 170 credits associated with Whiton Hills family extension of controls (44), Evans Way project (80) and Voller's project (46).

Minimum Family Rental: 32 units

.50 (rental obligation) = 32 units | .50 (64) = 32

This obligation is satisfied with 120 credits associated with Whiton Hills family extension of controls (44), Evans Way project (60) and Voller's project (16).

Minimum Very Low Income = 24 units

.13 (AH units-extensions) = 24 units | .13 (255-74) = 23.53, round up to 24 units

This obligation is satisfied with 24 credits including ten (10) credits associated with the Evan's Way Inclusionary project, six (6) from the Voller's multi-family units and (8) from the supportive and special needs units.

Consideration of Affordable Housing Options

As part of this Plan, the Township has considered land that is appropriate for the construction of low- and moderate-income housing.

Two developers approached the Township with prospective inclusionary housing development proposals. Branchburg reviewed and/or met with the developers that expressed an interest in developing affordable housing in Branchburg and reviewed the projects in terms of suitability and decided to work with the developers, which were selected to be included in the Plan, that provided the most realistic opportunity to produce affordable housing.

In addition to suitability, the Township considered environmental, traffic and aesthetic impacts, the least number of market rate units and bonus credit maximization. The list of projects that were proposed and considered but not included in the Plan are below:

Project Name/Location	Type	Affordable Housing Units	Suitability Notes
Branchburg Crossing 1220 Easton Turnpike Block 6, Lots 12, 13 and p/o 14.02	Family For Rent	19 (123 total)	123 units over approx. 3.3 acres creates a density of 37 dwelling units per acre which is triple the density in any other inclusionary development in the Township.
2G – Branchburg Apartments	Family For Rent	12-16 (80-108 total)	Two concept plans were provided to locate 2-3 buildings on land that shall be dedicated for recreation and open space purposes to the Township for the 2G inclusionary housing project part of the Third Round. There is a greater need for the land to remain as open space/recreational use.

The Township believes that the projects, programs and mechanisms proposed in this document represent the best options for affordable housing in Branchburg Township and the mechanisms satisfy the Township's affordable housing obligation. While the Township recognizes that developers may, in the future, present sites that possess characteristics that could lend themselves to affordable housing development, additional sites are not needed to satisfy the obligation at this time.

PRESERVATION OF MULTIGENERATIONAL FAMILY CONTINUITY

The 2024 FHA 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). The Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. A review of the Township's ordinance indicates that there are no ordinances that would specifically create a detraction from meeting the

Commission's goal of enabling senior citizens to reside at the homes of their extended families. In fact, the Township defines a family that is permitted to live in a single family dwelling in such a way that a senior citizen may live in that single family dwelling unit with their extended family which is a permitted use in the residential zoning districts. The Branchburg ordinances advance the multigenerational family continuity goal.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN CONSISTENCY

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the proposed SDRP that is currently in the cross acceptance process as the projects will provide a realistic opportunity for the construction of affordable housing as the projects are located in State Planning area designated as PA2, which is the Suburban Planning Area. Pursuant to the SDRP, PA2 is the preferred location for redevelopment for compact growth. The development of affordable housing in PA2 is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into PA2 areas as the intentions of the Suburban Planning Area are to provide for much of the state's future redevelopment; promote growth in compact forms; and redesign areas of sprawl. The Township's Fourth Round Plan is consistent with the 2001 SDRP.

AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING

Branchburg Township adopted an Affordable Housing Ordinance in accordance with COAH's substantive rules and UHAC and will be updated as UHAC regulations as amendments are adopted. The Affordable Housing Ordinance governs the establishment of affordable units in the Township as well as regulating the occupancy of such units. The Township's Affordable Housing Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc.

The Township has established the position of the Municipal Housing Liaison and has appointed a staff member to the position. The Township relies on a consultant as the affordable housing administrator to conduct the administration and affirmative marketing of its affordable housing sites. However, the Township will permit developers who demonstrate the appropriate experience and expertise to administer their own units as both are experienced affordable housing administrators. The affirmative marketing plans are designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Township. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who

are least likely to apply for affordable units and who reside in the Township's housing region, Region 3, consisting of Somerset, Hunterdon and Middlesex counties.

The affirmative marketing plans include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26.1 et seq. All newly created affordable units will comply with the 30-year affordability control required by UHAC, N.J.A.C. 5:80-26.5 and 5:80-26.11. This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit.

AFFORDABLE HOUSING TRUST FUND

A development fee ordinance creating a dedicated revenue source for affordable housing was amended by Branchburg Township in 2020.

The Spending Plan included in the appendix to this Housing Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, was prepared in accordance with COAH's applicable substantive rules. All collected revenues will be placed in the Township's Affordable Housing Trust fund and may be dispensed for the use of eligible affordable housing activities including, but not limited to:

- Rehabilitation program;
- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls,
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low- and moderate-income housing activity; and
- Any other activity as specified in the approved spending plan.

However, the Township is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance.

At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement in the Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one-third (1/3) of the affordability assistance must be expended on

very-low income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program.

MONITORING

The Township will comply with monitoring provisions consistent with those required by the Fair Housing Act and similar. The monitoring requires regular tracking of progress toward meeting the affordable housing obligation and ensuring the affordable units and affordable housing trust fund are administered properly as follows:

- On or before February 1st of each year, the Township will provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website and on the Department of Community Affairs website.
- Midpoint Review. The Township will post on the municipal website and submit to the Department of Community Affairs website a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Program and Superior Court, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

COST GENERATION

The Branchburg Township's Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards; it provides for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) and the mandate of the FHA regarding unnecessary cost generating features. Branchburg Township shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing.