

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Rocky Hill Borough
Somerset County, New Jersey

May 2025

Adopted by the Planning Board on June 10, 2025

Prepared By:



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

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Rocky Hill Borough
Somerset County, New Jersey

May 2025

Prepared By:

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

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



Michael Davis, AICP, P.P. #6533

With contributing content by Brooke Schwartzman and Gabrielle Thurm
Principals in Charge:

Susan S. Gruel, P.P. #1955 Fred Heyer, AICP, P.P. #3581

Table of Contents

EXECUTIVE SUMMARY	5
INTRODUCTION	6
First and Second Rounds	7
Third Round	7
Fourth Round	8
ROCKY HILL BOROUGH'S HISTORY OF AFFORDABLE HOUSING	10
PLANNING FOR AFFORDABLE HOUSING	11
PART 1: HOUSING ELEMENT	13
DEMOGRAPHIC CHARACTERISTICS	13
Population	13
Population Composition by Age	14
Households	15
Income	17
Poverty Status	18
Household Costs	19
EXISTING HOUSING CONDITIONS	20
Housing Unit Data	20
Housing Type and Size	20
Housing Growth and Projections	21
Housing Values and Contract Rents	23
Housing Conditions	24
EMPLOYMENT DATA	26
Employment Status	28
Class of Worker and Occupation	28
Commuting to Work	29
Covered Employment	30
In-Borough Establishments and Employees by Industry: 2022	31
Probable Future Employment Opportunities	33
PART 2: FAIR SHARE PLAN	34
INTRODUCTION	34
SUITABILITY ANALYSIS	34
STATE PLAN CONFORMANCE	34
MULTIGENERATIONAL FAMILY HOUSING CONTINUITY COMMISSION	36
ADDITIONAL REQUIREMENTS	36
Age-Restricted Housing	36
Transitional Housing	36
Veterans Housing	36
Families with Children	36
Rental Units	37
Very-Low Income Requirement	37
Low/Moderate Income Split	37
Affordability Controls	37
Affirmative Marketing	37

Uniform Housing Affordability Controls (UHAC).....	37
Unit Adaptability	37
Inclusionary Development Requirements	37
Bonus Credits	38
REVIEW OF PREVIOUS ROUND COMPLIANCE	39
Prior Round Compliance 1987-1999	39
Regional Contribution Agreement (RCA) with New Brunswick	39
Supportive and Special Needs Housing.....	40
Third Round Compliance	40
Third Round Realistic Development Potential (RDP)	41
Unmet Need	42
FOURTH ROUND PRESENT NEED / REHABILITATION OBLIGATION	43
ROUND 4 OBLIGATION (1999-2025)	43
Vacant Land Adjustment	43
Unmet Need	44
SPENDING PLAN	45
SUMMARY OF FAIR SHARE COMPLIANCE	45

Appendices

Appendix A: Borough of Rocky Hill Resolution 2025-33 – Committing to Fourth Round Present and Prospective Need

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

Appendix C: Vacant Land Inventory, Borough of Rocky Hill

Appendix D: Third Round Conditional Order of Judgement of Compliance and Repose, dated March 15, 2022

Appendix E: Executed Settlement Agreement between the Borough of Rocky Hill and Fair Share Housing Center with the Third Round Vacant Land Assessment

EXECUTIVE SUMMARY

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

Rocky Hill is a 0.6 square mile community located in upper-central New Jersey, within the southern portion of Somerset County that abuts the neighboring County of Mercer. Most of the Borough's municipal boundary is shared with Montgomery Township except to the northeast where Franklin Township is located. Primary Somerset County Routes 605 and 518 run through the Borough.

The Borough can be characterized as an agricultural suburb and, according to the State Development and Redevelopment Plan (SDRP), is located in a handful of Planning Areas, including: Suburban Planning Area 2; Environmentally Sensitive Planning Area 5; and Open Space Planning Area 8.

According to the 2020 Census, Rocky Hill Borough's population was 743, which represents an increase of 8.9% from 2010. In 2020, the Borough's median age was 41.5 years, representing a 9.6% decrease from the median age of 45.9 years in 2010. The Borough's average household size in 2020 was 2.51 persons, which was less than the average at the County level (2.64 persons).

The housing stock of the Borough is predominantly single-family detached dwelling units. Approximately 88% of the housing stock was built prior to 1970, making these dwellings older than fifty years. According to the guidelines originally established by COAH, the Borough is located in Housing Region 3, a region that consists of Hunterdon, Middlesex, and Somerset counties. Based on the 2025 Regional Income Limits (released by Affordable Housing Professionals of New Jersey on May 5, 2025), the median income in Region 3 for a four-person household is \$153,400, the moderate-income is \$122,720, the low-income is \$76,700, and the very-low-income level is \$46,020.

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).

The Borough of Rocky Hill has participated in each of the three housing rounds. In the Third Round, the Borough entered into a Settlement Agreement with Fair Share Housing Center to establish the town's Third Round affordable housing obligation. The subsequent compliance efforts were approved by the Court in a

Conditional Judgement of Compliance and Repose, dated March 15, 2022, confirming the town would satisfy its Third Round obligations if it followed the conditions of the JOR. Rocky Hill did implement all of the court's conditions.

The Borough was able to fully meet its Prior Round and Third Round obligations through credit-worthy units that are existing, under construction, or proposed as well as rental bonus credits, an affordable housing overlay, and a Regional Contribution Agreement.

The Borough has a Fourth Round obligation as follows:

Rehabilitation Share: 4

Prospective Need: 37

The 37-unit Prospective Need obligation will be adjusted to create a Realistic Development Potential for the Borough based on the Vacant Land Assessment.

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 II. 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 Repose to incentivize municipalities to comply. A Judgment of 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 second round of obligations is known as the Second Round. When COAH adopted regulations for Round 2, it made the Round 1 and 2 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 the 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 Divisions 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 Round 3. 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 its functions to the New Jersey Department of Community Affairs (DCA) and Housing Mortgage and Finance Agency (HMFA). As a result, the legislation codified the method for calculating regional and municipal affordable housing needs and returned most of the process from the Courts to state administrative departments.

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 through an "Affordable Housing Dispute Resolution Program." The program is a new entity created by the amended FHA. It is staffed with seven current or retired judges and the judges have the authority to use adjudicators to assist it in mediating disputes over the obligations of municipalities.

The amended FHA gives municipalities until June 30, 2025, to file a 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).

ROCKY HILL BOROUGH'S HISTORY OF AFFORDABLE HOUSING

The Borough of Rocky Hill has a long history of compliance with COAH regulations. During the First Round, it was determined that Rocky Hill had no affordable housing obligation. The Borough petitioned COAH for Second Round Certification on July 23, 1998 and received substantive certification on January 3, 2001. The Borough's Second Round Certification expired on January 3, 2007.

The Borough participated in the Third Round Certification process. The Borough Planning Board adopted a Third Round Housing Element and Fair Share Plan on November 11, 2008. Rocky Hill petitioned COAH on December 30, 2008 and was deemed complete on February 9, 2009. Rocky Hill received Third Round Substantive Certification by COAH on May 14, 2009. However, the Third Round Rules were invalidated by the Court and all Substantive Certifications that had been granted up to that point, Rocky Hill's included, were voided.

In response to Mount Laurel IV, the Borough filed a Complaint for Declaratory Judgement ("DJ Action") on July 15, 2015 (Docket No. SOM-L-901-15) seeking a declaration of compliance with the Mount Laurel doctrine in accordance with Mount Laurel IV.

In January 2017, the Borough conducted a Vacant Land Assessment, which determined that the Borough had a Realistic Development Potential (RDP) of 12 units. Due to negotiations with Fair Share Housing Center (FSHC) and David Schafer, the owner of Block 10 Lot 19, the RDP was increased to 16 units.

On December 18, 2017, the Borough executed a Settlement Agreement with FSHC, which included the Borough's Vacant Land Assessment. However, prior to the scheduled Fairness Hearing, that was proposed to be held on May 3, 2018, the Borough filed a voluntary stipulation of dismissal, and the case was dismissed on April 26, 2018.

On May 3, 2018, Schafer filed a builders' remedy lawsuit against the Borough, captioned David K. Schafer v. Borough of Rocky Hill et als., Docket No. SOM-L-587-18, which resulted in the Settlement Agreement between the Borough of Rocky Hill and David K. Schafer. Through settlement discussions, the parties agreed to rezone Block 10 Lot 19 with an affordable housing overlay zone that permits a development of 78 units with a 20% set aside for affordable housing.

A Fairness Hearing was held on February 24, 2022, at which a Consent Order of Fairness was entered by the Court on February 24, 2022, modifying the terms of the Borough's Settlement Agreement with David K. Schafer and deemed the Settlement Agreement between the Borough and David K. Schafer as fair and reasonable to low and moderate households.

On March 8, 2022, the Court issued a Consent Order which reinstated the Borough's Mount Laurel Declaratory Judgement Action and modified the terms of the Settlement Agreement between the Borough and Fair Share Housing Center and the Settlement Agreement between the Borough and David K. Schafer.

An Amended Fairness and Compliance hearing was held on March 14, 2022, at which point the Court approved the Settlement Agreements between the Borough and FSHC, and the Borough and David K. Schafer subject to the terms of the March 8, 2022 issued Court Order (see Appendix D). The Borough was granted a Conditional Order of Judgement of Compliance and Repose (CJOR) on March 15, 2022. The conditions of the CJOR were:

- The Borough must adopt and endorse a Housing Element and Fair Share Plan
- The Borough must adopt an Affordable Housing and Mandatory Set-Aside Ordinance
- The Borough must appoint a duly-certified Administrative Agent

The Rocky Hill Planning Board adopted a new Third Round HEFSP on June 14, 2022. The plan was then endorsed by the Borough Council June 20, 2022. Their affordable housing ordinance was adopted June 20, 2022. Also on that date, Heyer, Gruel & Associates was appointed the administrative agent for the Borough.

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 Rocky Hill Borough, Somerset County, and the State of New Jersey in the 93-year period between 1930 and 2023. In 2023, there were 814 residents in Rocky Hill Borough, which indicates an increase of 71 people (9.6%) from 2020. Rocky Hill Borough has experienced fluctuations in the population size over the past 93 years, with the largest increase occurring in 1970 (73.7%) and the largest decrease the following decade, with a decrease of 200 residents (-21.8%). Overall, the Borough has seen a growth of 302 residents during this time frame, reflecting a 59% increase in its population. These trends diverge from the County and State level trends, where steady growth was experienced. The Borough's overall growth (59%) was proportionally significantly less than that of the County (94.6%) and State (129.2%).

Table 1: Population Trends, 1930-2023									
Rocky Hill Borough, Somerset County, and New Jersey									
Year	Rocky Hill Borough			Somerset County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	512	-	-	65,132	-	-	4,041,334	-	-
1940	404	-108	-21.1%	74,390	862	1.3%	4,160,165	118,831	2.9%
1950	537	133	32.9%	99,052	4,193	5.6%	4,835,329	675,164	16.2%
1960	528	-9	-1.7%	143,913	8,846	8.9%	6,066,782	1,231,453	25.5%
1970	917	389	73.7%	198,372	10,740	7.5%	7,171,112	1,104,330	18.2%
1980	717	-200	-21.8%	203,129	10,469	5.3%	7,365,011	193,899	2.7%
1990	693	-24	-3.3%	240,279	7,178	3.5%	7,730,188	365,177	5.0%
2000	662	-31	-4.5%	297,490	10,830	4.5%	8,414,350	684,162	8.9%
2010	682	20	3.0%	323,444	6,255	2.1%	8,791,894	377,544	4.5%
2020	743	61	8.9%	345,361	940	0.3%	9,288,994	497,100	5.7%
2023	814	71	9.6%	346,203	1,294	0.4%	9,261,699	-27,295	-0.3%
Total Change	-	302	59.0%	-	61,607	94.6%	-	5,220,365	129.2%

Source: 1930-2020 U.S. Decennial Census; 2018-2023 American Community Survey 5-Year Estimates, Table S0101

Population Composition by Age

The median age of the residents in Rocky Hill Borough in 2020 was 41.5 years, which shows a 9.6% decrease from the 2010 median age of 45.9 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 Rocky Hill Borough experienced notable shifts in the years between 2010 and 2020. The most significant shift occurred in the population aged 15 to 34, which collectively saw a 47-person (40.5%) increase. Simultaneously, the Borough experienced an increase in its population under 14 years old (12.2%). This data suggests that a large portion of the Borough's residents now include school-age children, which will require the Borough to consider planning tools and approaches that support the community.

Table 2: Population by Age, 2010 to 2020 Rocky Hill Borough						
Population	2010		2020		Change (2010 to 2020)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	30	4.4%	49	6.6%	19	63.3%
5 to 14	101	14.8%	98	13.2%	-3	-3.0%
15 to 24	59	8.7%	109	14.7%	50	84.7%
25 to 34	57	8.4%	54	7.3%	-3	-5.3%
35 to 44	88	12.9%	93	12.5%	5	5.7%
45 to 54	113	16.6%	99	13.3%	-14	-12.4%
55 to 64	108	15.8%	92	12.4%	-16	-14.8%
65 and over	126	18.5%	149	20.1%	23	18.3%
Total population	682	100.00%	743	100.00%	61	8.9%
Median Age	45.9		41.5		-4.4	-9.6%

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

Somerset County experienced population fluctuation as well. The County saw the greatest shift of roughly 37.3% in its population aged 55 and over, which was proportionally significantly higher than the increase experienced at the Borough level (3.0%). The County experienced rather significant decreases in its population aged 14 and below (-10.4%) as well as those aged 35 to 54 (-9.9%), in contrast with the age trends occurring in the Borough. This data is displayed in Table 3 below.

Table 3: Population by Age, 2010 to 2020 Somerset County						
Population	2010		2020		Change (2010 to 2020)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	19,237	5.9%	16,368	4.7%	-2,869	-14.9%
5 to 14	46,651	14.4%	42,693	12.4%	-3,958	-8.5%
15 to 24	35,998	11.1%	42,844	12.4%	6,846	19.0%
25 to 34	36,425	11.3%	39,522	11.4%	3,097	8.5%
35 to 44	48,863	15.1%	44,757	13.0%	-4,106	-8.4%
45 to 54	57,513	17.8%	51,035	14.8%	-6,478	-11.3%
55 to 64	38,755	12.0%	52,112	15.1%	13,357	34.5%
65 and over	40,002	12.4%	56,030	16.2%	16,028	40.1%
Total population	323,444	100.0%	345,361	100.0%	21,917	6.8%
Median Age	40.2		42		1.8	4.5%

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 278 households in Rocky Hill Borough. Over half of the Borough's households comprised two or less people. In fact, Two-person households were the most common household size at both the Borough (29.5%) and County (29.8%) levels, followed by one-person households. The average household size of the Borough in 2020 was 2.51, which was slightly lower than that of the County's average of 2.64.

Table 4: Household Size of Occupied Housing Units, 2020 Rocky Hill Borough and Somerset County				
	Rocky Hill Borough		Somerset County	
	Number	Percent	Number	Percent
1-person household	64	23.0%	28346	22.6%
2-person household	82	29.5%	37,422	29.8%
3-person household	47	16.9%	23,153	18.4%
4-person household	45	16.2%	22,767	18.1%
5-person household	19	6.8%	8,674	6.9%
6-person household	15	5.4%	3,441	2.7%
7-or-more-person household	6	2.2%	1795	1.4%
Total Households	278	100.0%	125598	100.0%
Average Household Size	2.51		2.64	

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 (57.4%) of all households in the Borough in 2023 were categorized as family households. Approximately half of the married-couple families within the Borough had children under the age of 18.

In providing more detail on American households, the American Community Survey includes the sub-groups of non-traditional households, including “Other Family” and “Non-Family” households. “Other Family” households accounted for 16% of all households, broken down into 12.5% female householders with no spouse or partner present and 3.4% 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 comprise approximately 42.6% of all households in the Borough.

Table 5: Household Size and Type, 2023		
Rocky Hill Borough		
	Total	Percent
Total Households	319	100%
Family Households	183	57.4%
Married couple family	132	41.4%
With children	67	21.0%
Without children	65	20.4%
Other Family	51	16.0%
Male householder, no spouse	11	3.4%
With children	0	0.0%
Without children	11	3.4%
Female householder, no spouse	40	12.5%
With children	26	8.2%
Without children	14	4.4%
Nonfamily household	136	42.6%
Male householder	82	25.7%
Living alone	69	21.6%
Not living alone	13	4.1%
With children	0	0.0%
Female householder	54	16.9%
Living alone	35	11.0%
Not living alone	19	6.0%
With children	0	0.0%

Source: 2018-2023 American Community Survey 5-Year Estimates, Tables B11005 and B11010

Income

As measured in 2023, Rocky Hill Borough had a slightly lower median household income compared to Somerset County, but significantly higher compared to the State of New Jersey. The median income in Rocky Hill Borough was \$127,344, which was roughly \$8,616 less than that of the County and \$26,294 greater than that of the State. The per capita income in Rocky Hill Borough was comparable to that of the County, and well higher than that of the State. This data is outlined in Table 6 below.

Table 6: Per Capita and Household Income, 2023 Rocky Hill Borough, Somerset County, and New Jersey		
	Per Capita Income	Median Household Income
Rocky Hill Borough	\$77,165	\$127,344
Somerset County	\$70,321	\$135,960
New Jersey	\$53,118	\$101,050

Source: 2018-2023 American Community Survey 5-Year Estimates, Table S1901

In 2023 roughly 70% percent of all households in the Borough earned an income of \$100,000 or more, as compared to roughly 64% of households in the County. The income range that accounted for the most Borough households was the \$200,000 or more bracket, which comprised 34.2% of households in Rocky Hill; this was also the case across Somerset County as a whole, but at a lower percentage of 32.7%. The second largest income bracket in the Borough was \$100,000 to \$149,999, comprising 25.7% of households. At the County level, this same income bracket accounted for a lesser 18.5% of households. However, households with an income of \$150,000 to \$199,999 were more prevalent in the County than the Borough. This suggests that the County's household income distribution is slightly skewed toward these higher income brackets as compared to the Borough, which may at least partially help explain the difference between the median income reported at the Borough (\$127,344) and County (\$135,960) levels.

Table 7: Household Income, 2023 Rocky Hill Borough and Somerset County				
	Rocky Hill Borough		Somerset County	
	Number¹	Percent	Number¹	Percent
Less than \$10,000	0	0%	3,366	2.6%
\$10,000 to \$14,999	0	0%	1,812	1.4%
\$15,000 to \$24,999	11	3%	4,531	3.5%
\$25,000 to \$34,999	21	7%	4,402	3.4%
\$35,000 to \$49,999	10	3%	6,991	5.4%
\$50,000 to \$74,999	17	5%	12,169	9.4%
\$75,000 to \$99,999	40	13%	13,464	10.4%
\$100,000 to \$149,999	82	26%	23,950	18.5%
\$150,000 to \$199,999	29	9%	16,441	12.7%
\$200,000 or more	109	34%	42,333	32.7%
Total Households	319	100.0%	129,459	100.0%
Median Household Income	\$127,344		\$135,960	

Source: 2018-2023 American Community Survey 5-Year Estimates, Table B19001

¹Due to the data being estimates, the number in each row does not add up with the "total" row.

Poverty Status

Of the 814 people in Rocky Hill Borough for which poverty status was determined, 35 (4.3%) individuals lived in poverty in 2023; this was considerably lower than the County's poverty rate of 5.5%. Of Rocky Hill Borough's population that fell below the poverty level in 2023, nearly three-quarters were between the ages of 18 to 64; at the County level this group made up slightly more than half of the population in poverty. Proportionally the Borough had a higher percentage of the population 65 years and up living in poverty. This data is presented in Table 8 below.

Table 8: Poverty Status, 2023 Rocky Hill Borough and Somerset County				
	Rocky Hill Borough		Somerset County	
	Number	% of Total Persons	Number	% of Total Persons
Total persons	814	100.0%	343,350	100.0%
Total persons below poverty level	35	4.3%	18,851	5.5%
Under 18	0	0.0%	5,409	1.6%
18 to 64	25	3.1%	10,027	2.9%
65 and over	10	1.2%	3,415	1.0%

Source: 2018-2023 American Community Survey 5-Year Estimates, Table S1701

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 Rocky Hill Borough and Somerset County. In 2023 a majority of Borough 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 23.6% of Borough residents who owned the units they occupied spent 30% or more of their household income on housing, as compared to 23.4% of Borough 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 Rocky Hill Borough and Somerset County				
	Rocky Hill Borough		Somerset County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	242	100.0%	95,974	100.0%
Less than 20.0%	120	49.6%	51,439	53.6%
20.0 to 24.9%	48	19.8%	12,752	13.3%
25.0 to 29.9%	17	7.0%	8,478	8.8%
30.0 to 34.9%	4	1.7%	5,063	5.3%
35.0% or more	53	21.9%	18,242	19.0%
Not computed	0	0.0%	440	0.5%

Source: 2018-2023 American Community Survey 5-Year Estimates, Table DP04

Table 10: Gross Rent as a Percentage of Household Income, 2023 Rocky Hill Borough and Somerset County				
	Rocky Hill Borough		Somerset County	
	Number	Percent	Number	Percent
Total Renter-Occupied Housing Units	77	100.00%	33,045	100.00%
Less than 10.0%	19	24.7%	1083	3.3%
10.0 to 14.9%	3	3.9%	2,650	8.0%
15.0 to 19.9%	13	16.9%	4,276	12.9%
20.0 to 24.9%	16	20.8%	4,407	13.3%
25.0 to 29.9%	8	10.4%	4,085	12.4%
30.0 to 34.9%	3	3.9%	2733	8.3%
35.0 to 39.9%	0	0.0%	1946	5.9%
40.0 to 49.9%	6	7.8%	2327	7.0%
50.0% or more	9	11.7%	8,102	24.5%
Not computed	0	0.0%	1436	4.3%

Source: 2018-2023 American Community Survey 5-Year Estimates, Table B25070

EXISTING HOUSING CONDITIONS**Housing Unit Data**

Rocky Hill Borough's housing stock is largely comprised of structures built prior to the year 1970. In 2023, Rocky Hill had a total of 319 occupied housing units, roughly 75.9% of which were owner-occupied and 24.1% of which were renter-occupied. The Borough experienced housing booms in 1939 or earlier and the 1960s, during which approximately 40.8% and 32.3% of the Borough's housing structures were constructed, respectively. According to 2018-2023 American Community Survey Estimates, the Borough has seen very few housing structures built since 2000. The median year of construction for the housing stock in Rocky Hill Borough is 1955. This data is outlined in Tables 11 and 12 below.

Table 11: Housing Data, 2023 Rocky Hill Borough			
	Number	% of Total Housing Units	% of Occupied Housing Units
Total Housing Units	319	100.00%	-
Occupied Housing Units	319	100.0%	100.00%
Owner Occupied	242	75.9%	75.9%
Renter Occupied	77	24.1%	24.1%
Vacant Housing Units	0	0.0%	0.0%

Source: 2018-2023 American Community Survey 5-Year Estimates, Table DP04

Table 12: Year Structure Built, 2023 Rocky Hill Borough		
	Number	Percent
Total Housing Units	319	100.00%
Built 1939 or earlier	130	40.8%
Built 1940 to 1949	11	3.4%
Built 1950 to 1959	37	11.6%
Built 1960 to 1969	103	32.3%
Built 1970 to 1979	13	4.1%
Built 1980 to 1989	16	5.0%
Built 1990 to 1999	3	0.9%
Built 2000 to 2009	0	0.0%
Built 2010 to 2013	3	0.9%
Built 2014 or later	3	0.9%
Median Year Structure Built	1955	

Source: 2018-2023 American Community Survey 5-Year Estimates, Tables B25034 and B25035

Housing Type and Size

In 2023, single-family detached housing made up the vast majority of the Borough's housing stock at 72.4%. Five-to-nine-unit structures were the next most common housing type, representing 12.9% of the Borough's housing stock. The median number of rooms within housing structures in the Borough was 7.3, with 67.1% of housing units having a minimum of 7 rooms and less than 2% of housing units having 2 or less rooms.

Table 14: Housing Type and Size, 2023 Rocky Hill Borough		
Units in Structure	Total	Percent
1, detached	231	72.4%
1, attached	24	7.5%
2	12	3.8%
3 or 4	11	3.4%
5 to 9	41	12.9%
10 to 19	0	0.0%
20 or more	0	0.0%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Total Housing Units	319	100.00%
Rooms	Total	Percent
1 room	0	0.0%
2 rooms	5	1.6%
3 rooms	19	6.0%
4 rooms	30	9.4%
5 rooms	24	7.5%
6 rooms	27	8.5%
7 rooms	67	21.0%
8 rooms	63	19.7%
9 or more rooms	84	26.3%
Total Housing Units	319	100.00%
Median number of rooms	7.3	

Source: 2018-2023 American Community Survey 5-Year Estimates, Tables DP04 and B25024

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 2014 through November 2024, when the Borough issued building permits authorizing the development of 4 housing units. The entirety of the permits issued during this time frame were for single- and two-family homes.

Further, throughout the same 10-year period, Rocky Hill issued permits authorizing the demolition of 10 units, which averages to approximately 1 unit per year. The average development rate is approximately 40% of the demolition rate (i.e., a home net decrease of around 60%). If the demolition rate were to remain relatively constant over the next approximately 10-year period, an additional 10 residential units could be expected to be demolished between January 2025 and the end of 2035, resulting in a projected net decrease of 6 units.

Table 15: Housing Units Authorized by Building Permits, 2014-2024 Rocky Hill Borough				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2014	0	0	0	0
2015	1	0	0	1
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	2	0	0	2
2020	0	0	0	0
2021	1	0	0	1
2022	0	0	0	0
2023	0	0	0	0
2024	0	0	0	0
Total 2014-2024	4	0	0	4
10-Year Average				0.4
10-Year Permit Projection (2025-2035)				4

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

Table 16: Housing Units Demolished by Building Permits, 2014-2024 Rocky Hill Borough				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	9	0	0	9
2018	0	0	0	0
2019	1	0	0	1
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0
2024	0	0	0	0
Total 2014-2024	10	0	0	10
10-Year Average				1
10-Year Demolition Projection (2025-2035)				10

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

Housing Values and Contract Rents

According to the 2018-2023 American Community Survey, approximately three-quarters (75.2%) of the owner-occupied housing stock in Rocky Hill Borough in 2023 was valued at over \$500,000, as compared to 52.8% of the County's housing stock. In addition, the Borough's median home value (\$608,200) exceeded that of the County (\$523,900) by an estimated \$84,300. This data is outlined in Table 17 below.

Table 17: Value for Owner-Occupied Housing Units, 2023 Rocky Hill Borough and Somerset County				
	Rocky Hill Borough		Somerset County	
	Number	Percent	Number	Percent
Total	242	100.0%	96,414	100.0%
Less than \$50,000	0	0.0%	1038	1.1%
\$50,000 to \$99,999	0	0.0%	538	0.6%
\$100,000 to \$149,999	0	0.0%	1,528	1.6%
\$150,000 to \$199,999	0	0.0%	1,778	1.8%
\$200,000 to \$299,999	2	0.8%	8,670	9.0%
\$300,000 to \$499,999	58	24.0%	32,002	33.2%
\$500,000 to \$999,999	172	71.1%	40,917	42.4%
\$1,00,000 and greater	10	4.1%	9943	10.3%
Median Value	\$608,200		\$523,900	

Source: 2018-2023 American Community Survey 5-Year Estimates, Tables B25075 and B25077

As shown on Table 18 below, it is estimated that 58.3% of owner-occupied units in the Borough were financed by a primary mortgage, contract to purchase, or similar debt. Of these units, approximately 15.6% were tied to either a second mortgage or home equity loan, and the remaining 82.3% were associated with just a primary mortgage. Proportionally there were slightly more owner-occupied housing units with a mortgage at the County level; more specifically, 65.1% of such units had a primary mortgage, while 34.9% of units did not. Of those units in the County tied to a primary mortgage, 85.3% did not have any additional lines of credit associated with the unit, while 11.5% were associated with either a second mortgage or home equity loan, and 0.1% were associated with both a second mortgage and a home equity loan.

Table 18: Mortgage Status Rocky Hill Borough and Somerset County, 2023 Estimates						
	Rocky Hill Borough			Somerset County		
	Number	% of Total Units	% of Mortgage Units	Number	% of Total Units	% of Mortgage Units
Total Owner-Occupied Units	242	100.00%	-	96,414	100.00%	-
Owner-Occupied Housing Units with a Mortgage	141	58.3%	100.00%	62,719	65.1%	100.00%
With either a second mortgage or home equity loan	22	9.1%	15.6%	7,233	7.5%	11.5%
Second mortgage only	0	0.0%	0.0%	765	0.8%	1.2%
Home equity loan only	22	9.1%	15.6%	6,416	6.7%	10.2%

Both second mortgage and home equity loan	0	0.0%	0.0%	52	0.1%	0.1%
No second mortgage and no home equity loan	116	47.9%	82.3%	53,478	55.5%	85.3%
Owner-Occupied Housing units without a mortgage	101	41.7%	-	33695	34.9%	-

Source: 2018-2023 American Community Survey 5-Year Estimates, Table B25081

As shown in Table 19 below, the median contract rent in Rocky Hill in 2023 was \$1,567, which was roughly \$187 lower than the County median rent of \$1,754. Within the Borough, the highest percentage of renters paid between \$1,500 to \$1,999 for monthly rent (53.2%), followed by \$1,000 to \$1,499 (39%). At the County level 34.5% of renters paid between \$1,500 to \$1,999 for monthly rent, and there was a significantly higher occurrence of renters paying above \$2,500. This data suggests that rent in the Borough is more affordable than throughout the County as a whole.

Table 19: Contract Rent, 2023				
Rocky Hill Borough and Somerset County				
	Rocky Hill Borough		Somerset County	
	Number	Percent	Number	Percent
Total Renter-Occupied Units	77	100.0%	33045	100.00%
Less than \$500	0	0.0%	833	2.5%
\$500 to \$999	3	3.9%	1762	5.3%
\$1,000 to \$1,499	30	39.0%	7626	23.1%
\$1,500 to \$1,999	41	53.2%	11284	34.1%
\$2,000 to \$2,499	0	0.0%	5906	17.9%
\$2,500 to \$2,999	3	3.9%	2765	8.4%
\$3,000 or More	0	0.0%	1725	5.2%
No Rent Paid	0	0.0%	1144	3.5%
Median Contract Rent	\$1,567		\$1,754	

Source: 2018-2023 American Community Survey 5-Year Estimates, Tables B25056 and B25058

Housing Conditions

Table 20 below details the conditions of the Borough's housing stock in 2023. Overcrowding and age, plumbing, and kitchen facilities are used to determine housing deficiency. In 2023, over three-quarters (78.1%) of the Borough's housing stock relied on utility gas for heating, followed by electricity (11.9%). A total of 2 (0.6%) occupied housing units experienced overcrowding (more than one person per room). Throughout the Borough, there were no occupied housing units that lacked complete plumbing, 5 units that lack complete kitchen facilities (1.6%), and only 6 (1.9%) units lacked telephone service.

Table 20: Housing Conditions, 2023		
Rocky Hill Borough		
	Number	Percent
House Heating Fuel-Occupied Housing Units		
Total	319	100.0%
Utility gas	249	78.1%
Bottled, tank, or LP gas	0	0.0%

Electricity	38	11.9%
Fuel oil, kerosene, etc.	32	10.0%
Coal or coke	0	0.0%
Wood	0	0.0%
Solar energy	0	0.0%
Other fuel	0	0.0%
No fuel used	0	0.0%
Occupants per Room – Occupied Housing Units		
Total	319	100.0%
1.00 or Less	317	99.4%
1.01 to 1.50	2	0.6%
1.51 or More	0	0.0%
Facilities – Total Units		
Total	319	100.0%
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	5	1.6%
Telephone Service – Occupied Housing Units		
Total	319	100.0%
No Service	6	1.9%

Source: 2018-2023 American Community Survey 5-Year Estimates, Tables DP04, B25047 and B25051

EMPLOYMENT DATA

Tables 21, 22, and 23 below detail the changes in employment between the years 2010 and 2023 in Rocky Hill Borough, Somerset County, and New Jersey, respectively. Throughout this thirteen-year period, the Borough saw an overall 4.3% decrease in its unemployment rate; although the Borough experienced a 4.7% 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 Borough has consistently exhibited a lower unemployment rate throughout this time period. In 2023, the Borough's unemployment rate was 2.1%, which was 1.7% lower than the County (3.8%) and 2.3% lower than the State (4.4%).

Table 21: Employment and Residential Labor Force, 2010 to 2023 Rocky Hill Borough				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	294	275	19	6.4%
2011	276	267	9	3.4%
2012	383	355	28	7.3%
2013	371	353	18	4.9%
2014	366	353	13	3.6%
2015	372	357	15	4.0%
2016	373	358	15	4.0%
2017	378	365	13	3.4%
2018	373	363	10	2.7%
2019	376	368	8	2.1%
2020	365	340	25	6.8%
2021	365	350	15	4.1%
2022	380	366	14	3.7%
2023	379	371	8	2.1%

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				
Somerset County				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	173,796	160,410	13,386	7.7%
2011	174,457	161,574	12,883	7.4%
2012	175,718	162,589	13,129	7.5%
2013	174,177	162,926	11,251	6.5%
2014	173,073	164,080	8,993	5.2%
2015	173,052	165,261	7,791	4.5%
2016	173,010	166,058	6,952	4.0%
2017	176,878	170,323	6,555	3.7%
2018	175,985	170,157	5,828	3.3%
2019	178,476	173,271	5,205	2.9%
2020	174,098	161,076	13,022	7.5%
2021	175,044	165,578	9,466	5.4%
2022	179,197	173,376	5,821	3.2%
2023	182,817	175,899	6,918	3.8%

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	6.7%
2022	4,736,213	4,552,563	183,650	3.9%
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 nearly two-thirds (69.7%) of Rocky Hill Borough's population over the age of 16 was in the labor force in 2023, which was directly in line with the County's rate. Of the Borough's labor force, 100% of workers were civilians and a vast majority (93.9%) was employed. At the County level, 99.9% of workers were civilians and 95.2% of the labor force was employed, indicating that the Borough and County exhibited similar trends. This data is shown in Table 24 below.

Table 24: Employment, 2023 Rocky Hill Borough and Somerset County						
	Rocky Hill Borough			Somerset County		
	Number	% of 16+ Population	% of Labor Force	Number	% of 16+ Population	% of Labor Force
Population 16 years and over	660	100.0%	-	282,215	100.0%	-
In labor force	460	69.7%	100.0%	196,752	69.7%	100.0%
Civilian Labor Force	460	69.7%	100.0%	196,608	69.7%	99.9%
Employed	432	65.5%	93.9%	187,223	66.3%	95.2%
Unemployed	28	4.2%	6.1%	9,385	3.3%	4.8%
Armed Forces	0	0.0%	0.0%	144	0.1%	0.1%
Not in labor force	200	30.3%	-	85,463	30.3%	-

Source: 2018-2023 American Community Survey 5-Year Estimates, Table DP03

Class of Worker and Occupation

According to the 2018-2023 American Community Survey Estimates, the majority of workers (68.5%) living in Rocky Hill Borough 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 private not-for-profit wage and salary workers (16.2%), followed by those who were self-employed or an unpaid family worker (8.1%). This data is outlined in Table 25 below.

Table 25: Class of Worker, 2023 Rocky Hill Borough		
	Number	Percent
Total Civilian Employed Workers (Age 16+)	432	100.0%
Private Wage and Salary Worker	296	68.5%
Private not-for-profit wage and salary workers	70	16.2%
Local Government Worker	12	2.8%
State Government Worker	19	4.4%
Federal Government Worker	0	0.0%
Self-Employed Worker or Unpaid Family Worker	35	8.1%

Source: 2018-2023 American Community Survey 5-Year Estimates, Table S2408

The occupational breakdown shown in Table 26 below includes only private wage and salary workers. Borough 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 just over 84% of the entire resident workforce over the age of 16.

Table 26: Resident Employment by Occupation, 2023 Rocky Hill Borough		
	Number	Percent
Employed Civilian Population 16 Years and Over	432	100.0%
Management, business, science and arts occupations	303	70.1%
Service occupations	47	10.9%
Sales and office occupations	61	14.1%
Natural resources, construction and maintenance occupations	5	1.2%
Production Transportation and material moving occupations	16	3.7%

Source: 2018-2023 American Community Survey 5-Year Estimates, Table DP03

As portrayed in Table 27, the industry that employed the greatest number of Rocky Hill residents in 2020 was the Educational Services, and Health Care and Social Assistance sector, which accounted for 27.1% of the Borough's resident workforce. The second most common industry during this time was the Professional, scientific, and management, and administrative and waste management services sector, which accounted for 19.7% of jobs occupied by Borough residents.

Table 27: Employment by Industry, 2023 Rocky Hill Borough		
Industry	Number	Percent
Employed Civilian Population 16 Years and Over	432	100.00%
Agriculture, forestry, fishing and hunting, mining	0	0.0%
Construction	10	2.3%
Manufacturing	31	7.2%
Wholesale Trade	38	8.8%
Retail Trade	6	1.4%
Transportation and Warehousing, and Utilities	30	6.9%
Information	16	3.7%
Finance and insurance, and real estate and rental and leasing	32	7.4%
Professional, scientific, and management, and administrative and waste management services	85	19.7%
Educational services, and health care and social assistance	117	27.1%
Arts, entertainment, and recreation, and accommodation and food services	46	10.6%
Other Services, except public administration	15	3.5%
Public administration	6	1.4%

Source: 2018-2023 American Community Survey 5-Year Estimates, Table DP03

Commuting to Work

In 2023, it is estimated that 67.3% of the employed population that did not work from home commuted up to 30 minutes to their place of work. Approximately one-quarter of the Borough's workers commuted

between 30 minutes and an hour, with the last 7.7% of the population traveling over an hour to get to work. A vast majority (62.9%) of the Borough's working population drove alone as their primary means of travel to work. Roughly 8.4% of workers carpooled or utilized public transportation, a taxicab, motorcycle, bike, or other means of transportation to commute to work, 1.4% walked to work, while the remaining 27.3% of the population worked from home. This data is outlined in Tables 28 and 29 below.

Table 28: Travel Time to Work, 2023 Rocky Hill Borough		
	Number	Percent
Workers who did not work at home	312	100.0%
Less than 5 minutes	3	1.0%
5 to 9 minutes	49	15.7%
10 to 14 minutes	47	15.1%
15 to 19 minutes	34	10.9%
20 to 24 minutes	39	12.5%
25 to 29 minutes	38	12.2%
30 to 34 minutes	17	5.4%
35 to 39 minutes	10	3.2%
40 to 44 minutes	18	5.8%
45 to 59 minutes	33	10.6%
60 to 89 minutes	22	7.1%
90 or more minutes	2	0.6%
Mean Travel Time to Work (minutes)	25.4	

Source: 2018-2023 American Community Survey 5-Year Estimates, Table DP03 and B08303

Table 29: Means of Travel to Work, 2023 Rocky Hill Borough		
	Number	Percent
Workers 16 years and over	429	100.0%
Car, truck, van - Drove Alone	270	62.9%
Car, truck, van - Carpooled	28	6.5%
Public Transportation	5	1.2%
Walked	6	1.4%
Taxicab, Motorcycle, Bike, or Other	3	0.7%
Worked at home	117	27.3%

Source: 2018-2023 American Community Survey 5-Year Estimates, Table DP03

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 Rocky Hill. The first table reflects the number of jobs covered by private employment insurance from 2013 through 2023, however data was not available for 2022 and 2023.

According to data from the New Jersey Department of Labor and Workforce Development, the highest number of covered jobs in Rocky Hill between 2013 and 2023 was in 2016 when 530 jobs were covered by unemployment insurance. Private employment has decreased substantially in Rocky Hill since 2013, with its largest loss occurring between 2019 and 2020 (-28.7%).

Table 30: Private Wage Covered Employment 2013 - 2021			
Rocky Hill Borough			
Year	Number of Jobs	# Change	% Change
2013	433		
2014	454	21	4.8%
2015	473	19	4.2%
2016	530	57	12.1%
2017	488	-42	-7.9%
2018	490	2	0.4%
2019	407	-83	-16.9%
2020	290	-117	-28.7%
2021	320	30	10.3%

In-Borough 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 Borough, 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.

Table 31: Average Number of Establishments and Employees by Industry, 2023			
Rocky Hill Borough			
Industry ID and Description		2023 Average¹	
		Units	Employment
11	Agriculture	0	0
21	Mining	0	0
22	Utilities	0	0
23	Construction	0	0
31	Manufacturing	0	0
42	Wholesale Trade	0	0

44	Retail Trade	0	0
48	Transp/Warehousing	0	0
52	Finance/Insurance	3	10
53	Real Estate	0	0
54	Professional/Technical	0	0
56	Admin/Waste Remediation	0	0
61	Education	0	0
62	Health/Social	4	18
71	Arts/Entertainment	0	0
72	Accommodations/Food	4	83
81	Other Services	0	0
	Private Sector Totals	0	0
61	Local Government Education	0	0
	Local Government Totals	1	15
	State Government Totals	0	0
	Federal Government Totals	1	4

Source: NJ Dept. of Labor & Workforce Development Labor Force, Quarterly Census of Employment and Wages (QCEW), Municipal Report by Sector (NAICS Based), 2022

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 North Jersey Transportation Planning Authority (NJTPA) completes regional forecasts for the New York/New Jersey metropolitan area every four years for population, households, and employment. The most recent report was released in 2021, documenting projections between 2015 and 2050. The 2021 report predicts that the Borough's population (0.2%), households (0.3%), and employment (0.1%) will see steady annualized growth through 2050. It is estimated that the population will see an overall 6.0% increase, while households will increase by 10.9% and employment will increase by 4.1%.

Table 32: Population and Employment Projections, 2015 to 2050					
Rocky Hill Borough					
Category	2015	2050 (Projected)	Annualized Percent Change	Overall Projected Change	
				Number	Percent
Population	695	817	0.50%	122	17.6%
Households	279	348	0.60%	69	24.7%
Employment	410	510	0.60%	100	24.4%

Source: NJTPA Municipal Forecasts, dated 9/13/2021

PART 2: FAIR SHARE PLAN

INTRODUCTION

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

The Borough's affordable housing obligations are as follows:

Prior Round Obligation	25
Third Round Obligation	56
Fourth Round Prospective Need	37
Fourth Round Present Need / Rehabilitation Obligation	4

SUITABILITY ANALYSIS

Pursuant to N.J.A.C. 5:93-1.3, sites that are designated to produce affordable housing shall be available, approvable, developable, and suitable according to the following criteria:

- "Available site" means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing. N.J.A.C. 5:93-1.3.
- "Approvable site" means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of agencies with jurisdiction over the site. A site may be approvable although not currently zoned 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 area wide water quality management plan (including the wastewater plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by the DEP.
- "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.

STATE PLAN CONFORMANCE

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.

The New Jersey State Development and Redevelopment Plan identifies the majority of the Borough as Metropolitan Planning Area 1. There is one State Plan Centers in Rocky Hille and nearby centers are located in Montgomery Township and Princeton Borough.

The adopted 2001 SDRP identifies the following intents of the Metropolitan Planning Area:

- Provide for much of the state's future redevelopment.
- Revitalize cities and towns.
- Promote growth in compact forms.
- Stabilize older suburbs.
- Redesign areas of sprawl.
- Protect the character of existing stable communities.

The 2024 draft SDRP maintains and expands upon the 2001 intensions:

- Provide for much of the state's future growth in compact development and redevelopment.
- Revitalize cities, towns and neighborhoods, and in particular overburdened neighborhoods.
- Address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems.
- Prevent displacement and gentrification.
- Promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms.
- Rebalance urbanization with natural systems.
- Promote increased biodiversity and habitat restoration.
- Stabilize and enhance older inner ring suburbs.
- Redesign and revitalize auto oriented areas.
- Protect and enhance the character of existing stable communities.

The policy objectives for the Metropolitan Planning Area include:

- **Land Use:** Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single use developments and

enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

- **Housing:** Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

MULTIGENERATIONAL FAMILY HOUSING CONTINUITY COMMISSION

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.

ADDITIONAL REQUIREMENTS

The amended Fair Housing Act includes a number of changes associated with the application of various categories of credits. The below walks through the current standards applicable to the Borough’s Fourth Round obligation.

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, however.

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 Borough'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.

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.

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 Borough had a Prior Round obligation of 25 units. Per the court-approved Third Round settlement agreement and the Borough's Third Round JOR, Rocky Hill has met their Prior Round obligation through the following mechanisms:

Summary of Rocky Hill's Prior Round Obligation of 25	
RCA with New Brunswick (funds transferred in 2001)	9
Eden Acres Group Home (Supportive & Special Needs Housing)	4
ARC of Somerset Group Home (Supportive & Special Needs Housing)	6
Rental Bonus Credits (From ARC of Somerset Group Home)	6
Total Prior Round	25

Regional Contribution Agreement (RCA) with New Brunswick

In the Prior Round, municipalities could enter into an RCA with another municipality within the same housing region. The program allowed one municipality ("sending" municipality) to pay a fee to another municipality

("receiving" municipality), which would agree to provide affordable housing units that fulfilled up to half of the sending municipality's COAH obligation. In 2000, Rocky Hill entered into a RCA with the City of New Brunswick and transferred 9 units of its 25-unit obligation to New Brunswick. The Borough transferred \$180,000 to New Brunswick in 2001 for the rehabilitation of 9 units (\$20,000 per unit).

The Borough will apply 9 credits towards its Prior Round obligation.

Supportive and Special Needs Housing

Eden Acres Group Home

Eden Acres Group Home, located at 97 Princeton Avenue (Block 14 Lot 2.01), was completed in 1996. The alternative living development previously consisted of 4 very low-income rental units (bedrooms). In 2018, Eden Acres sold the property and structure was converted into a single-family dwelling. For a period of 22 years, the property functioned as a group home and therefore it can be considered as credit-worthy under the Prior Round obligation since it was existing and functioning during that time period.

ARC of Somerset Group Home

ARC of Somerset Group Home, located at 7 Young Drive (Block 5 Lot 1.01), was completed in 2002. The group home is a Licensed Group Home by the New Jersey Department of Human Services, Division of Developmental Disability. The owner of the group home is The Arc of Somerset County, located at 141 S. Main Street in Manville, NJ. The group home consists of 6 very-low-income units. The Borough also received 6 rental bonus credits for this development, receiving a total of 12 credits for this development.

Third Round Compliance

The Borough had a Third Round obligation of 56 units. As part of their Third Round compliance process, the Borough received a Vacant Land Adjustment due to its lack of vacant and developable land. Per the court-approved Third Round settlement agreement and the Borough's Third Round JOR, Rocky Hill has met their Third Round obligation through the following mechanisms:

Summary of Rocky Hill's Third Round of 56	
Summary of Rocky Hill's Third Round RDP of 16	
Princeton Avenue Inclusionary Zoning: <i>Block 10, Lot 19</i>	16
Total Units	16
THIRD ROUND RDP COMPLIANCE TOTAL	16
Summary of Rocky Hill's Third Round Unmet Need of 40	
Mandatory Set Aside Ordinance and Accessory Apartments Ordinance:	40

Total Units	56
-------------	----

Third Round Realistic Development Potential (RDP)Princeton Avenue Affordable Housing Overlay AH Zone

David K. Schafer is the owner of a parcel located at Block 10 Lot 19 on the Borough's Tax Map, along Princeton Avenue. The Borough and David K. Schafer negotiated an agreement regarding the development of the property. The David K. Schafer Agreement, dated November 29, 2021, was executed on December 1, 2021 by the Borough and on December 8, 2021 by David K. Schafer.

In accordance with the executed Settlement Agreement between the Borough of Rocky Hill, the Planning Board of the Borough of Rocky Hill, and David K. Schafer, the Borough rezoned Block 10 Lot 19 with an inclusionary overlay zone to permit the development of a mix of residential housing types within a single development, including an affordable housing component that is compatible with the character of the existing community. The Overlay Zone permits a maximum of 78 residential units, of which 20% of such residential units (i.e. 16 units if 78 units are approved) shall be set-aside and deed restricted as affordable housing family units.

The Consent Order of Fairness, dated February 24, 2022, modified the terms of the Settlement Agreement between the Borough of Rocky Hill and David K. Schafer. In accordance with the Consent Order, the buildings containing the very-low-, low-, and moderate-income units were relocated within the site to better integrate the affordable units. The project is also required to provide two of the 16 affordable units as very low-income households. The developer/builder of the affordable units is also required to select and contract with an Administrative Agent who is duly certified by the Affordable Housing Professionals of New Jersey. The created affordable housing units are required to comply with UHAC regulations concerning the 30-year deed restriction language and the phasing regulations set forth in COAH regulations at N.J.A.C. 5:93-5.6.

This mechanism fully addresses the Borough's RDP of 16 units.

The site meets the suitability criteria as follows:

- *Available:* The Schafer property has an executed Settlement Agreement with the Borough for an inclusionary residential development. The site has no easements or title issues preventing its development.
- *Suitable:* The property has access to Princeton Avenue and is within State Planning Area 2: Suburban, which encourages growth.

-
- *Developable:* The site is located within the Sewer Service Area. The site is a total of 15.7 acres with 9.2 acres of buildable land. The remaining portion of the property, 6.5 acres, is encumbered by restrictive geology and threatened and endangered species habitat.
 - *Approvable:* A settlement agreement was executed between the property owner and the Borough on December 8, 2021. The settlement agreement directs the rezoning of the property for inclusionary residential development with 30-year deed restrictions on the affordable units. A concept plan was also attached to the settlement agreement. The subject property is within the R-1C Age Restricted/Traditional Neighborhood Development Zone. The Borough adopted the Princeton Avenue Affordable Housing Overlay Zone in December 2021, which permits a maximum of 78 residential units, of which 20% will be set aside and deed restricted as affordable housing family units, consistent with the Settlement Agreement.

Unmet Need

Accessory Apartments

The Borough has an existing Accessory Apartment Ordinance (§80-99), located within the Borough's Development Regulations. Pursuant to the executed Settlement Agreement with FSHC, the Borough will repeal this ordinance and adopt an amended accessory apartment ordinance to allow the conversion of existing illegal apartments throughout the Borough to conforming deed restricted affordable accessory apartments. No subsidy from Rocky Hill will be required.

Mandatory Set Aside Ordinance

The Borough adopted Ordinance No. 2-2018 on April 9, 2018 which created the Mandatory Affordable Housing Set Aside Ordinance. The Ordinance requires that any residential development of five or more units that occurs at a density above six units per acre arising as a result of a density or use variance or rezoning or approval of a redevelopment plan or rehabilitation plan shall be required to provide a minimum affordable housing set aside of 20% for for-sale projects, and 15% for rental projects. The Borough will revise and amend the Mandatory Set Aside Ordinance, as necessary.

FOURTH ROUND PRESENT NEED / REHABILITATION OBLIGATION

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 Second 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 Borough intends to address its 4-unit Fourth Round Rehabilitation Obligation through a partnership with a local rehabilitation program which is yet to be determined.

ROUND 4 OBLIGATION (1999-2025)

On January 29, 2025, the Borough adopted Resolution 2025-33, accepting their Fourth Round Prospective Need obligation of 37. On October 20, 2024, the New Jersey Department of Community Affairs ("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 obligations were calculated in alignment with the formulas and criteria found in P.L.2024, c.2.

The amended Fair Housing Act affirms that the DCA report is not binding on any municipality and that "a municipality shall determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2...by resolution..." The January 29, 2025 resolution adopted by the Borough determined a Rehabilitation Obligation of 4 and a Prospective Need of 37.

As outlined the following section, the Borough proposes to meet its entire Fourth Round obligation.

Vacant Land Adjustment

Municipalities can request an adjustment to their obligation based on the determination that there is not sufficient vacant or developable land within the municipality. As permitted by N.J.A.C. 5:93-4 and the Fair

Housing Act, a municipality can submit a Vacant Land Adjustment (VLA) that examines the amount of parcels available for development. The end result of the Vacant Land Adjustment is the determination of the Borough's Realistic Development Potential (RDP) for new affordable housing units. After subtracting out the RDP from the obligation, the remaining calculation is known as the "unmet need."

The amended Fair Housing Act requires municipalities seeking a VLA to identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25% of the prospective need obligation that has been adjusted.

2022 Vacant Land Adjustment

The Borough of Rocky Hill conducted a VLA in 2022 which resulted in a RDP of 16 units. These 16 units were addressed in the Third Round through the Princeton Avenue Affordable Housing Overlay Zone on Block 10, Lot 19.

2025 Vacant Land Adjustment

Just as the Borough lacked sufficient land to satisfy its Round 3 obligation, it lacks sufficient land to satisfy the 37-unit obligation for Round 4. An updated Vacant Land Adjustment was prepared in April 2025. The revised VLA reviewed the Borough's Third Round VLA and updated it in preparation of this Fourth Round HEFSP. The conditions of the properties identified in the Third Round have not changed, and because the Third Round HEFSP addressed the RDP identified at that time, those properties are not applied again to the Fourth Round. As a result, the Fourth Round VLA established an RDP of 0 and an Unmet Need of 37 units.

Unmet Need

Accessory Apartments

The Borough has an existing Accessory Apartment Ordinance (§80-99), located within the Borough's Development Regulations. Pursuant to the executed Settlement Agreement with FSHC, the Borough will repeal this ordinance and adopt an amended accessory apartment ordinance to allow the conversion of existing illegal apartments throughout the Borough to conforming deed restricted affordable accessory apartments. No subsidy from Rocky Hill will be required.

Mandatory Set Aside Ordinance

The Borough adopted Ordinance No. 2-2018 on April 9, 2018 which created the Mandatory Affordable Housing Set Aside Ordinance. The Ordinance requires that any residential development of five or more units that occurs at a density above six units per acre arising as a result of a density or use variance or rezoning or approval of a redevelopment plan or rehabilitation plan shall be required to provide a minimum affordable housing set aside of 20% for for-sale projects, and 15% for rental projects. The Borough will revise and amend the Mandatory Set Aside Ordinance, as necessary.

SPENDING PLAN

The Borough will prepare a Spending Plan in accordance with the provisions of the amended FHA. A municipality may not spend or commit to spend any affordable housing development fees, including Statewide non-residential fees collected and deposited into the municipal affordable housing trust fund, without first obtaining the approval of the expenditure as part of its compliance certification.

SUMMARY OF FAIR SHARE COMPLIANCE

Summary of Rocky Hill's Obligation	
	Total
Fourth Round Present Need Obligation	4
Partnership with Rehab Program	4
Prior Round Obligation	25
RCA with New Brunswick	9
Eden Acres Group Home	4
ARC of Somerset Group Home	6
<i>Rental Bonus</i>	6
TOTAL PRIOR ROUND	25
Third Round RDP	16
Princeton Avenue Inclusionary Zoning	16
TOTAL THIRD ROUND	16
Fourth Round RDP	0
Mandatory Set Aside and Accessory Apartment Ordinances for unmet need	-
TOTAL FOURTH ROUND	0

Appendix A - Borough of Rocky Hill Resolution 2025-33 – Committing to Fourth Round Present and Prospective Need



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

RESOLUTION-2025-33

Resolution Pursuant to the Amended Fair Housing Act Committing the Borough to Round 4 Present and Prospective Need Affordable Housing Obligations

WHEREAS, the Borough of Rocky Hill (the "Borough") has a demonstrated history of voluntary compliance with its "Mount Laurel" affordable housing obligations as evidenced by its substantive certification in the First and Second Round and its Final Judgement of Compliance and Repose in the Third Round; and

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

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

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

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

WHEREAS, the DCA issued a report on October 18, 2024 the ("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 the Borough's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 4 units and a Prospective Need or New Construction Obligation of 37 units; 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 "[a]ll 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, Section 3 of the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Amended FHA; and

WHEREAS, Borough's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

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

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke this Resolution and commitment in the event of a successful challenge to the Amended FHA in the context of the Montvale case (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

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

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Round 4 Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish, among other things, unchallenged numbers by default on or before March 1, 2025; and

WHEREAS, in light of the above, the Mayor and the Borough Council find that it is in the best interest of the Borough to declare its obligations in accordance with this Resolution and commits to its fair share of 4 units of present need and 37 units of prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; 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, the Borough seeks a certification of compliance with the FHA and, therefore, directs its Affordable Housing Counsel to file a declaratory judgment action within 48 hours of the adoption of this Resolution in Somerset County;

NOW, THEREFORE, BE IT RESOLVED on this ____ day of January, 2025 by the Borough of Rocky Hill as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this Resolution.
2. The Borough hereby commits to a Round 4 Present Need Obligation of 4 units and Prospective Need Obligation of 37 units described in this Resolution, subject to all reservations of rights set forth above
3. The Borough hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in Somerset County within 48 hours after adoption of this Resolution.
4. The Borough authorizes its Affordable Housing Counsel to attach this Resolution as an exhibit to the declaratory judgment complaint 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 by such counsel.

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

ATTEST:

By: _____
Rebecca P. Newman, RMC
Borough Clerk

By: _____
Robert Uhrík, Mayor

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on January 29, 2025.

Rebecca P. Newman, RMC
Borough Clerk

Appendix B - Order Fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle

FILED

March 26, 2025

HUNTERDON COUNTY SUPERIOR COURT

WILLIAM G. MENNEN, J.S.C.

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE BOROUGH
OF ROCKY HILL, SOMERSET
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
SOMERSET COUNTY
DOCKET NO.SOM-L-164-25

Civil Action

**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 30, 2025 (“DJ Complaint”) by the Petitioner, Borough of Rocky Hill (“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”);

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

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 4 affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as 37 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 26th day of **MARCH 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as 4 affordable units for the Fourth Round housing cycle.

2. That the prospective need obligation of the Municipality, be, and hereby is fixed as 37 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 a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:



Hon. William G. Mennen, J.S.C.

(X) Uncontested.

Appendix C - Vacant Land Inventory, Borough of Rocky Hill

Table 1: Vacant Land Inventory, Borough of Rocky Hill

Block	Lot	Property Location	Zoning	SSA	Total Acres	Constrained Acres	Unconstrained Acres	Environmental Constraints	Reason for Exclusion
3	3	PO BOX 484	R-2	Yes	0.18	0.00	0.18		Undersized
10	1	PO BOX 344	R-2	Yes	0.21	0.00	0.21		Undersized
10	15	7 HIGHFIELD ROAD	R-1	Yes	0.27	0.00	0.27	Wetlands	Undersized
11	8	162 ABERNETHY DRIVE	R-2	Yes	0.56	0.07	0.49	Steep Slopes	Undersized
4	34	BOX 476	R-2	Yes	0.02	0.00	0.02		Undersized
4	2	P.O. BOX 188	CL	Yes	2.01	0.01	2.00	Steep Slopes	Borough Hall
2	1	PO BOX 188	CL	No	2.36	0.36	2.00	Wetlands, Steep Slopes, Floodplain	Borough Park and Landlocked
4	31	BOX 175	CL	Yes	0.24	0.03	0.21	Wetlands, Steep Slopes	Borough First Aid Building
1.01	47	P.O. BOX 188	CL	Yes	0.26	0.00	0.26		Roadway, Undersized
14	9	BOX 3000	CL	No	1.57	0.07	1.50	Steep Slopes	ROSI
5	1.02	15 MONTGOMERY AVE	CL	Yes	1.12	0.01	1.11	Steep Slopes	Landlocked parcel
9	1	CRESCENT AVENUE	R-2	Yes	5.27	1.43	3.83	Steep Slopes, Floodplain	ROSI
11	1	P.O. BOX 307	CL	Yes	1.15	0.01	1.15	Steep Slopes	Addressed in Third Round
9	6	PO BOX 188	CL	No	0.48	0.48	0.00	Water, Steep Slopes, Floodplain	Undersized
6	1	15 MONTGOMERY AVENUE	CL	Yes	0.17	0.00	0.17		ROSI, Undersized
1.01	42	P.O. BOX 188	CL	Yes	0.25	0.00	0.25		Water Supply, Undersized
5	21	BOX 300	CL	No	8.87	0.00	8.87		ROSI
4	1	P. O. BOX 188	CL	No	24.85	8.64	16.21	Wetlands, Water, Steep Slopes, Floodplain	ROSI
5	26	BOX 3000	CL	No	25.53	0.09	25.45	Steep Slopes	ROSI
5	16	BOX 3000	CL	No	4.22	0.77	3.46	Water, Steep Slopes	ROSI
4	50	15 MONTGOMERY AVE	CL	No	2.18	2.18	0.00	Water, Steep Slopes, Floodplain	Undersized
3	1	15 MONTGOMERY AVENUE	CL	Yes	0.23	0.01	0.22	Steep Slopes	Undersized
2	34	P.O. BOX 188	CL	Yes	0.05	0.00	0.05		Well, Undersized
5	20	BOX 300	CL	Partially	13.51	0.26	13.25	Steep Slopes	ROSI
5	1	15 MONTGOMERY AVENUE	CL	Yes	0.71	0.01	0.71	Steep Slopes	Water Supply, Undersized
14	1	BOX 3000	CL	Partially	36.54	2.63	33.92	Wetlands, Steep Slopes, Floodplain	ROSI
2	20	PO BOX 188	CL	No	0.92	0.92	0.00	Wetlands, Water, Steep Slopes, Floodplain	Undersized
4	52	PO BOX 188	CL	No	1.36	1.36	0.00	Water, Steep Slopes, Floodplain	Undersized
4	51	PO BOX 188		No	1.99	1.99	0.00	Wetlands, Water, Steep Slopes, Floodplain	Undersized
1	5	BOX 5	CL	Yes	0.70	0.03	0.67	Steep Slopes	Developed, Undersized
7	1	WASHINGTON ST.	R-2	Yes	0.77	0.00	0.77		Church, Undersized
1	5.01	64 WASHINGTON ST	CL	Yes	1.32	0.05	1.28	Steep Slopes	Library
12	1	808 WEST STATE STREET	R-2	Yes	1.17	0.10	1.07	Steep Slopes	Church
13	10	88 EASTERN AVENUE	R-1	Yes	1.60	0.44	1.16	Wetlands, Steep Slopes, Floodplain	Church
1.01	8	MONTGOMERY AVE	CL	No	2.19	0.23	1.96	Steep Slopes	Not Vacant, Cemetery
4	35	BOX 307	CL	Yes	0.30	0.00	0.30	Steep Slopes	Fire House, Undersized
5	1.01	141 SOUTH MAIN ST	CL	Yes	0.24	0.00	0.23	Steep Slopes	Residential Use, Undersized
5	2.01		R-3	Yes	8.90	0.43	8.47	Steep Slopes	Developed Residential
5	6		CL	Yes	11.22	0.12	11.10	Steep Slopes	wasn't included in last VIA because of approved subdivision but no construction seems to have happened, partially in airport zone
5	7		CL	Yes	3.19	0.00	3.19		in airport zone but lot nextdoor is developed
10	19	103 SPINNAKER LANE	R-1C/CH	Yes	15.15	1.18	13.97	Wetlands, Steep Slopes	Addressed in Third Round

Appendix D - Third Round Conditional Order of Judgement of Compliance and Repose, dated March 15, 2022

Fair Share Housing Center

510 Park Boulevard

Cherry Hill, New Jersey 08002

P: 856-665-5444

F: 856-663-8182

Attorneys for Fair Share Housing Center

By: Joshua D. Bauers, Esq. (174532015)

joshbauers@fairsharehousing.org

**IN THE MATTER OF THE APPLICATION
OF THE BOROUGH OF ROCKY HILL,
COUNTY OF SOMERSET**

SUPERIOR COURT OF NEW JERSEY
Law Division: Somerset County

Docket No. SOM-L-901-15

CIVIL ACTION - *Mount Laurel*

**CONDITIONAL ORDER OF JUDGMENT OF
COMPLIANCE AND REPOSE**

THIS MATTER comes before the Court upon the reinstated Declaratory Judgement Complaint of Petitioner Borough of Rocky Hill ("Borough" or "Petitioner"), seeking a determination that the Borough has complied with its Mount Laurel/Affordable Housing Obligations, in accordance with the procedures set forth in In Re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV); and

THE HEARING HAVING been opened to the Court by the parties via the March 8, 2022 consent order between Fair Share Housing Center (FSHC), through its counsel, Joshua D. Bauers, Esq., and the Borough of Rocky Hill, through its counsel, John Ursin, Esq., in the presence of Steven K. Warner, Esq. and Francis Banisch, P.P., the court-appointed Special Master; and

THE COURT HAVING conducted a Fairness and Compliance Hearing on March 14, 2022 pursuant to and in accordance with the requirements of Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div. 1984) aff'd o.b. 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996); and the Court determining that adequate notice of the compliance hearing was provided; and

THE COURT HAVING reviewed the Settlement Agreement between the Borough and FSHC dated December 5, 2017 as supplemented and modified by the terms of the consent order and the terms of a Settlement Agreement between the Borough and David K. Schaefer; and

THE COURT HAVING reviewed the Special Master's Reports prepared by Frank Banisch dated January 9, 2018 and March 14, 2022, and the recommendations and testimony of the Special Master; and

THE COURT HAVING received no written objections by the Court deadline; and the Court having considered comments of counsel and having reviewed documents admitted into evidence; and for good cause shown;

IT IS on this 15th day of March,

2022 ORDERED as follows:

1. The Court determines and finds, upon the testimony presented, and arguments of counsel and upon a consideration of the Settlement Agreement admitted into evidence, and the Special Master's Report, and in accordance with Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div. 1984) aff'd o.b. 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996):

- a. The Present Need Obligation (Rehabilitation Share), as agreed upon by the Parties, is one (1) unit and may be addressed through participation in the Somerset County rehabilitation program or a municipally sponsored program. The Borough must provide documentation of mechanism expected to address the remainder of the Borough's Rehabilitation Share.
- b. Satisfaction of the Prior Round Obligation: Per paragraph 6 of the Settlement Agreement, the Borough has satisfied its Prior Round obligation with a nine (9) unit Regional Contribution Agreement ("RCA") with the City of New Brunswick, four (4) units at EDEN Acres group home and six (6) at an ARC of Somerset group home. Six (6) rental bonus credits were also applied.
- c. The Borough's Third Round realistic development potential ("RDP") is to be addressed with the proposed rezoning Block 10, Lot 19 for seventy-eight (78) units, sixteen

(16) of which will be set-aside as affordable housing units.

2. The Borough is granted a Conditional Judgment of Compliance and Repose subject to the Borough's satisfaction of the following conditions pursuant to the Consent Order entered on March 8, 2022 and the conditions contained in the Special Master's Report dated March 14, 2022 within one hundred twenty (120) days of entry of the Consent Order:

a. The Borough shall adopt and endorse a Housing Element and Fair Share Plan (HEFSP) and Affirmative Marketing Plan in accordance with the terms of the Settlement Agreement and this consent order;

b. The Borough shall adopt an Affordable Housing Ordinance and a Mandatory Set-Aside Ordinance in a form to be reviewed and approved by FSHC and the Special Master;

c. The Borough shall appoint a duly-certified Administrative Agent;

3. As a continuing obligation and condition of this Judgment of Compliance and Repose, the Borough shall comply with all the monitoring and reporting requirements identified in the Settlement Agreement.

4. This Order is a Conditional Order of judgment and repose in this matter. A Final Judgment of Compliance and Order of Repose is to be entered upon confirmation from the Special

Master in writing that the Borough has completed all required conditions.

5. The Borough temporary immunity from exclusionary zoning lawsuits is hereby extended until July 10, 2022.
6. Pursuant to the FSHC Settlement, FSHC and/or the Borough may enforce any provision of such Agreements, and by extension this Judgment, through a motion to enforce litigant's rights or by the filing of a separate action in the Superior Court, Somerset County.
7. This Court retains jurisdiction over this matter for the purposes of enforcement of this Judgment, the FSHC Settlement and Amendment.
8. Copies of this order shall be served through eCourts. Counsel for FSHC shall forward a copy of this Order to the Court's Special Master within five (5) days of receipt.

/s/ Thomas C. Miller, J.S.C.

Hon. Thomas C. Miller, J.S.C.

Appendix E: Executed Settlement Agreement between the Borough of Rocky Hill and Fair Share Housing Center with the Third Round Vacant Land Assessment

FILED

March 26, 2025

HUNTERDON COUNTY SUPERIOR COURT

WILLIAM G. MENNEN, J.S.C.

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE BOROUGH
OF ROCKY HILL, SOMERSET
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
SOMERSET COUNTY
DOCKET NO.SOM-L-164-25

Civil Action

**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 30, 2025 (“DJ Complaint”) by the Petitioner, Borough of Rocky Hill (“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”);

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

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 4 affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as 37 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 26th day of **MARCH 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as 4 affordable units for the Fourth Round housing cycle.

2. That the prospective need obligation of the Municipality, be, and hereby is fixed as 37 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 a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:



Hon. William G. Mennen, J.S.C.

(X) Uncontested.