

HOUSING ELEMENT AND FAIR SHARE HOUSING PLAN

TOWNSHIP OF SCOTCH PLAINS



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

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APPENDICES

- APPENDIX A. Binding Resolution Committing to Fourth Round Present and Prospective Need Affordable Housing Obligations, Resolution No. 2025-61, adopted January 21, 2025.
- APPENDIX B. Township of Scotch Plains Declaratory Judgment Complaint, Docket No. UNN-L-000314-25, filed January 22, 2025.
- APPENDIX C. Order Fixing Municipal Obligations for “Present Need” and “Prospective Need” for the Fourth Round Housing Cycle, Docket No. UNN-L-000314-25, entered April 30, 2025.
- APPENDIX D. Planning Board Resolution Adopting the September 27, 2018 Housing Element and Fair Share Plan, dated October 10, 2018 .
- APPENDIX E. Council Resolution No. 2018-160 Endorsing the September 27, 2018 Housing Element and Fair Share Plan dated October 18, 2018.
- APPENDIX F. Conditional Declaratory Judgment of Compliance and Repose, Docket No. UNN-L-2407-15, filed January 11, 2019.
- APPENDIX G. Order Confirming Compliance with Declaratory Judgment of Compliance and Repose, Docket No. UNN-L-2406-15, filed November 20, 2020.
- APPENDIX H. Fourth Round Vacant Land Adjustment for the Township of Scotch Plains, dated May 2025.
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- APPENDIX L. Master’s Report of Philip B. Caton, P.P., F.A.I.C.P to Judge Cassidy, dated February 12, 2018.
- APPENDIX M. Supplemental Master’s Report of Philip B. Caton, P.P., F.A.I.C.P to Judge Cassidy, dated March 28, 2018.
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Scotch Plains Housing Element and Fair Share Housing Plan



THE TOWNSHIP OF SCOTCH PLAINS HOUSING ELEMENT AND FAIR SHARE PLAN

I. INTRODUCTION

This document is presented in two parts; which include (i) the Township of Scotch Plains Master Plan Housing Element and (ii) the Township of Scotch Plains Fair Share Plan. This Housing Element and Fair Share Plan ("HEFSP") addresses the Township's compliance with the Municipal Land Use Law ("MLUL"), relevant Uniform Housing Affordability Controls ("UHAC") regulations, the requirements of the Uniform Housing Affordability Controls ("UHAC") regulations, the requirements of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) as amended by A4/S50 legislation signed into law on March 20, 2024, and other applicable law.

The Master Plan Housing Element will examine the Township's demographic, population, and employment characteristics, along with the Township's housing stock and development trends throughout the decades. A Housing Plan, according to the MLUL N.J.S.A. 40:55D-28b(3), must include, but is not limited to, residential standards and proposals for the construction and improvement of housing. According to N.J.S.A. 52:27D-310, the Housing Element shall contain at least the following:

- 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, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- 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;
- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share 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);
- 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;
- 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);

- 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
- 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.

The Fourth Round Housing Element and Fair Share Plan reiterates how the Township complied with its Third Round affordable housing obligations under the Township's Court-approved Third Round Housing Element and Fair Share Plan and Third Round Final Judgment of Compliance and Repose ("JOR"), entered on November 30, 2020 (attached hereto as *Appendix G*). On January 21, 2025 the Township adopted Resolution No. 2025-61 accepting a present need of 53 and a prospective need of 188 (attached hereto as *Appendix A*). By the Court in its Order entered on April 30, 2025 (attached hereto as *Appendix C*), the Court determined that Scotch Plains present need is 53 and prospective need 213 for the Fourth Round. The Housing Element and Fair Share Plan is part of the Township of Scotch Plains' request via its Declaratory Judgment Complaint filed January 22, 2025 (attached hereto as *Appendix B*) to acquire compliance certification from the Affordable Housing Dispute Resolution Program ("the Program") and will include the projects and strategies addressing the Township's affordable housing obligations.

II. TOWNSHIP OF SCOTCH PLAINS FOURTH ROUND HOUSING ELEMENT

A. OVERVIEW

This Fourth Round Housing Element and Fair Share Plan has been prepared in response to the requirements set forth in the amendments to the Fair Housing Act known as Bill A4/S50 ("FHA Amendments") signed into law on March 20, 2024. The law reformed municipal responsibilities regarding the provision of affordable housing for the fourth round and beyond in 10-year rounds of housing obligations beginning on July 1, 2025. The changes and regulations for the FHA Amendments are further explained in Section II.D and Section II.E below.

In accordance with the Municipal Land Use Law ("MLUL") at N.J.S.A. 40:55D-28b(3), this Fourth Round Housing Element and Fair Share Plan ("HEFSP") has been prepared pursuant to N.J.S.A. 52:27D-310, which specifies that the HEFSP must include 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 (N.J.S.A. 52:27D-304.1). In accordance with the requirements of section 3 of P.L.2024, c.2 (N.J.S.A. 52:27D-304.1), this Fourth Round Housing Element and Fair Share Plan addresses its affordable housing obligations



for the Prior Round, the Third Round, and the Fourth Round. The Township's Fourth Round numbers of a present need of 53 and prospective need of 188 were accepted through the Township Resolution No. 2025-61 adopted on January 21, 2025 (see Appendix A). By the Court in its Order entered on April 30, 2025 (attached hereto as Appendix C), the Court determined that Scotch Plains present need is 53 and prospective need 213 for the Fourth Round. The Fourth Round Housing Element and Fair Share Plan has also been prepared to comply with the court order entered on April 30, 2025 and all requirements of the FHA, applicable COAH and UHAC regulations, and relevant Mount Laurel case law.

B. AFFORDABLE HOUSING HISTORY PRIOR TO THE FOURTH ROUND

New Jersey affordable housing law began with the New Jersey Supreme Court's (hereinafter the "Supreme Court") creation of the Mount Laurel doctrine in its landmark case, So. Burl. Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 67 N.J. 151 (1975) also known as "Mount Laurel I". In Mount Laurel I, the Supreme Court decided that under the State Constitution, each municipality "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there", including those of low and moderate income. Thus, the Supreme Court in its Mount Laurel I decision ruled that municipalities should not use their zoning powers to prevent the potential for the development of affordable housing.

Displeased with progress under its earlier decision, in 1983, the Supreme Court decided So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp., 92 N.J. 158 (1983) or "Mount Laurel II". Because the Legislature had not yet acted to implement the holding in Mount Laurel I, the Court in Mount Laurel II fashioned a judicial remedy, now commonly referred to as a "Builder's Remedy". That remedy created a special process by which builders could file suit against a municipality for the opportunity to construct housing at much higher densities than a municipality otherwise would allow, creating affordable housing in the process. In essence, Builder's Remedy lawsuits seek to force municipalities to meet their affordable housing obligations.

Responding to the chaos created by the implementation of the Supreme Court's Mount Laurel decisions and the many Builder's Remedy lawsuits that followed, the State Legislature passed the Fair Housing Act (hereinafter "FHA") in 1985, which the Supreme Court upheld in (Hills Dev. Co. v. Bernards Twp., 103 N.J. 1 (1986) or "Mount Laurel III").

The FHA created COAH, and required COAH to (1) enact regulations that established the statewide affordable housing need, (2) assign to each municipality an affordable housing obligation for its designated region and (3) identify the techniques available to municipalities to meet its assigned obligation. The FHA included a process for municipalities to obtain Substantive Certification, which, if granted by COAH, would protect municipalities against Builder's Remedy lawsuits, or a lawsuit from a housing advocate, for a defined period of time. The FHA also transferred pending Builder's Remedy litigation to COAH for resolution through an administrative process, and established a process for bringing municipalities into compliance.

To implement the FHA requirements, COAH adopted a series of regulations. Round One regulations were enacted in 1987. Round 2 regulations were adopted by COAH in 1994. Round 3 regulations were supposed to be adopted in 1999 when the Round 2 rules were set to expire, but the first iteration of Round 3 rules were not adopted by COAH until 2004.



In 2007, the Appellate Division affirmed portions of COAH's 2004 Round 3 rules, but invalidated other aspects of them. See In Re Adoption of N.J.A.C. 5:94 & 5:95, 390 N.J. Super. 1 (App. Div. 2007). The opinion remanded the matter to COAH for adoption of new compliant regulations, and gave the agency six months to do so. The Appellate Division granted COAH two extensions, and COAH finally adopted a second set of Round 3 rules in September of 2008. Many municipalities submitted Round 3 affordable housing plans to COAH and to courts for approval in December of 2008 in response to the new third round rules.

On October 8, 2010, the Appellate Division concluded that COAH's revised 2008 regulations suffered from many of the same deficiencies as the first set of Third Round rules, and it invalidated substantial portions of the 2008 Third Round regulations again. See In re Adoption of N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462 (App. Div. 2010). The Court specifically directed COAH to use a methodology for determining prospective affordable housing needs similar to the methodologies used in the prior rounds.

During this same time period, then Governor Christie initiated a series of steps to abolish or reduce the role of COAH. During this time period the Legislature introduced a Bill, which would have radically transformed the affordable housing world. The S-1 Bill in its initial form was supported by Governor Christie. By the time it went through the Assembly, however, a very different bill passed and the Governor conditionally vetoed the Bill.

Frustrated with the lack of movement by COAH to adopt updated Round 3 rules, the Supreme Court issued an order on March 14, 2014, which required COAH to adopt new Round 3 regulations by October 22, 2014. COAH proposed the third version of Round 3 regulations on April 30, 2014. However, in October of 2014, the COAH Board deadlocked 3-3 when voting to approve the regulations and the rules were not adopted.

In response, on March 10, 2015, the Supreme Court issued its decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), in which it (1) found that COAH had violated the March 14, 2014 Order by failing to adopt new Round 3 regulations by October 22, 2014; (2) held that, without new Round 3 regulations, COAH could not process municipalities' petitions for substantive certification; (3) directed trial courts to assume COAH's functions; (4) authorized municipalities under COAH's jurisdiction to file Declaratory Judgment Actions along with a motion for Temporary Immunity by July 8, 2015, or risk exposure to Builder's Remedy lawsuits; and (5) ruled that municipalities would have to prepare and file a Housing Element and Fair Share Plan with a trial court for review. The Supreme Court declined to determine fair share allocations, however, instead assigning this task to the trial court judges with the directive that they use a methodology similar to that used in COAH's first and second round Rules.

Scotch Plains, which was a participating municipality under COAH, filed a Declaratory Judgment action on July 1, 2015, in Union County Superior Court within the requisite time period, and received temporary immunity from the Court, which is still in full force and effect. Subsequent to the filing, the Township entered into a Settlement Agreement with Fair Share Housing Center ("FSHC"), various intervenors, and interested parties on January 15, 2018 to resolve the Township's Declaratory Judgment action on a global level (see attached Appendix K). On April 4, 2018, the Court held a Fairness Hearing, at which the aforementioned agreement was approved by the Court. An order memorializing the Court's findings at the Fairness Hearing was entered by the Court on April 20, 2018 (see attached Appendix J).



In accordance with the MLUL, applicable COAH regulations and Mount Laurel law, and in accordance with the terms and conditions of the FSHC Settlement Agreement and the Court's April 20, 2018 Order, and in an effort to address concerns raised by the objectors and the Court appointed Special Master, The Township prepared a Third Round Housing Element and Fair Share Plan, dated September 27, 2018, along with all supporting documents. The Third Round Housing Element and Fair Share Plan was adopted by the Township's Planning Board on October 10, 2018 (see attached *Appendix D*) and endorsed by the Township Council on October 16, 2018 by Resolution No. 2018-160 (see attached *Appendix E*). The Housing Element and Fair Share Plan was consequently submitted to the Court, and proper notice was given for a Compliance Hearing.

A Compliance Hearing was held on December 12, 2018, whereupon the Township was conditionally granted repose and immunity from exclusionary litigation by a Conditional Judgment of Compliance and Repose, dated January 11, 2019, for the period through July 2, 2025 (see attached *Appendix F*). On November 30, 2020 the Township entered a Final Judgment of Compliance and Repose, which ordered that the conditions of compliance set forth in the Court's Declaratory Judgment of Compliance and Repose were deemed satisfied (see attached *Appendix G*).

Prior to the beginning of the Fourth Round, and in response to a settlement process further explained in Section II.G of this HEFSP, the Court memorialized the Township's Fourth Round present and prospective need obligations on behalf of the Program in an Order dated April 30, 2025 (see *Appendix C*). The Order set the Township's prospective need obligation at 213 and its present need obligation (also known as rehabilitation obligation) at 53 for the Fourth Round period.

C. SUMMARY OF SCOTCH PLAINS' PAST AFFORDABLE HOUSING HISTORY & ACTIVITIES

Scotch Plains has had a long history of providing affordable housing with respect to its Court and COAH-mandated fair share obligations. The Council on Affordable Housing (COAH) granted First Round substantive certification of a Housing Element and Fair Share Plan to the Township of Scotch Plains, on October 3, 1990, and Second Round substantive certification was granted by resolution on July 10, 1996. Scotch Plains received extended Second Round substantive certification on March 6, 2005. After the Appellate Division invalidated COAH's first iteration of Third Round rules in 2007, the Township's Planning Board adopted a Housing Element and Fair Share Plan in 2008, which was subsequently endorsed by the Township and submitted to COAH on December 31, 2008 for review and approval. COAH deemed the application complete on May 6, 2009. COAH requested additional information in a report issued on October 16, 2009, in which COAH also discussed the affordable housing credits to which the Township is entitled. As part of its December 31, 2008 petition for substantive certification, the Township included a proposed development fee ordinance. In a report dated April 15, 2010, and in compliance with N.J.A.C. 5:97-8 et seq. and P.L.2008, c.46 (C.52:27D-329.2 and C.40:55D-8.1-8.7)/P.L.2009, c.90, COAH determined that the ordinance was compliant and provided a resolution dated May 6, 2010. The Township remained under COAH's jurisdiction until it filed a Declaratory Judgment Action on July 1, 2015, in response to the Supreme Court's Mount Laurel IV decision.

The following affordable housing units and credits have been created by the Township post-1986 and prior to 2018 within the 1996 Housing Element and Fair Share Plan, as verified by the COAH Compliance Report dated June 18, 1996.



1. Regional Contribution Agreement between the City of Linden and the Township of Scotch Plains, which provided 175 total RCA credits to the City of Linden. The credits were approved by the Court via an order entered on April 18, 1988. The total RCA funds committed and expended were in the sum of \$3,867,941.00.
2. The Lamberts Mill Village (Block 13501, Lot 20.01), completed with all affordable certificates of occupancy issued by October 10, 1991, which consists of 6 family rental affordable units (3 low and 3 moderate).
3. The 2002 Lake Avenue Site (Block 12801, Lot 14), completed with all affordable certificates of occupancy issued by December 31, 1995, which consists of 30 age-restricted affordable units (30 low).
4. The Donato Site (Block 4901, Lot 3), approved via Planning Board Resolution, adopted on May 7, 2001 and amended December 17, 2001, which consists of 16 family for-sale affordable units (8 low and 8 moderate).

Additionally, the following affordable housing units and credits were created by the Township post-1986 and prior to 2018 within the 2008 Housing Element and Fair Share Plan submitted to COAH. While the Township did not receive substantive certification, this plan and the crediting within it was reviewed in the October 16, 2009 letter from COAH to Scotch Plains.

1. The Center for Hope Hospice Site (Block 13901, Lot 9), approved completed with all affordable certificates of occupancy issued by July 1, 2007, which consists of 14 special needs rental affordable units (14 low).
 - a. Affordable Housing Agreement Between Center for Hope Hospice, Inc. and NJ Department of Community Affairs, Dated March 8, 2007.
2. The 547-549 Park Avenue Site (Block 1401, Lot 13), a municipally-sponsored project, approved via Zoning Board Resolution, adopted on April 3, 2008, which consists of 2 family rental affordable units (1 low and 1 moderate). These units have since been moved to the Homefirst Special Needs Group home, consisting of 2 low-income, affordable special needs rental units.
3. Existing Group Homes and Supportive Needs Housing:
 - a. ARC of Union County, 1966 Raritan Road (Block 12502, Lot 7), which consists of 3 very-low bedroom group home units approved/built in 1994.
 - i. Deed dated April 20, 1994 and recorded May 24, 1994, from Deed Book 4105, page 108;
 - ii. State of NJ Affidavit of Consideration or Exemption dated May 24, 1994.
 - iii. Life Hazard Use Certificate of Registration, Issued March 28, 2006.
 - b. ARC of Union County, 1746 Martine Avenue (Block 12401, Lot 24), which consists of 2 very-low bedroom group home units approved in 1997.



- i. State of New Jersey - Department of Human Services "Funding Agreement for Construction, Purchase, or Purchase and Renovation of Community-Based Facilities" with Arc of Union County, dated September 5, 1997 with "Purchase Money Mortgage" dated October 6, 1997.
 - ii. Community Residential Facility Funded Program Agreement, State of New Jersey – Department of Human Services, Division of Developmental Disabilities, dated September 4, 1998
 - iii. Life Hazard Use Certificate of Registration, Issued March 28, 2006.
- c. ARC of Union County, 524 Westfield Road (Block 2501, Lot 16), which consists of 3 very-low bedroom group home units approved in 2001.
 - i. State of New Jersey - Department of Human Services "Funding Agreement for Construction, Purchase, or Purchase and Renovation of Community-Based Facilities" with Arc of Union County, dated April 19, 1999 with "Purchase Money Mortgage" dated May 26, 1999;
 - ii. Community Residential Facility Funded Program Agreement, State of New Jersey – Department of Human Services, Division of Developmental Disabilities, dated September 5, 1997.
 - iii. Life Hazard Use Certificate of Registration, Issued March 28, 2006.
- d. ARC of Union County, 1391 Terrill Road (Block 12001, Lot 9), which consists of 3 very-low bedroom group home units approved in 1998.
 - i. State of New Jersey - Department of Human Services "Funding Agreement for Construction, Purchase, or Purchase and Renovation of Community-Based Facilities" with Arc of Union County, dated September 4, 1998 with "Purchase Money Mortgage" dated September 30, 1998;
 - ii. Community Residential Facility Funded Program Agreement, State of New Jersey – Department of Human Services, Division of Developmental Disabilities, dated April 19, 1999.
 - iii. Life Hazard Use Certificate of Registration, Issued March 28, 2006.
- e. Service Centers of New Jersey, 970 Raritan Road (Block 16001, Lot 5), which consists of 3 very-low bedroom group home units.
 - i. Department of Community Affairs, Council on Affordable Housing Supportive and Special Needs Housing Survey, dated June 7, 2018.

The following units were constructed after the 2008 Housing Element and prior to the adoption of the Township's Third Round Housing Element and Fair Share Plan, dated September 27, 2018:

- 1. Existing Group Homes and Supportive Needs Housing
 - a. Homefirst Interfaith Housing, 1632 Mountain Avenue (Block 601, Lot 43), which consists of 2 low-income units of permanent supportive housing effective 2011.
 - i. Department of Community Affairs, Council on Affordable Housing Supportive and Special Needs Housing Survey, dated May, 2018.



As stated in the prior section detailing the Township's affordable housing history prior to the Fourth Round, the Township prepared a Third Round Housing Element and Fair Share Plan, dated September 27, 2018, which was adopted by the Township's Planning Board on October 10, 2018 and endorsed by the Township Council on October 16, 2018 by Resolution No. 2018-160. The Township was granted a Conditional Judgment of Compliance and Repose on January 11, 2019, and on November 20, 2020 the Township entered a Final Judgment of Compliance and Repose.

Since the adoption of the Township's Third Round Housing Element and Fair Share Plan, additional affordable housing units and credits have been completed. These units include the following:

1. Glenside (Former Bowcraft Site) (Block 4802, Lots 9-12), completed with all affordable certificates of occupancy which consists of 35 family rental affordable units (5 very low, 14 low, and 16 moderate).
2. Existing Group Homes and Supportive Needs Housing
 - a. Community Options, Inc., 2002 Lake Avenue (Block 12801, Lot 14), which consists of 4 very-low-income units of senior housing.
 - b. Community Options, Inc. 1833 Lake Avenue (Block 12902, Lot 3), which consists of a group home with 4 very low income bedrooms.

Table A: Summary of Completed Units Post-1986 through June 30, 2025				
Township of Scotch Plains, Union County, NJ				
Affordable Units Previously Built				
	Very Low	Low	Moderate	Total
<i>Family Rental</i>	5	17	19	41
<i>Group Home/Special Needs</i>	18	18		36
<i>For-Sale</i>	-	8	8	16
<i>Age-Restricted</i>	4	30	-	34
Total				127 actual units
RCA Credits				
<i>RCA Total</i>	-	-	-	175
Total Completed Housing				
<i>Total Built Units and RCAs</i>				127 units 175 RCAs

The status of all compliance mechanisms leading up to the Fourth Round is provided in further detail in Section III of this Plan.

D. FOURTH ROUND AFFORDABLE HOUSING BACKGROUND

On March 20, 2024, Governor Murphy signed the Amendments to the FHA into law. The amended FHA established new guidelines for determining and regulating the affordable housing obligations of New Jersey municipalities for the Fourth Round and subsequent 10-year rounds as mandated by the Mount Laurel Doctrine and the FHA. This section outlines the key provisions instituted by the FHA Amendments.



Major Items of the FHA Amendments

- The Council on Affordable Housing (“COAH”) is abolished, and its regulatory powers and functions are transferred to the Department of Community Affairs (“DCA”) and the Administrative Office of Courts (“AOC”).
- The DCA is responsible for calculating the regional need and municipal present and prospective fair share obligation for each municipality using the methodology established in sections 6 and 7 of P.L.2024, c.2. The March 8, 2018 Superior Court, Law Division, Mercer County, In re Application of Municipality of Princeton (also known as the “Jacobson opinion”) serves as the basis for any datasets or methodologies not directly addressed in P.L.2024, c.2. This Fourth Round methodology is further explained in Section II.E below.
- Per N.J.S.A. 52:27D-302, as amended by the new law, “the changes made to affordable housing methodologies, obligations, and fair share plans, as determined to be a necessity by the Legislature, through the enactment of [P.L.2024, c.2] are made with the intention of furthering consistency with the State Development and Redevelopment Plan.”
- A municipality will still be permitted to conduct a vacant land adjustment (VLA).
- A municipality may take into consideration the DCA calculations in determining its present and prospective obligation, but the DCA calculations are not binding on any municipality. Each municipality establishes its own obligation number, and a municipality may deviate from DCA’s calculations in determining its obligation, provided that it adheres to the methodology established by P.L.2024, c.2.
- The Affordable Housing Dispute Resolution Program (“Program”) is established within the AOC and is responsible for handling any dispute regarding a municipality’s determination of and/or compliance with its fair share obligation. The Administrative Director of the Courts makes appointments to the Program, which consists of 3-7 retired Mount Laurel judges. These judges include Hon. Thomas C. Miller (chair), Hon. Ronald E. Bookbinder, Hon. Thomas F. Brogan, Hon. Stephan C. Hansbury, Hon. Mary C. Jacobson, Hon. Julio L. Mendez, and Hon. Paulette M. Sapp-Peterson.
- The availability of bonus credits has been expanded but credits remain capped. Notable credit provisions include:
 - More than one type of bonus credit may not be received for the same unit.
 - A maximum of 25% of a municipality’s prospective need obligation may be satisfied by bonus credits.
 - The rental bonus credit is eliminated.
 - A summary of the types of bonus credits is provided in the table below:

Table B: Fourth Round Bonus Credits	
Description	Bonus
Special Needs or Supportive Housing Units	1.0 bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing.
100% Affordable Developments with Municipal Contribution of Land or Funds	1.0 bonus credit for each unit of low- or moderate-income housing in a 100% affordable housing



	project for which the municipality contributes to the cost of the project. This contribution can either be real property or contributions from the municipal affordable housing trust fund that covers no less than 3% of the project costs.
Market-to-Affordable	1.0 bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from market rate to affordable. 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.
Non-Profit Partnership for For-Sale Housing	0.5 bonus credit for each unit of low- or moderate-income ownership unit created in partnership with a non-profit housing developer.
Proximity to Transit	0.5 bonus credit for each unit of low- or moderate-income housing located within a 0.5 mile radius (or 1 mile radius if located in a Garden State Growth Zone) surrounding a NJ Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations.
Redevelopment	0.5 bonus credit for each unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.
Age-Restricted Units (with 10% Cap)	0.5 bonus credit for a unit of age-restricted housing (Bonus credit only applicable to 10% of all age-restricted housing built that count towards the municipality's affordable housing obligation).
Family Housing	0.5 bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution. This bonus credit shall be calculated by taking into account the full municipal fair share plan and housing element, and the number of units with at least three bedrooms required for projects satisfying the minimum 50 percent family housing requirements.
Very Low-Income Units Beyond Minimum	0.5 bonus credit for each unit of very low-income housing for families above the 13% of units



	required to be preserved for very low-income housing.
Extension of Affordability Controls	0.5 bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term, and the municipality contributes funding towards the costs necessary for this preservation.

- A municipality must adopt a Housing Element and Fair Share Plan and drafts of the appropriate zoning and other ordinances and resolutions implementing its present and prospective obligation by June 30, 2025. The Housing Element and Fair Share Plan must assess the degree to which the municipality has complied with its obligations for the prior three rounds and determine whether the municipality has credits in excess of its prior round obligations. If any units are determined to be unfulfilled from prior rounds, the Plan must address how this unmet obligation will be fulfilled, as well as explain how it plans to meet its Fourth Round obligation. The Plan must also include a spending plan for current funds in the municipal affordable housing trust fund and projected funds towards the round.
- The law establishes several limitations to how units may be counted towards fulfilling a municipality's fair share obligation:
 - A maximum of 30% of the units counted toward the prospective need obligation may be age-restricted units, exclusive of bonus credits.
 - A minimum of 50% of the units used toward the prospective need obligation, exclusive of bonus credits, must be available to families with children.
 - A minimum of 25% of the units used toward the prospective need obligation, exclusive of bonus credits, must be rental units and at least half of that number must be available to families with children.
 - A minimum of 13% of affordable housing units must be available to very low-income households and at least half of that number must be available to families with children.
 - A maximum of 10% of a municipality's fair share obligation may be counted by transitional housing credits.
 - A municipality may lower its prospective need obligation to prevent an obligation of more than 1,000 housing units or a number exceeding 20% of the total number of households in the municipality.
- The law establishes new development fee collection, expenditure, and monitoring rules.
- The amended FHA also establishes many deadlines, including but not limited to, the submission of a Fourth Round Housing Element and Fair Share Plan by June 30, 2025, and any objections being filed by August 31, 2025.

E. FOURTH ROUND METHODOLOGY

Per N.J.S.A 52:27D-304.1.d, "For the fourth round of affordable housing obligations, the [Department of Community Affairs] shall prepare and submit a report to the Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature providing a report on



the calculations of regional need and municipal obligations for each region of the State within the earlier of seven months following the effective date of P.L.2024, c.2 (C.52:27D-304.1 et al.) or December 1, 2024.” On October 18, 2024, the Department of Community Affairs (DCA) released a report titled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background,” inclusive of a calculation spreadsheet, which detailed the datasets and calculations used to generate the affordable housing obligation for each municipality within New Jersey for the Fourth Round. Per this report, the Township of Scotch Plains was calculated to have a present need of 53 units and a prospective need of 244 units for the Fourth Round. The subsections below outline the methodology for calculating the Township’s Fourth Round affordable housing obligation per the DCA report and in accordance with FHA Amendments.

Present Need

Per P.L.2024, c.2, “A municipality’s present need obligation shall be determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof” (N.J. Stat. § 52:27D-304.2). P.L.2024, c.2 further defines “deficient housing units” as “housing that: (1) is over fifty years old and overcrowded; (2) lacks complete plumbing; or (3) lacks complete kitchen facilities” (N.J. Stat. § 52:27D-304).

In the Third Round, municipal present need calculations were based on the number of housing units lacking complete kitchen facilities, the number of units lacking complete plumbing facilities, and the number of overcrowded units. The present need calculations for the Fourth Round conducted by the DCA similarly use datasets measuring these three factors, but as explained in their report, “The US Department of Housing and Urban Development (HUD) and the US Census Bureau publish separate tables on housing age, lack of plumbing facilities, lack of kitchen facilities, and overcrowding. However, there is no data source that reports the number of units that meet any one of those three conditions. Therefore, this number must be estimated using data from existing tables, with measures taken to account for overlap and to narrow the scope to deficient housing units occupied by low- and moderate-income [(LMI)] households.” The DCA therefore used a combination of the latest data from HUD’s Comprehensive Housing Affordability Strategy (CHAS) LMI dataset corresponding to the latest Census Bureau American Community Survey (ACS) data (which was 2017-2021 5 Year Estimates at the time of the report’s release), data from the IPUMS Center for Data Integration, and the ACS Public Data Microdata Sample (PUMS) at the Public Use Microdata Area (PUMA) level to estimate the number of substandard/deficient low- and moderate-income occupied units (“present need”) for each municipality in New Jersey.

Per the methodology outlined above and described in further detail in the DCA report, the Fourth Round present need obligation for the Township of Scotch Plains was calculated as 53.

Prospective Need

The statewide obligation for the Fourth Round has been calculated as 84,698. This obligation is distributed among the State’s municipalities, excluding Qualified Urban Aid municipalities.



As described in the FHA Amendments and summarized in the DCA report, a municipality's Fourth Round prospective need obligation is calculated by multiplying its average allocation factor to the total prospective need of its corresponding Housing Region.

Per the FHA Amendments, the State is broken into six regions as follows:

Housing Region	Counties
1	Bergen, Hudson, Passaic, and Sussex
2	Essex, Morris, Union, and Warren
3	Hunterdon, Middlesex, and Somerset
4	Mercer, Monmouth, and Ocean
5	Burlington, Camden, and Gloucester
6	Atlantic, Cape May, Cumberland, and Salem

The average allocation factor is the average of three measures indicative of a municipality's capacity/potential to address the regional prospective need: the equalized nonresidential valuation factor, the income capacity factor, and the land capacity factor.

The Fourth Round prospective need for each Housing Region is determined by calculating the change in the number of households within each Housing Region between the 2010 Census and 2020 Census. Per P.L.2024, c.2, "this household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations. If household change is zero or negative, the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region and the regional prospective need shall be zero" (N.J. Stat. § 52:27D-304.2).

The Township of Scotch Plains is in Housing Region 2, which consists of Essex County, Morris County, Union County, and Warren County. The regional prospective need for Housing Region 2 was calculated as 20,506, and the Township's average allocation factor was calculated as 1.19%. The regional need of 20,506 multiplied by the Township's average allocation factor of 1.19% therefore resulted in a Fourth Round prospective need obligation calculation of 244.

Equalized Nonresidential Valuation Factor

The equalized nonresidential valuation factor is one of the three components of the average allocation factor for each municipality. The equalized nonresidential valuation factor is representative of a municipality's share of the change in nonresidential property value within its Housing Region.

This factor was calculated as follows:

1. The valuations of commercial properties and industrial properties in each municipality in 2023, per data from the NJ Division of Local Government Services, were summed and then divided by the 2023 State Equalization Table Average Ratio corresponding with the municipality to obtain a total equalized nonresidential valuation for 2023.
2. The valuations of commercial properties and industrial properties in each municipality in 1999, per data from the NJ Division of Local Government Services, were summed and then divided



by the 1999 State Equalization Table Average Ratio corresponding with the municipality to obtain a total equalized nonresidential valuation for 1999.

3. The difference in total equalized nonresidential valuation from 1999-2023 was calculated for each municipality.
4. The difference in total nonresidential valuation from 1999-2023 was summed for all municipalities (excluding Qualified Urban Aid municipalities) within each Housing Region.
5. The difference in total nonresidential valuation from 1999-2023 for each municipality was divided by the sum of differences in total nonresidential valuation from 1999-2023 for its corresponding Housing Region to compute the municipality's share of the regional nonresidential valuation change from 1999-2023.

The Township's equalized nonresidential valuation factor was calculated as 0.61% per the DCA report.

Income Capacity Factor

The second component of the average allocation factor for each municipality is the income capacity factor. The income capacity factor measures the degree to which a municipality's median household income differs from an income floor of \$100 below the lowest median household income in its Housing Region.

Per the FHA Amendments, a municipality's income capacity factor shall be "determined by calculating the average of the following measures:

- (a) The municipal share of the regional sum of the differences between the median municipal household income, according to the most recent American Community Survey Five-Year Estimates, and an income floor of \$100 below the lowest median household income in the region; and
- (b) The municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of \$100 below the lowest median household income in the region, weighted by the number of the households in the municipality" (N.J.S.A. 52:27D-304.3).

At the time of the release of the DCA report on October 18, 2024, the most recent American Community Survey Five-Year Estimates data for median household income and number of households were found in Table S1903 of the Census Bureau's American Community Survey 2018-22 5-Year Estimates.

The Township's income capacity factor was calculated as 2.29% per the DCA report.

Land Capacity Factor

The third component of the average allocation factor for each municipality is the land capacity factor. The land capacity factor indicates the percentage share of total "developable" land in a Housing Region accounted for by each municipality within that Region, excluding land area corresponding to Qualified Urban Aid municipalities. The DCA conducted a GIS analysis to identify the "developable" land within the state using several publicly-available datasets, including but not limited to 2020 land use/land cover (LULC) data, New Jersey State Plan



Planning Areas weighted by area type, statewide parcel data, open space and preserved farmland, category 1 waterways and wetlands, steep slopes, and open waters.

The steps below provide a summary of the methodology used to identify the vacant land in the state, and consequently identify each municipality's share of developable land within its corresponding Housing Region.

1. Weights were applied to all New Jersey State Plan Planning Areas as specified in the Fourth Round Law.
2. The layer of weighted Planning Areas was merged with land use/land cover (LULC) data for the entire state sourced from 2020 aerial imagery. 18 different types of LULC, such as cropland and pastureland, deciduous forest, and coniferous forest, were identified and extracted as "vacant, developable land" from this merged dataset.
3. Of these areas identified as "developable" from the merged dataset, areas without underlying parcel data and areas with MOD-IV Property Tax data with property class codes for residential, commercial, industrial, apartment, railroad, and school uses were removed to prevent rights-of-way, tree-covered rear yards on residential properties and buffer areas on non-residential development from being included in the "developable" land calculation.
4. Municipally-reported construction permit data to the DCA was used to remove properties otherwise identified as vacant through the LULC analysis.
5. Areas mapped as open space, preserved farmland, category 1 waterways and wetlands (and associated buffers based on special resource area restrictions) were removed from the "developable" land dataset.
6. Using 10 foot digital elevation LiDAR data, steep slope areas exceeding 15% and steep slope areas consisting of 5,000 square feet or less were removed from the "developable" land dataset.
7. DCA reviewed an unspecified 22,000 vacant parcels to further remove homeowner association common areas, detention basins, and road and utility rights of way.
8. After the removal of all the aforementioned layers from the "developable" land dataset, remaining "slivers" of land with an area of 2,500 square feet or less were also removed due to their inability to support any kind of development.
9. The remaining land was identified as "developable" land and was summed based on the limits of each Housing Region and its corresponding municipalities.
10. The municipality's percentage of total identified "developable" land within its Housing Region constitutes its land capacity factor.

Through this analysis, the DCA reported 36.492 acres of developable land in the Township of Scotch Plains and 5,358.483 acres of developable land in Housing Region 2 (excluding Qualified Urban Aid municipalities), therefore computing a land capacity factor of 0.68% for the Township.

DCA Calculated Fourth Round Prospective Need Obligation

The DCA computed an equalized nonresidential valuation factor of 0.61% for the Township, an income capacity factor of 2.29% for the Township, and a land capacity factor of 0.68% for the Township, therefore resulting in an average allocation factor of 1.19%. The average allocation factor of 1.19% multiplied by the Housing Region 2 regional prospective need of 20,506 results in the Township's Fourth Round prospective need obligation of 244 as provided in the DCA report



F. MUNICIPAL DETERMINATION OF FOURTH ROUND PRESENT NEED AND PROSPECTIVE NEED OBLIGATIONS

As per N.J.S.A. 52:27D-304.1, “[e]ach municipality shall determine its municipal present and prospective obligations in accordance with the formulas established in [N.J.S.A. 52:27D-304.2 - 304.3] and may take into consideration the calculations in the report published by the department.” Furthermore, “For the fourth round of affordable housing obligations, this determination of present and prospective fair share obligation shall be made by binding resolution no later than January 31, 2025” (N.J.S.A. 52:27D-304.1). The Township reviewed and evaluated the DCA’s non-binding calculations of the City’s Fourth Round present need and prospective need, and while the Township concurred with the DCA’s calculation of the Township’s Fourth Round present need obligation of 53, the Township calculated its Fourth Round prospective need obligation to be 188 rather than the DCA calculation of 244 due to adjustments to the Township’s income capacity factor calculation and land capacity factor calculation.

Per the FHA Amendments, the income capacity factor shall be calculated “according to the most recent American Community Survey Five-Year Estimates.” On December 12, 2024, the United States Census Bureau released American Community Survey 2019-23 5-Year Estimates data. The Township therefore calculated its income capacity factor calculation based on the most recent American Community Survey 2019-23 5-Year Estimates data for the municipalities in Housing Region 2 instead of the American Community Survey 2018- 22 5-Year Estimates used in the DCA report. Using updated data for the entirety of Housing Region 2, the Township’s income capacity factor was calculated as 2.06% rather than 2.29% as calculated by the DCA.

Additionally, the Township reviewed and evaluated the accuracy of the 36.492 acres of “developable” land identified in the Township used to calculate the Township’s land capacity factor of 0.68% in the DCA report. Under further analysis, the Township found that several areas identified as “developable” in the Township by the DCA’s geoprocessing model are in fact not “developable.” The Township removed +/- 31.789 acres of the 36.492 acres of “developable” land identified in the DCA report from the Township’s land capacity factor calculation, resulting in a recalculation of the land capacity factor based on +/- 4.703 total acres of “developable” land within the Township. This adjustment to the Township’s developable land acreage resulted in a calculation of the Township’s land capacity factor as 0.09% rather than 0.68% as identified in the DCA report.

The Township’s adjusted calculations for the income capacity factor and land capacity factor therefore computed an average allocation factor of 0.917% compared to 1.19% as calculated in the DCA report, which when applied to the regional prospective need of 20,506 generated a prospective need obligation of 188.

Based on these calculations, and in accordance with the requirements of the FHA Amendments, the Township Council adopted Resolution No. 2025-61 on January 21, 2025, which committed the Township to a Fourth Round Present Need (Rehabilitation) Obligation of 53 and a Fourth Round Prospective Need (New Construction) Obligation of 188, subject to all reservations of rights as outlined in the resolution (see *Appendix A*). An in-depth explanation of the calculations used to determine the Township’s Fourth Round present need obligation and prospective need obligation was provided in a planning report attached as an exhibit to the adopted January 21, 2025 resolution.



On January 22, 2025, pursuant to the Administrative Office of the Courts' Directive No. 14-24, the Township filed a Declaratory Judgment Action in Superior Court, Docket No. UNN-L-000314-25 (see *Appendix B*), requesting that the Program: (1) approve its Round 4 obligations set forth in its January 21, 2025 binding resolution; (2) approve its Round 4 HEFSP; and (3) continue the Township's immunity from Mount Laurel related lawsuits, as granted by the Court in Round 3.

G. SETTLEMENT PROCESS AND ESTABLISHMENT OF FOURTH ROUND OBLIGATION

Per N.J.S.A. 52:27D-304.1, "An interested party may file a challenge with the program, after adoption of the binding resolution and prior to March 1, 2025, alleging that the municipality's determination of its present and prospective obligation does not comply with the requirements of [N.J.S.A. 52:27D-304.2 and N.J.S.A. 52:27D-304.3]."

On February 27, 2025, New Jersey Builders Association ("NJBA") filed an objection with the Court of the Township's Fourth Round prospective need obligation adopted by Resolution No. 2025-61, declaring that the Court establish the Township's Fourth Round prospective need obligation as 244 as calculated by the Department of Community Affairs ("DCA").

In response to the challenges filed to the Township's calculation of its Fourth Round prospective need obligation, pursuant to the Program, the Administrative Office of the Courts ("AOC") appointed and assigned the case to Program member, the Hon. Thomas C. Miller, J.S.C. (Ret.) ("Program Member") to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC's Directive #14- 24 ("Directive #14-24"), and the Program Member appointed Kendra Lelie, PP, as special adjudicator ("Special Adjudicator") in this case to work with, make recommendations to and assist the Program.

A settlement conference was conducted in March of 2025 on notice to all parties with the participation of local officials, Township affordable housing planner, planners for all parties, and attorneys for the Township and attorneys for the NJBA, in accordance with the statutory framework and Directive #14-24, and with the goal of reaching a resolution. As a result of the settlement conference, no resolutions to the objection were settled. The program member heard argument at the session on March 26, 2025 from counsel for the Township and for the NJBA in support of their respective positions, and determined to reserve decision to allow for further consideration. After reviewing the arguments of all parties, the Program Member issued his written report and program recommendation on April 15, 2025, wherein he found a downward deviation from the DCA's calculation and prospective need calculation of 244 units in the DCA Report to 213 prospective need units of affordable housing to be the most reasonable result.

Having reviewed and considered the Program Member's report and recommendations, the Court filed an Order on April 30, 2025 (see *Appendix C*), which set the Township's prospective need obligation at 213 and its present need obligation (also known as rehabilitation obligation) at 53 for the Fourth Round period.

H. VACANT LAND ADJUSTMENT

Given municipal constraints on the amount of vacant land available for the development of affordable housing, the amended FHA, similarly to the Third Round, permits municipalities to adjust



their prospective need obligations for the Fourth Round based on a lack of vacant land. The process for preparing a vacant land adjustment (“VLA”) for the Fourth Round follows the methodology established in the Municipal Adjustments Subchapter of COAH’s Prior Round Substantive Rules (N.J.A.C. 5:93-4.2), with some minor differences as specified in the Amended FHA. The application of the methodology for vacant land adjustments from COAH’s Prior Round Substantive Rules in the Fourth Round is affirmed by language in N.J.S.A. 52:27D-311.m.: “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L.2024, c.2 (C.52:27D-304.1 et al.), or binding court decisions.”

Most notably, the FHA Amendments added an additional requirement to the vacant land adjustment process: “Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so” (N.J.S.A. 52:27D-310.1).

The Township has conducted a VLA for the Fourth Round, which is attached hereto as *Appendix H*. The Fourth Round VLA calculates a Realistic Development Potential (“RDP”) of 99 units for the Township for the Fourth Round, which is detailed in Table C below:

Table C: Summary of RDP Properties Township of Scotch Plains									
Vacant and “Developable” Parcels Township of Scotch Plains									
#	Block	Lot	Comments/Discussion	Zone	Gross Acreage	Net Developable Acreage	Density (du/ac)	Es. Total Units	RDP
174	6201	7	Rear Netherwood Ave	M-1	0.9	0.9	10	9	2
291	12101	28	7 Colonial Drive	R-1	0.52	0.52	10	5	1
292	12101	33	8 Colonial Drive	R-1	0.52	0.52	10	5	1
295	12101	40	1601 Terril Road	R-1	0.91	0.91	10	9	2
336	14601	18.02	1123 Raritan Rd	R-1	1.34	1.12	10	11	2
Total Units Based on Estimated Development Density								39	
Total RDP (20%)									8
Developed and Approved Sites Township of Scotch Plains									
#	Block	Lot	Comments/Discussion	Zone	Gross Acreage	Net Developable Acreage	Density (du/ac)	Es. Total Units	RDP



57	1601	9, 9.02	350 Forest Road Redevelopment Plan	B-2	1.0	1.0	30	30	5
38	1001	59, 60, 61 – Proposed Lot 59.010 1	1803, 1805 and 1815 Front Street	B-1, B-2, Tier 1 Phase 2 Overlay	1.15	1.15	36	42	9
N/A	12101	21.01	1770–1772, 1774–1778, and 1782 East Second Street	B-2	0.72	0.72	55	40	6
N/A	13901	4, 5, 6	1814, 1820 and 1830 Raritan Road	R-1	4.17	4.17	21	86	10
41	1104	16	430 Senger Place; Fire Department; Part of Tier 1, Phase 1 Redevelopment Plan	P	0.63	0.63	54.6	350	53*
43-44	1105	1.02 & 1.03	430-440 Park Ave; Part of Tier 1, Phase 1 Redevelopment Plan	P	2.33	2.33	54.6	350	53*
53	1501	10	1919 Westfield Ave; Part of Tier 1, Phase 1 Redevelopment Plan	P	1.21	1.21	54.6	350	53*
58-59	1601	13 & 14	1917-1927 Bartle Ave; Part of Tier 1, Phase 1 Redevelopment Plan	P	2.24	2.24	54.6	350	53*
N/A	2401	1	Our Lady of Fatima House Redevelopment Plan	R-3A	1.29	1.29	29	38	6
N/A	7802	13, 14	2446 Morse Avenue	R-3	0.73	0.73	11	8	2
* Tier 1, Phase 1 Redevelopment Plan is a total of 350 units and an RDP of 53									
Total Units Based on Estimated Development Density								594	
Total RDP (15 or 20%)									91
Total Units Vacant and Developable and Developed and Approved									
Total Units Based on Estimated Development Density								633	
Total RDP (15 or 20%)									99

I. HOUSING, DEMOGRAPHIC AND EMPLOYMENT INFORMATION

The following detailed Housing, Demographic, and Employment background information regarding Scotch Plains helps to describe and create an inventory of characteristics in the Township of Scotch Plains that directly apply to current and future housing demand in the Township and region. This analysis will include population demographics, housing characteristics, regional comparison, and recent trends.

1. Analysis of Population and Demographics

The following tables look to analyze the population trends in Scotch Plains from the decennial Census and American Community Survey data. An analysis of population demographics in a target area can help a community to understand and plan for the range of people that live and work within its borders. Also, local population demographics understood in the context of and compared to the larger regional area provides a unique opportunity to understand larger geographic implications



of present conditions and future local and regional opportunities. This demographic profile was broken down into functional areas including: analyses of community demographics, housing stock, and employment data.

Population

Table 1, which depicts the population change since 1930, shows that from 1930 to 2020, the Township saw a significant increase in population. The numbers demonstrate that the population spiked mostly between the 1950s and 1970s, and subsequently the Township saw a slight decrease in population between 1970 and 1980. Since the 1990s, the Township of Scotch Plains has experienced continued gradual population increases.

Table 1: Population 1930-2020, Township of Scotch Plains		
Year	Total Population	% Change
1930	4,186	-
1940	4,993	19.3%
1950	9,069	81.6%
1960	18,491	103.9%
1970	22,279	20.5%
1980	20,774	-6.8%
1990	21,160	1.9%
2000	22,732	7.4%
2010	23,510	3.4%
2020	24,968	6.2%
Source: U.S. Bureau of the Census, 1930-2020 Decennial Censuses		

Scotch Plains' largest increase in growth occurred from the 1940s to the 1960's. The Township's population saw an increase of over 80% during the 1940s, and then more than doubled during the 1950s. The population continued on a steadier incline with a 20% increase during the 1960s. In recent years, the Township's population has shown signs of stabilization, with increases under 10% in decades since the 1990s, with the largest increase between 1990 and 2000 with 7.4%.

When compared to Union County as a whole, the Township has experienced similarly modest and steady increases from 1990 through 2020. Both the County and the Township saw modest increases in

population during the 1990s, and mirrored subsequent similar minor increases during the 2000s (Table 2)

Table 2: Population 1980-2020 Township of Scotch Plains and Union County				
	Scotch Plains	% Change	Union County	% Change
1980	20,774	-	504,094	-
1990	21,160	1.9%	493,819	-2.0%
2000	22,732	7.4%	522,541	5.8%
2010	23,510	3.4%	536,499	2.7%
2020	24,968	6.2%	575,345	7.2%
Source: U.S. Bureau of the Census, 1980-2020 Decennial Censuses				



Age Characteristics

Understanding the age make up of a community is important when planning for new housing, resources, and the future of the township as a whole. Looking at a further breakdown of population data by age and sex, it shows that the townships population is concentrated in specific age cohorts. Table 3 to the right depicts that approximately 22% of the population is 40-54 years old, while another 26% is 0-19 years old. These age cohorts generally suggest that Scotch Plains consists largely of families with middle-aged parents and children.

Table 4 complements the data and compares it to that of Union County as a whole. Age dispersion in Scotch Plains has remained consistent for the past three decades, with roughly one fourth of residents under the age of 18, roughly 60% of the population between the ages of 18-64, and about around 15% of the population in the 65+ cohort for 2000, 2010, and 2020. Similarly, Union County has seen stable age dispersion from 2000-2020.

Looking more minutely, both Union County and Scotch Plains have seen a decrease in the 25 to 44 age cohort with numbers in 2000 recorded at 31.7 and 31.8 percent, respectively, which decreased to 26.7 and 23.4 percent in 2020, respectively. Increases in the 45 to 54 age cohort, as well as increases in the 65 & over age cohort signifies that the Township has been able to retain established families and older residents while failing to attract younger families and adults.

Table 3: Population by Sex and Age 2020, Township of Scotch Plains			
	All	Female	Male
Total 2020 Census Population	24,968	11,951	13,017
Under 5 years	1,525	757	768
5 to 9 years	1,671	828	843
10 to 14 years	1,860	900	960
15 to 19 years	1,674	876	798
20 to 24 years	1,268	653	615
25 to 29 years	1,057	509	548
30 to 34 years	1,317	600	717
35 to 39 years	1,658	773	885
40 to 44 years	1,820	866	954
45 to 49 years	1,873	918	955
50 to 54 years	1,867	889	978
55 to 59 years	1,797	847	950
60 to 64 years	1,623	796	827
65+	3,958	1,739	2,219
Median age (years)	41.2	40.4	41.9
Source: U.S. Bureau of the Census, 2020 Decennial Census			



Table 4: Population by Age, 2000-2020 Township of Scotch Plains and Union County												
Age	2000				2010				2020			
	Scotch Plains		Union County		Scotch Plains		Union County		Scotch Plains		Union County	
	#	%	#	%	#	%	#	%	#	%	#	%
Under 5	1713	7.6	36,186	6.9	1,536	6.5	35,845	6.8	1,525	6.1	33,661	5.9
5 to 17	3,772	16.5	89,263	17.1	4,554	19.4	88,737	16.5	4,205	16.8	100,828	17.5
18 to 24	1,336	5.9	45,189	8.6	1,345	5.7	48,710	9.4	2,268	9.1	50,630	8.8
25 to 44	7,247	31.8	165,454	31.7	5,861	24.9	147,827	27.6	5,852	23.4	153,482	26.7
45 to 64	5,503	24.3	114,323	21.9	6,880	29.3	144,598	26.9	7,160	28.7	154,990	26.8
65 & over	3,161	13.9	72,126	13.8	3,334	14.2	67,944	12.8	3,958	15.9	82,145	14.3
Total	22,732	100	522,541	100	23,510	100	537,661	100	24,968	100	575,736	100

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

Race

Table 5 shows the racial breakdown of the population according to responses from the 2020 Decennial Census. Over 85% of the population responded as “One Race,” with 65.3% responding as White, 10.5% identifying as Asian, 10.3% identifying as Hispanic or Latino, and 9.5% identifying as Black or African American.

The other 3.8% of respondents identified as “Two or More Races,” with the largest subgroup in that category being “White; Asian” with 331 respondents comprising 1.3%, and 266 respondents comprising .9% identifying as “White; Some Other Race”.

Household Size and Characteristics

In addition to population demographics, household size in relation to the population helps to characterize the Township. Using Decennial Census data from 2000-2020, Table 6 below shows that the Average Household Size in Scotch Plains increased negligibly from 2.71 to 2.72 from 2000 to 2010 and then experienced a marginal increase to 2.79 in 2020, in conjunction with an increase in population and number of occupied housing units from 2000 through 2020. From 2000 to 2010 the number of households in Scotch Plains increased by 4%, while the number of occupied housing units increased 3%. This trend increased in 2010 to 2020 when total households increased by 6% while the number of occupied housing units only increased 2%, implying the household growth is outpacing the growth in available housing. Union County as similar moderate increase in the average household size from 2.77 in 2000 to 2.8 in 2020.

Table 5: Race, 2020 Township of Scotch Plains		
	#	%
One race	21,431	85.8
White	16,297	65.3
Black or African American	2,365	9.5
Hispanic or Latino	2,579	10.3
American Indian/Alaska Native	14	0.06
Asian	2,610	10.5
Native Hawaiian/Other Pacific Islander	0	0.0
Some Other Race	145	0.6
Two or More Races	958	3.8
White; American Indian and Alaska Native	90	0.4
White; Asian	331	1.3
White; Black or African American	144	0.6
White; Some Other Race	226	0.9
Total population	24,968	100%

Source: U.S. Census, 2020



**Table 6: Households And Population 2000-2020,
Township of Scotch Plains and Union County**

	2000			2010			2020		
	HH Population	Occupied Housing Units	Avg HH Size	HH Population	Occupied Housing Units	Avg HH Size	HH Population	Occupied Housing Units	Avg HH Size
Scotch Plains	22,594	8,349	2.71	23,385	8,595	2.72	24,779	8,807	2.79
Union County	514,733	186,124	2.77	529,695	188,118	2.82	569,791	200,372	2.8

Source: U.S. Census, 2010

Table 7 shows that the most common household size in Scotch Plains was 2 people, accounting for 33% of households, followed by households with 4 or more people, accounting for over 29% of households. Three person households make up 19.4% of households and the least common form of households is single person households, at 18.3% of households.

The American Community Survey was utilized to evaluate Scotch Plains income characteristics compared to Union County as a whole. Table 8 demonstrates that the per capita income and the median household income in Scotch Plains, \$80,716 and \$179,241, are both higher than the County's of \$52,208 and \$98,028.

In addition to a higher per capita income, fewer Scotch Plains residents are living below the poverty level. Based on the 2022 5 Year Estimates from the American Community Survey (Table 8) 2.5% of Scotch Plains residents compared to 9.5% Union County residents are living below the poverty level.

Table 7: Household Size, 2022 ACS, 5- Year Estimates, Township of Scotch Plains		
Household Size	Number of Households	Percent
1 Person	1,617	18.3
2 Persons	2,875	32.5
3 Persons	1,717	19.4
4 Persons or More	2,627	29.7
Total Occupied Housing Units	8,836	100%

Source: 2022 American Community Survey 5-Year Estimates

Income

**Table 8: Income Characteristics – 2022 ACS, 5- Year Estimates,
Township of Scotch Plains and Union County**

	Township Of Scotch Plains	Union County	State of New Jersey
Median Household Income	179,241	98,028	96,346
Median Family Income	203,462	116,775	117,988
Per Capita Income	80,716	52,208	51,272
Percent of Persons Below Poverty Level	2.5%	9.5%	9.7%

Source: Selected Economic Characteristics, 2022 American Community Survey 5- Year Estimates



The income limits in Table 9 were produced by the Affordable Housing Professionals of New Jersey in 2024 to set the Affordable Housing Regional Income Limits. The table shows the very low income, low income, and moderate-income thresholds for Union County for each household size. Specific rows are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a).

Table 9: Affordable Housing Professionals of New Jersey 2025, Affordable Housing Regional Income Limits Union County, New Jersey			
Household Size	Moderate Income	Low Income	Very Low Income
1 Person	\$75,840	\$47,400	\$28,440
1.5 Persons*	\$81,240	\$50,755	\$30,465
2 Persons	\$86,640	\$54,150	\$32,490
3 Persons	\$97,440	\$60,900	\$36,540
4 Persons	\$108,240	\$67,650	\$40,590
4.5 Persons*	\$112,600	\$70,375	\$42,225
5 Persons	\$116,960	\$73,100	\$43,860
6 Persons	\$125,600	\$78,500	\$47,100
7 Persons	\$134,240	\$83,900	\$50,340
8 Persons	\$142,880	\$89,300	\$53,580
Source: Affordable Housing Professionals of New Jersey			
* These are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a)			

2. Analysis of Housing Characteristics

Age of Housing

Scotch Plains is a substantially developed community. Population spikes in from the 1940s to 1980 were caused by a large increase in the number of houses being built during the same period. From 1940 to 1959, 3,630 houses were built, from 1960 to 1979, 2,435 houses were built. From 1940 to 1980 there was an increase of over 15,000 people, which correlates to the spike in residential construction. The Township continued to experience construction to a lesser extent through 2019. With the exception of a dip in population during the 1970s, the population continued to grow. This population growth from 1980 through 2009 occurred in conjunction with the construction of 1,707 homes during that same period. After the great recession, housing production was significantly curtailed in Scotch Plains, with only 237 homes being constructed from 2010-2019. Despite the low growth in housing production, the population still grew by over 1,400 residents from 2010-2020, a 6% growth rate over the previous decade's population. This trend suggests that as the total population, as well as the total number of households increases, the production of housing has lagged behind this growth.

Table 10: Age of Housing – 2022 ACS, 5- Year Estimates Township of Scotch Plains And Union County		
Year Housing Unit Built	Township of Scotch Plains	
	Number of Units	Percent
2020 or later	0	0.0%
2010 – 2019	237	2.7%
2000 – 2009	599	6.7%
1980 – 1999	1,108	12.5%
1960 – 1979	2,435	27.6%
1940 – 1959	3,630	41.1%
1939 or earlier	827	9.4%
Total	8,836	100%
Note: Figures may not add due to rounding		
Source: 2022 American Community Survey 5-Year Estimates		



The number of residential building permits for construction since the decade of 1990-1999 has slowed. The number of residential building permits nearly halved from over the next decade, falling from 861 to 446. The lingering impacts of the great recession caused the number of residential building permits to halve again, falling to 279 from 2010-2019. There appears to be the beginnings of a trend reversal in 2022, with 181 permits being issued. The number of permits issued in 2022 alone is more than the number of permits issued from 2016-2021. While it has been previously suggested that the scarcity of developable land was the primary reason for the decrease of residential building permits in the past decade, the sharp increase in 2022 suggests that economic and political factors, may have been limiting the construction of new housing.

Table 11: Residential Building Permits, 1990-2017 Township of Scotch Plains	
Year	Residential Building Permits
1990-1999	861
2000-2009	446
2010	22
2011	24
2012	25
2013	22
2014	24
2015	32
2016	38
2017	23
2018	52
2019	17
2020	21
2021	15
2022	181
Total	1,803
<i>Source: New Jersey Department of Labor and Workforce Development As of 2022</i>	

Table 12 shows the housing size by the number of rooms, and compares Scotch Plains to Union County as a whole. In general, Scotch Plains has a larger number of housing with more rooms, with 86.7% of housing have 5 or more rooms. In comparison, Union County as a whole has a more even distribution of housing sizes, with just 66% of the housing having 5 or more rooms.

Unit Composition

Table 12: Housing Size by Number of Rooms - 2022 ACS, 5- Year Estimates Township of Scotch Plains and Union County				
Number Of Rooms	Township of Scotch Plains		Union County	
	Number Of Units	Percent	Number Of Units	Percent
1 Room	119	1.3	6,497	3
2 Rooms	28	0.3	7,182	3.4
3 Rooms	453	5.0	23,743	11.1
4 Rooms	606	6.7	33,595	15.7
5 Rooms or More	7,782	86.7	142,586	66.9
Total	8,988	100%	213,603	100
<i>Source: 2022 American Community Survey 5-Year Estimates Note: Percentages May Not Add Due To Rounding</i>				



The vast majority of housing in Scotch Plains is owner-occupied. Only about 20%, or 1,841 units, of housing in Scotch Plains is renter occupied.

The total vacancy rate in the Township is 3.3%, based on the 2020 census which reported that 296 units were vacant out of 9,103 total units. While both renter and owner-occupied housing in Scotch Plains have low vacancy rates, owner occupied vacancy is incredibly low, with less than one third than that of renter occupied housing.

Table 14 shows the value of owner-occupied housing reported by the 2022 5 Year American Community Survey. Based on the data provided, the majority of the housing in Scotch Plains, 61.5%, is valued between \$300,000 and \$499,999. The next most common bracket for housing value is \$300,000 to \$499,999, with 24% of houses in this category. Together homes worth \$500,000 and \$999,999 account for over 85% of owner occupied housing in Scotch Plains. Owner occupied housing across Union County has slightly lower value, with only 34.8% of households falling into the \$500,000 to \$999,999 category. However, housing values in the county are more evenly distributed than that of Scotch Plains rendering only the 41.9% of housing in the county as valued between \$500,000 and \$999,999.

Housing Value

Table 13: Tenure and Housing Vacancy Rates, 2020 Township of Scotch Plains			
	Total	Owner Occupied	Renter Occupied
Total Housing Units	9,103	6,966	1,841
Vacant Units	296	93	203
Vacancy Rate	3.3%	1.1%	3.5%
Source: Source: U.S. Census, 2020 (1) Includes all vacant units, including those rented or sold but not occupied, seasonal recreational and occasional use units, and "other" vacant units. (2) Includes units available for sale only (3) Includes units available for rent.			

Table 14: Value of Owner Occupied Housing, 2022 ACS 5- Year Estimates Township of Scotch Plains and Union County				
Housing Value	Township of Scotch Plains		Union County	
	Number of Units	Percent	Number Of Units	Percent
Under \$50,000	64	0.9%	2,350	2.0%
\$50,000 to \$99,999	46	0.6%	497	0.4%
\$100,000 to \$149,999	0	0.0%	1,257	1.1%
\$150,000 to \$199,999	17	0.2%	2,909	2.5%
\$200,000 to \$299,999	170	2.3%	15,320	13.3%
\$300,000 to \$499,999	1,764	24.0%	44,755	38.8%
\$500,000 to \$999,999	4,528	61.5%	40,102	34.8%
\$1,000,000 or more	776	10.5%	8,141	7.1%
Total	7,365	100%	115,331	100%
Note: Figures may not add due to rounding. Source: Value of Owner-occupied housing units, 2022 American Community Survey 5-Year Estimates				



As of 2022, the plurality of rental units in Scotch Plains cost between \$1,500 and \$1,999 a month, with 44.7% reported in this range. The next most common rent level was \$2,000 to \$2,499, with 17.5% of rental units falling into this category. While 5.7% responded with “less than \$500”, this reporting may be family contributions or informal rent situations, considering that the vast majority of rental housing was estimated to be \$1,000 or more.

Table 15: Rent Levels, 2022 ACS, 5- Year Estimates Township of Scotch Plains		
Rent	Number of Units	Percent
Less than \$500	83	5.7%
\$500 to \$999	29	2.0%
\$1,000 to \$1,499	236	16.3%
\$1,500 to \$1,999	645	44.7%
\$2,000 to \$2,499	252	17.5%
\$2,500 to 2,999	101	7.0%
\$3,000 or more	98	6.8%
No cash rent	27	(x)
Total	1,444	100%
<i>Source: Contract Rent for Renter-occupied housing units, 2022 American Community Survey 5- Year Estimates</i>		

3. Analysis of Employment Characteristics

Economic data regarding Scotch Plains, retrieved from various census tables, reports that the estimated Median Household Income in 2022 was \$179,241, an increase of 66% from 2012 (Table 16). However, based on the CPI Inflation Calculator from the Bureau of Labor Statistics, an income of \$108,271 would have the buying power of \$139,804 in 2022, which demonstrates that while incomes have experienced real growth. During the same period the median home value increased 37%, indicating that income growth in Scotch Plains has outpaced the increase in home values.

Table 16: Economic Data Township of Scotch Plains	
Description	Amount
Estimated Median Household Income in 2022	\$179,241
Estimated Median Household Income in 2012	\$108,271
Estimated Median Home Value (Owner Occupied) in 2022	\$663,000
Estimated Median Home in 2012	\$482,800
Mean Price of All Housing Units in 2022	\$566,206
Mean Price of Detached Houses in 2022	\$686,944
Mean Price of Townhouses/Other Attached Units in 2022	\$496,762
Mean Price of Two Unit Structures in 2022	\$231,366
Mean Price of 3-4 Unit Structures in 2022	-
Mean Price of 5 or more Unit Structures in 2022	\$18,387
Median Gross Rent in 2022	\$1,790
<i>Source: Units in Structure, 2022 American Community Survey 5- Year Estimates. Aggregate Value (Dollars) by Units in Structure, 2022 American Community Survey 5- Year Estimates. Median Gross Rent, 2022 American Community Survey 5- Year Estimates. Selected Housing Characteristics – 2012 and 2022 5-Year American Community Survey. Selected Economic Characteristics 2012 and 2022, 5-Year American Community Survey.</i>	



Occupations and Industries

Based on the “Major Employers List” prepared for the Union County Board of Chosen Freeholders by the Union County Economic Development Corporation, there are six major employers within Scotch Plains, the largest of whom are: Connections Personnel, The JCC of Central NJ, and Holiday Creations by Parker. Table 17 depicts entities who employ over 100 people and it is not reflective of all of the businesses and employers within the Township. However, the limited number of employers listed in the report indicates that employment opportunities with larger businesses may be limited in the township, leading to people commuting elsewhere in the county or state for employment.

Table 17: Major Employers Township of Scotch Plains	
Company	Employers by Size (Key: A-100 to 199; B-200 to 299; C-300 to 399)
Ashbrook Care & Rehabilitation	A
Libertarian Home Improvement	A
Parker Gardens	A
Holiday Creations by Parker	B
JCC of Central NJ	B
Connections Personnel Inc	C
<i>Source: 2024 Union County Economic Development Corporation</i>	

Education

The Township of Scotch Plains is highly educated, with nearly 70% of residents over the age of 25 attaining a Bachelor’s degree or higher, and almost 30% having a graduate or professional degree.

The majority of employed individuals living in Scotch Plains work in New Jersey. Just over half work in Union County. Despite the number of individuals living and working in the same county, commute times are still fairly large. The median travel time to work was 36 minutes as of 2022. There is considerable spread in the range of commute times, with about 27% of workers in Scotch Plains commuting under 20 minutes and roughly 22% commuting over an hour.

Table 18: Education Data Township of Scotch Plains	
For population 25 years and over	
High school or less	16.9%
Some College	15.6%
Bachelor’s Degree	38.4%
Graduate or Professional Degree	29.1%
Percent High School Graduate or Higher	96.5%
Percent Bachelor’s Degree or Higher	67.5%
<i>Source: 2022 American Community Survey 5- Year Estimates</i>	



Table 19: Commuting Characteristics Township of Scotch Plains	
Place of Work	Estimates
Worked in State	88.2%
Worked in County of residence	55.6%
Worked outside County of residence	32.6%
Worked outside State of residence	11.8%
Travel Time to Work	
Less than 10 minutes	7.0%
10 to 19 minutes	20.2%
20 to 29 minutes	19.4%
30 to 44 minutes	23.4%
45 to 59 minutes	7.7%
60 or more minutes	22.4%
Mean travel time to work	36.0 minutes
<i>Source: 2022 American Community Survey 5- Year Estimates</i>	

Finally, Table 20 shows the most common industries and occupations for residents. The most common employment sector for residents was Education, Healthcare, and Social Services, accounting for 23.8% of employed residents. Approximately 18% of employed residents worked in the Professional, Scientific and Management sector, while 14% worked in Finance and Insurance/Real Estate and Rental Leasing. Each of these sectors tends to be higher paying with higher educational requirements than other sectors like Retail or Construction. The concentration of employment in these sectors lends itself to the higher incomes seen in Scotch Plains.

Table 20: Most Common Industries and Occupations Township of Scotch Plains	
Educational, Healthcare, and Social Services	23.8%
Professional, Scientific, and Management	18.2%
Retail Trade	5.5%
Arts, Entertainment, Recreation, and Food Services	5.9%
Manufacturing	7.7%
Finance and Insurance, and Real Estate and Rental Leasing	14.0%
Construction	3.9%
Transportation, Warehousing, and Utilities	4.5%
Other Services, except public administration	4.8%
Information and Communication	4.1%
Wholesale Trade	3.1%
Public Administration	4.6%
<i>Source: 2022 American Community Survey 5- Year Estimates</i>	

4. Projection of Township Housing Stock

As per the MLUL, specifically, N.J.S.A. 52:27D-310.b, a housing element must contain 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



Table 21: Historic Trend of Certificates of Occupancy and Demolition Permits, Township of Scotch Plains as Provided by the Department of Community Affairs

g Plan

Type	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
CO	13	20	22	51	24	16	11	18	94	133	0	402
Demo	9	16	9	0	4	21	16	17	10	9	0	111
Net	4	4	13	51	20	-5	-5	1	84	124	0	291

Source: Department of Community Affairs

permits issued, approvals of applications for development and probable residential development of lands.

The Department of Community Affairs' Division of Codes and Standards website provides data on Certificates of Occupancy and demolition permits for both residential and non-residential development. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permit, certificate of occupancy and demolition data that is submitted by the municipal construction officials within the State each month.

Table 21 presents data on certificates of occupancy and demolition permits issued in the Township between 2013 and 2023, as reported by the New Jersey Department of Community Affairs. Over this period, the number of certificates of occupancy issued exceeded the number of demolition permits, indicating that residential development has been occurring at a higher rate than demolition. A net gain of 291 units were built over the ten-year period of 2013-2023, which averages to approximately 29 housing units per year.

Table 22 below projects 10 years out for residential development between the present and 2035. The projected development includes an extrapolation of the historic trend of residential certificates of occupancy, which is based on an average of 29 housing units constructed in the Township per year over the last 10 years, and anticipated development through the projects in this Plan. Based on historic trends, the Township anticipates 290 new residential units between now and the end of 2035. Table 22 provides a loose approximation of the timing of residential development based upon this Plan intended to depict that units will be constructed over time in the next 10 years and is no way an exact prediction.

**Table 22: 10-Year Projection of Residential Development
Township of Scotch Plains**

Type	July 1, 2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	June 30, 2035	Total
1. Projected Historic Trends	15	29	29	29	29	29	29	29	29	29	15	291
2. Other Projected Development	--	--	--	--	--	--	--	--	--	--	--	
Tier 1, Phase 1 Redevelopment	--	--	--	--	--	350	--	--	--	--	--	350



350 Forest Road	--	--	--	--	30	--	--	--	--	--	--	30
Elite Properties	--	--	40	--	--	--	--	--	--	--	--	40
1805 Front Street	--	--	--	42	--	--	--	--	--	--	--	42
Fatima House	--	--	--	--	38	--	--	--	--	--	--	38
2446 Morse Avenue	--	--	--	--	8	--	--	--	--	--	--	8
Benchmark	--	--	86	--	--	--	--	--	--	--	--	86
Total Projected Residential Development	15	29	155	71	105	379	29	29	29	29	15	645

Of the projected new residences in the Township between 2025 and 2035, 14% of the units are anticipated to be reserved for low- and moderate-income households (see Table 23).

Table 23: Projection of Affordable Units Township of Scotch Plains												
Type	July 1, 2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	June 30, 2035	Total
1. Approved New Residential Development Permits Issued	--	--	--	--	--	--	--	--	--	--	--	
2. Other Projected Development	--	--	--	--			--	--	--	--	--	
Tier 1, Phase 1 Redevelopment Plan	--	--	--	--		53	--	--	--		--	53
350 Forest Road					5							5
Elite Properties			6									6
1805 Front Street				9								9
Fatima House					6							6



2446 Morse Avenue					2							2
Benchmark			10									10
Total Projected Development	--	--	--	--			--	--	--	--	--	91

5. A Consideration of Lands of Developers Who Have Expressed a Commitment to Provide Affordable Housing

Pursuant to N.J.S.A. 52:27D-310.f and the N.J.S.A. 40:55D-28b(3), a Housing Element must include “a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.” Thus, it is the Township’s responsibility to consider sites offered for affordable housing. However, the Township does not have an obligation to include every parcel a developer has proposed. In this case, a number of developers have expressed interest in the construction of affordable housing and their site has been included in this Plan below.

The Township was approached by a prospective developer expressing interest in pursuing an inclusionary multi-family development on Block 14001, Lots 5, 6, and 7, 1650 to 1670 Raritan Road, comprising a total area of approximately 6.441 acres. The properties are in the R-1 Zone District which permits single family homes on lots of a minimum of 40,000 square feet. The subject site is within a well-established low density single-family residential neighborhood, contains environmental constraints consisting of Department of Environmental Protection regulated freshwater wetlands, wetland transition areas and floodplains. Furthermore, the prospective developer provided mapping which depicted the property being substantially outside of the Township’s Sanitary Sewer Service Area. For these reasons, the Township has not included these properties in the HEFSP.

6. Consistency with State Plan and Redevelopment Plan

Pursuant to N.J.S.A. 52:27D-310.i and N.J.S.A. 40:55D-28b(3), a Housing Element must include “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.” Per the existing State Development and Redevelopment Plan (SDRP), which was adopted in 2001, the Township of Scotch Plains is located in the Metropolitan Planning Area (PA1). As stated in the 2001 SDRP, the State Plan’s intention in PA1 is to “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; and protect the character of existing stable communities.” The SDRP further elaborates that “these goals will be met by strategies to upgrade or replace aging infrastructure; retain and expand employment opportunities; upgrade and expand housing to attract a balanced residential population; restore or stabilize a threatened environmental base through brownfields redevelopment and metropolitan park and greenway enhancement; and manage traffic effectively and create greater opportunities



for public transportation connections within the Metropolitan Planning Area and between the Metropolitan Planning Area, suburban employment centers, and the Philadelphia and New York areas."

On December 4, 2024, the State Planning Commission approved the updated Preliminary State Development and Redevelopment Plan. Per the Preliminary SDRP, Scotch Plains remains in Metropolitan Planning Area (PA1). The Preliminary SDRP provides that the intent of the Metropolitan Planning Area is to "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." Given that the final updated SDRP is not expected to be adopted until late Fall 2025, the consistency of the Township's Fourth Round Housing Element with the State Development and Redevelopment Plan is evaluated based on the 2001 SDRP.

Redevelopment has been used as a primary tool for housing development in Scotch Plains over the last decade, which is reflected in the inclusionary projects completed and/or approved during the Third Round and is a core objective of the existing SDRP and Preliminary SDRP for PA1. During the Third Round period, 88 affordable residential units were completed through the implementation inclusionary redevelopment projects stimulated by the Township's Third Round HEFSP. These redevelopment efforts have brought an influx of residential development to the Township's urban core, improved walkability and infrastructure, which is consistent with providing "future growth in compact development and redevelopment" as envisioned by the SDRP. The Township is continuing to promote redevelopment as a tool for the provision of affordable housing units as part of its compliance with its Fourth Round affordable housing obligations. The Township evaluates the viability of all planned and prospective affordable housing sites with respect to utility access, environmental impacts, and traffic/circulation. The projects contemplated for compliance towards the Township's Fourth Round affordable housing obligation are further evaluated in this Housing Element and Fair Share Plan.

7. Preserving Multigenerational Continuity

As required by N.J.S.A 52:27D-310, a municipality's housing element shall contain an "analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20)." The Multigenerational Family Housing Commission was established in 2021 and is responsible for preparing and adopting "recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas." The Commission also must "report annually to the Governor and to each house of



the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), its activities, as well as its findings and recommendations, if any, for State and local government."

The Township will consider additional mechanisms to advance the goal of preserving multigenerational family continuity and will evaluate any report issued by the Commission when released.



III. TOWNSHIP OF SCOTCH PLAINS FOURTH ROUND FAIR SHARE PLAN

A. SATISFACTION OF COMPLIANCE MECHANISMS PRIOR TO THE FOURTH ROUND

Compliance with Fourth Round Deadlines

As described in Section II of this Housing Element and Fair Share Plan, the Fourth Round law established several deadlines prior to the commencement of the Fourth Round on July 1, 2025. This section details the Township's compliance with the deadlines mandated by the Fourth Round law leading up to the preparation of this Housing Element and Fair Share Plan.

- **June 18, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential development fees collected and expended since it was authorized to collect such fees. This deadline was retroactively moved to coincide with the September 16, 2024 unit and program monitoring report deadline. The Township formally submitted an affordable housing trust fund report inclusive of all residential and non-residential fees through December 31, 2023 to DCA Commissioner Jacquelyn A. Suarez on June 18, 2014 (See *Appendix O*).
- **September 16, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all residential development fees collected and expended since it was authorized to collect such fees. Starting in September 2024, the DCA released a new Affordable Housing Monitoring System (AHMS) as required by P.L.2024, c.2 for all municipalities to record and report all affordable housing trust fund and unit monitoring activity. The Township formally submitted all affordable housing trust fund activity to date on the new online Affordable Housing Monitoring System (AHMS) on September 16, 2024 (See *Appendix P*).
- **September 16, 2024:** Deadline for the municipality to submit a unit and program monitoring report to the DCA. The Township formally submitted all affordable housing project and unit monitoring data to date on the new online Affordable Housing Monitoring System (AHMS) on September 16, 2024.
- **October 20, 2024:** Deadline for DCA to prepare and submit a report on the calculation of regional need and municipal obligations for each region. The DCA released a report titled "Affordable Housing Obligations for 2023-2035 (Fourth Round) Methodology and Background" on October 18, 2024.
- **January 31, 2025:** Deadline for a municipality to adopt its fair share obligation numbers via binding resolution, which will either accept the DCA numbers, or describe why the numbers should be adjusted and what those adjusted numbers should be. The Township adopted a binding resolution on January 21, 2025, along with an attached expert report, that accepted the DCA's Fourth Round Present Need number of 53, but lowered the Fourth Round Prospective Need number to 188 (see *Appendix A*).



- **48 hours following adoption of the resolution:** Deadline for a municipality to file an action with the Program regarding the adopted resolution and committing to its fair share numbers. The resolution must be published on the municipal website. The Township filed a Fourth Round Declaratory Judgment Complaint, along with the Township's adopted numbers resolution, on January 22, 2025 (see *Appendix B*), and the resolution was posted on the Township's website.
- **February 15, 2025:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential and residential development fees collected and expended from the previous year and a municipal status report of unit and program monitoring data from the previous year. The Township formally submitted and confirmed all affordable housing trust fund activity through December 31, 2024 on the AHMS on February 10, 2025, and the Township formally submitted and confirmed all affordable housing project and unit monitoring data through December 31, 2024 on the AHMS on February 10, 2025 (see *Appendix R*).
- **February 28, 2025:** Deadline for an interested party to challenge a municipality's adopted numbers. On February 27, 2025, New Jersey Builders Association ("NJBA") filed an objection with the Court of the Township's Fourth Round prospective need obligation adopted by Resolution No. 2025-61, declaring that the Court establish the Township's Fourth Round prospective need obligation as 244 as calculated by the Department of Community Affairs ("DCA").
- **March 1, 2025:** If no challenges, the Township's numbers are established by default and immunity from exclusionary zoning litigation remains in effect.
- **March 31, 2025:** Deadline for the Program to settle challenges to a municipality's fair share obligation numbers. The Program must issue a decision on any challenges to the municipality's fair share obligation by (i) making a finding that the municipality's determination of its present and prospective need obligation did not facially comply with the law and revoking the municipality's immunity, (ii) making an adjustment to the municipality's determination to comply with the law without revoking immunity or (iii) rejecting the challenge and affirming the municipality's determination of its fair share obligation. After participating in the dispute resolution process with NJBA and the Program as detailed in Section II of this Plan, the Township was determined to have a Fourth Round Present Need Obligation of 53 and Prospective Need Obligation of 213 via an Order entered on April 4, 2025 (see *Appendix C*).
- **June 30, 2025:** Deadline to adopt and endorse a Housing Element and Fair Share Plan and propose drafts of the appropriate zoning and other ordinances and resolutions implementing the municipality's present and prospective obligation.
- **June 30, 2025 or 48 hours following the Plan's adoption (whichever is sooner):** Deadline for the municipality to file the Housing Element and Fair Share Plan and drafts of resolutions and ordinances to implement its present and prospective obligation with the



Program. The Plan and appropriate resolutions and ordinances must be posted on the municipal website.

Fair Share Obligations Prior to the Fourth Round

On January 15, 2018, the Township reached a Settlement Agreement with Fair Share Housing Center, which established the Township's affordable housing obligations for the periods leading up to the Fourth Round as follows:

Table D: Agreed Upon Fair Share Obligations	
Rehabilitation Obligation:	81
Prior Round Obligation (1987-1999):	182
Third Round Obligation (1999-2025)*:	598*
Total Obligation:	861

**The 598 Third Round number represents an agreed upon 30% reduction of the original Third Round number of 854 provided in the May 2016 Expert Report of David N. Kinsey, PhD, P.P., F.A.I.C.P.*

Satisfaction of Third Round Rehabilitation Obligation

The Township was assigned a 81-unit rehabilitation obligation in the Third Round. In the past, the Township has participated in the Union County Home Improvement Program for housing rehabilitation. The program uses Community Development Block Grant (CDBG) funding not to exceed \$24,999.00 per unit. Other participating municipalities in the County include: Berkeley Heights, Clark, Cranford, Fanwood, Garwood, Hillside, Kenilworth, Mountainside, New Providence, Roselle, Roselle Park, Springfield, Summit, and Westfield. Records from the County show that since 2010, four (4) units have been rehabilitated, and thus a 77-unit obligation remains.

Satisfaction of Prior Round Obligation

1. Prior Round Rental Obligation

The Prior Round rental obligation was 25% of 182, or 46 units. The Township applied six (6) family rental units from the Lamberts Mill Village project, thirteen (13) special needs rental units from the Center for Hope Hospice project, twenty-two (22) age-restricted rental units, and five (5) group home rental units from two sites to the Prior Round, which satisfied its 46-unit rental obligation.

2. Prior Round Age-Restricted Cap

COAH's Round 2 regulations permitted a total of 25 percent of the new construction obligation (with certain caveats that are not applicable to Scotch Plains) to be satisfied with age-restricted housing. The age-restricted cap is further reduced by the net difference in the total obligation and any RCAs being credited towards that obligation. Based upon this, the Township was eligible for 25% of 91 units, or a total of 22 age-restricted housing units, to be credited against the Prior Round obligation. However, according to paragraph 11.e. of the Settlement Agreement, "the Township



agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation". Therefore, the Township was entitled to 25% of 182, or 45 age-restricted units. Overall, the Township applied twenty-two (22) age restricted units from its completed and occupied 2002 Lake Avenue project to the Prior Round.

3. Prior Round Rental Bonus Credits

In accordance with N.J.A.C. 5:93-5.15(d), the Township was entitled to rental bonus credits generated by the projects described below for the Prior Round, which was capped at a maximum of 46 rental bonuses based on its 182-unit Prior Round obligation. The Township is entitled to a total of thirty (30) bonus credits, including: six (6) rental bonus credits from the Lamberts Mill family rental project; twelve (12) rental bonus credits from the Center for Hope Hospice special needs rental project; six (6) age-restricted bonus credits from the 2002 Lake Avenue site; and five (5) rental bonus credits from the group home units. Overall, the Township applied 29 bonus credits to the Prior Round, which is well below the maximum of 46 permitted.

4. Very Low-Income Monitoring

Pursuant to the 2008 amendments to the FHA at N.J.S.A. 52:27D-329.1, municipalities must ensure that 13% of all affordable units proposed, approved and constructed after July 17, 2008 are affordable to very low-income households at 30% of the regional median income. This was satisfied with the very low income units from inclusionary zoning and the group homes.

5. Satisfaction of Prior Round Obligation

The Township entered the Third Round having satisfied the entirety of its Prior Round obligation. This includes a number of constructed projects such as, six (6) family rental units, thirteen (13) special needs rental units, twenty-two (22) age-restricted rental units, five (5) group home units, sixteen (16) for-sale family units, ninety-one (91) RCA credits, and twenty-nine (29) bonus credits.

The Township's 182-unit Prior Round obligation was satisfied as follows:

Table E. Prior Round Affordable Housing Fulfillment Township of Scotch Plains, Union County, NJ					
1987-1999 Prior Round Obligation	182				
	Completed Units	Low	Mod	VL	Totals
Inclusionary Zoning	57	46	11	-	57
Lamberts Mill Village (Block 13501, Lot 20.01)		3	3	-	6 (R)
2002 Lake Avenue (Block 12801, Lot 14)		22	-	-	22 (ARR)
Donato Site (Block 4901, Lot 3)		8	8	-	16 (S)



Center for Hope Hospice (Block 13901, Lot 9)		13	-	-	13 (SNR)
Group Homes	5	-	-	5	5
1966 Raritan Road (Block 12502, Lot 7)		-	-	3	3 (GH)
1746 Martine Avenue (Block 12401, Lot 24)		-	-	2	2 (GH)
RCA Units (previously approved)	91				91
Rental Bonuses (up to 46 allowed)	29				29
TOTAL PRIOR ROUND CREDITS	182	38	16	7	182
(FR) = Family Rental (ARR) = Age-Restricted Rental (GH) = Group Home (SNR) = Special Needs Rental (R) = Rental (RCA) = Regional Contribution Agreement (S) = For-Sale (BC) = Bonus Credit					

6. Detailed Summary of Prior Round Satisfaction

The Township is entitled to secure all of the 175 credits from its Regional Contribution Agreement (“RCA”) with the City of Linden. The total RCA funds committed and expended were in the sum of \$3,867,941.00. Ninety-one (91) RCA credits were applied to the Township’s Prior Round (Second Round) Obligation. The remaining 84 RCA credits were applied towards the 1999 to 2008 time period.

1. **57 existing affordable units** from the following constructed and occupied units:
 - a. 6 affordable family rental units from the Lamberts Mill Village (Block 13501, Lot 20.01). (1991)
 - b. 22 age-restricted rental units from the 2002 Lake Avenue Site (Block 12801, Lot 14). (1995)
 - c. 13 affordable special needs rental units from the Center for Hope Hospice (Block 13901, Lot 9). (2008)
 - d. 16 affordable family for-sale units from the Donato Site (Block 4901, Lot 3). (2004)
2. **5 existing group home units** from the following constructed and occupied units:
 - a. 1966 Raritan Road (Block 12501, Lot 7) – 3 bedroom group home approved/built in 1994.



- b. 1746 Martine Avenue (Block 12401, Lot 24) – 2 out of 3 total bedrooms claimed from 3 bedroom group home approved in 1997.
3. **29 rental bonus credits** out of the 46 maximum allowable.

Satisfaction of Third Round Prospective Need Obligation

The Township had a Third Round Prospective Need Obligation of 854. A 30% reduction in this number, per a settlement with FSHC, resulted in a revised obligation of 598.

1. Vacant Land Adjustment

The Township prepared a VLA for the Third Round, dated January 6, 2018, which established a Third Round RDP of 165 and left the Township with a remaining “unmet need” of 433. This VLA was included as an appendix in the Township’s Third Round Housing Element and Fair Share Plan, which was adopted by the Township’s Planning Board on October 10, 2018 and endorsed by the Township Council on October 16, 2018 by Resolution No. 2018-160.

2. Third Round Rental Obligation

COAH’s Third Round Rules (at N.J.A.C. 5:93-1, et seq.) provided that at least 25 percent of the new construction component for the Third Round must be satisfied with rental units. Based on the Township’s RDP of 165, its rental obligation was 25 percent, or forty-two (42) units. The Township had at least ninety (90) family rental units from four (4) projects it applied to the Third Round, which more than satisfied its 42-unit rental obligation once constructed.

3. Third Round Age-Restricted Housing

Applying COAH Round 2 regulations to the Third Round, municipalities were permitted to age-restrict up to 25 percent of the Third Round RDP, minus the number of RCAs being credited towards the Third Round. This meant that up to twenty (20) units were permitted to be age-restricted units, based upon the calculated seventy-seven (77) eligible credits. However, according to paragraph 11.e. of the Settlement Agreement, “the Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation”. Therefore, the Township was entitled to 25% of 165, or 40 age-restricted units. Since the end of the Prior Round (Second Round), Scotch Plains has not proposed any new age-restricted affordable housing projects. However, the Township claimed eight (8) existing units as part of the 2002 Lake Avenue site as part of the Third Round RDP satisfaction. A maximum of thirty-two (32) age-restricted credits therefore remain available to be credited to the Third Round in accordance with the Third Round age-restricted cap.



4. Third Round Very Low-Income Housing Obligation

As a result of the July 2008, amendments to the Fair Housing Act, all municipalities have an obligation to ensure that at least 13 percent of the affordable units being provided town wide, with the exception of units constructed as of July 1, 2008 and units subject to preliminary or final site plan approval as of July 1, 2008, are affordable to very low income households (households that earn 30 percent or less of the median income). Based on the Third Round RDP of 165, the Township had an obligation of at least 24 units to be provided to very low-income households. Between its existing very low-income units, additional very low-income units that will be added through the various affordable housing projects described in this plan, and through future development, the Township is confident that it will be able to meet the required 13% threshold. Indeed, the Township has ten (10) existing very low-income units from the existing Group Home projects, and there are an anticipated twelve (12) additional very low-income units in the pipeline that will be provided through the proposed sites.

The Township anticipates that additional very low-income units will be provided via future affordable housing projects constructed in the Township's Downtown Redevelopment areas and under the Township's Mandatory Set-Aside Ordinance ('MSO'). The Township will ensure that the 13% very-low income obligation is satisfied through any new projects, and that any very-low income units built after 2008 are inventoried and accounted for. Pursuant to Paragraph 10 of the Settlement Agreement, Table D represents the proposed projects and their anticipated very-low income units to be provided.

5. Third Round Rental Bonuses

In accordance with N.J.A.C. 5:93-5.15(d), the Township was entitled to up to forty-two (42) credits for rental, age-restricted, and redevelopment bonuses, for which it is eligible based on its 165-unit Third Round RDP.



6. Satisfaction of Third Round RDP

Table F

Existing and Proposed Projects Addressing the 3 rd Round RDP Township of Scotch Plains, Union County, NJ			
RDP	176 units		
	Proposed Units	Completed Units	Total
Orchid Park (Parker Gardens Site) (B: 12001, L: 4-7)		34	34
2100 Lamberts Mill (Amberg Site) (B: 13501, L: 21.01)	19		19
2344 North Ave (North Ave Interested Party Site) (B: 8301, L: 5 and 7)	2		2
2002 Lake Ave (B: 12801, L: 14)		8	8
547-549 Park Ave (B: 1401, L: 13)		2	2
Glenside (Former Bowcraft Site) (B: 4802, L: 9-12)		35	35
524 Westfield Rd (B: 2501, L: 16)		3	3
1391 Terrill Rd (B: 12001, L: 9)		3	3
970 Raritan Rd (B: 16001, L: 5)		3	3
725-735 Jerusalem Road (Block 6201, Lots 13 and 16.02)	9		9
RCA Units (previously approved)			14
Bonus Credits (42 maximum based on 25% of 1-unit RDP)			44
Total			176

Crediting Documentation and Ongoing Compliance

The Township of Scotch Plains is following the applicable requirements regarding unit monitoring and reporting. Specifically, the Township has completed the statutorily required updates to its housing project status report by the DCA deadline of February 15, 2025. These updates are included in the State's new Affordable Housing Monitoring System and should be considered to fulfill the town's obligation to specify the creditworthiness of all existing affordable units. Further, all crediting documentation submitted to and approved by the Court as part of the Town's Third Round Housing Element and Fair Share Plan remains on file with and accessible from the Court and municipal planning board. All other crediting documentation, for plan components that were not part of the town's Third Round HE&FSP, is included in the appendices of this plan.

7. Detailed Summary of Third Round RDP Satisfaction

1. 90 units from the following four (4) new inclusionary redevelopment projects:

- a. **Parker Gardens Site (1325-1371 Terrill Road; Block 12001, Lots 4-7).** 228 total rental units, including 34 inclusionary affordable family rental units, based on 15% set-aside located in multi-family buildings.



- b. **Amberg Site (2100 Lamberts Mill Road; Block 13501, Lot 21.01).** 125 total rental units, including 19 affordable family rental units, based on 15% set-aside.
 - c. **North Ave Interested Party Site (2344 North Avenue; Block 8301, Lots 5-7).** 12 total rental units, including 2 affordable family rental units based on 15% set-aside.
 - d. **Former Bowcraft Site (2545 Route 22; Block 4802, Lots 9-12).** 200 total family rental units, including 35 affordable family rental units based on a 17.5% affordable set-aside.
- 2. 42 rental bonus credits,** based on a maximum of 25% of the 165 unit RDP (or 42).

Existing Units (33 credits)

- 3. 33 units from the following existing affordable housing projects:**
- a. **8 age-restricted rental units** from the 2002 Lake Avenue Site (Block 12801, Lot 14). (1995)
 - b. **2 family rental units** from the municipally sponsored project on 547-549 Park Avenue (Block 1401, Lot 13). (2010)
 - c. **9 group home units** from the following constructed and occupied units:
 - i. 524 Westfield Road (Block 2501, Lot 16): 3 bedroom group home approved/built in 2001.
 - ii. 1391 Terrill Road (Block 12001, Lot 9): 3 bedroom group home approved/built in 1998.
 - iii. 970 Raritan Road (Block 16001, Lot 5): 3 bedroom group home
 - d. **14 out of the 84 total remaining RCA credits** (applied to 1999-2008 portion of obligation).

Satisfaction of Third Round Unmet Need

The Township addressed the remaining portion of its allocation of the Third Round regional need, or “unmet need”, through the following mechanisms:



Table G. Existing and Proposed Projects Addressing the Third Round Unmet Need Township of Scotch Plains, Union County, NJ			
Unmet Need	433		
	Completed Units	Proposed Units	Total
<i>Inclusionary Overlay Zone on Jerusalem Road (15% set-aside minimum for rental, 20% set-aside minimum for for-sale)</i>			
Inclusionary Overlay District on Jerusalem Road (Approximately 18 +/- acres at 12 units/acre)		32	32
<i>Inclusionary Overlay Zone on Waldheim Avenue and Beryllium Road (15% set-aside minimum for rental, 20% set-aside minimum for for-sale)</i>			
Inclusionary Overlay District on Jerusalem Road (Approximately 7.2 +/- acres at 8-10 units/acre)		10	10
<i>Downtown Revitalization Set-Aside (20% set-aside)</i>			
<i>Inclusionary Zoning</i>		204	204
Downtown Business Overlay District – Tier 1 (Approximately 35 +/- acres at 20 units/acre)		156	156
Downtown Business Overlay District – Tier 2 (Approximately 11 acres +/- at 15 units/acre)		26	26
Downtown Business Overlay District – Tier 3 (Approximately 11 acres +/- at 12 units/acre)		22	22
RCA Credits (applied to 1999-2008 portion)	70		70 RCA
TOTAL CREDITS AND UNITS		316	

1. Detailed Summary of Third Round Unmet Need Satisfaction

Existing Units (70 credits)

- 70 out of the 84 remaining RCA credits** (applied to 1999-2008 portion of obligation).

Proposed Units (363 credits)

- 204 units from Redevelopment in Downtown Revitalization through tiered densities**

As part of the Downtown in Scotch Plains going through revitalization, the Township anticipates that a total of 204 total affordable units will be produced towards the Township's Third Round Obligation. The districts will be delineated based on areas within the Downtown, and stepped densities will be applied to each area, ranging from 12-20 units per acre. A map depicting the proposed Downtown Revitalization Areas has been included at the rear of this document.



3. 32 units from an Overlay Zone along Jerusalem Road

To create future opportunities for affordable housing, the Township will enact an amendment to the zoning code for the area located northeast of the historical Scotch Plains Country Club. The Overlay Rezoned Area includes a total of 18 acres of unconstrained land, which are proposed to be developed for inclusionary affordable housing at an average density of 12 units per acre, with a minimum 15 percent affordable set-aside for rental units and a minimum 20 percent affordable set-aside for for-sale units.

While the Township had not yet adopted this Overlay Zone into Ordinance at the time, the property located at 735 Jerusalem Road (Block 6201, Lots 13, 16.02, and a portion of the vacated Van Orden Place R.O.W.) have already approached the Township and entered into a Memorandum of Understanding dated April 3, 2018, which outlines an agreement based on the standards of the proposed Overlay Zone. It is anticipated that this approximately 2.65 +/- acre site will generate a total of 47 units, with a 20% set-aside of 9 units.

4. 10 units from an Overlay Zone along Waldheim Avenue and Beryllium Road

To create future opportunities for affordable housing, the Township will enact an amendment to the zoning code for the area located south of the historical Scotch Plains Country Club and along two anterior roads off of Plainfield Avenue. The Overlay Rezoned Area includes a total of 7.2 acres of unconstrained land, which are proposed to be developed for inclusionary affordable housing at an average density of 8-10 units per acre, with a minimum 15 percent affordable set-aside for rental units and a minimum 20 percent affordable set-aside for for-sale units.

5. Mandatory Set-Aside Ordinance to capture remaining Unmet Need

The adoption of the MSO requiring any site that benefits from a rezoning, variance or redevelopment plan approved by the Township which results in multi-family residential development of five (5) dwelling units or more to produce affordable housing at a set-aside rate of 20% for for-sale affordable units and at a set-aside rate of 15% for rental affordable units. The adoption of the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Township or its boards to grant such rezoning, variance, redevelopment designation or other relief (See Appendix E).



B. FOURTH ROUND PLAN COMPLIANCE MECHANISMS

Fourth Round Present Need (Rehabilitation) Obligation

As explained in detail in Section II.E and Section II.F of this Fourth Round Housing Element and Fair Share Plan, the Township's Fourth Round present need (rehabilitation) obligation is 53. The Township will continue to participate in the Union County Home Improvement Program until the rehabilitation obligation has been fully satisfied, and the Township shall amend the Spending Plan to fund the balance of its present need if the County program is ever abandoned or loses its funding. In the event that the County program sufficiently addresses the Township's rehabilitation obligation for owner-occupied units, the Township reserves the right to amend the Spending Plan to allocate funds to other affordable housing activities.

Fourth Round Prospective Need Obligation

As explained in detail in Section II.E and Section II.F of this Fourth Round Housing Element and Fair Share Plan, the Township's Fourth Round prospective need obligation is 213. The subsections below address how the Township intends to satisfy this 213-unit Fourth Round prospective need obligation.

1. Vacant Land Adjustment

As discussed in Section II.G of this HEFSP, the Township has conducted a Vacant Land Adjustment as part of addressing its Fourth Round prospective need obligation (see *Appendix H*). As a result of the VLA, the Township calculated an RDP of 8 based solely on vacant land. This RDP of 8 is added to an RDP of 91 generated by developed properties/properties pending approval, therefore producing a combined Fourth Round RDP of 99.

2. Fourth Round Rental Obligation

Per N.J.S.A. 52:27D-311, "A municipality shall satisfy a minimum of 25 percent of the actual affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation, through rental housing, including at least half of that number available to families with children." Based on the Township's Fourth Round RDP of 99 (exclusive of bonus credits), its minimum rental obligation is twenty five percent (25%) of 99, or 25 units. The Township will comply with this requirement as the 350 units developed as part of the Tier 1, Phase 1 Redevelopment Plan, inclusive of 53 affordable housing units are expected to all be rental units. The Township will continue to comply with this requirement over the course of the Fourth Round period as units are constructed and the RDP is adjusted.

3. Fourth Round Family Housing Obligation

Per N.J.S.A. 52:27D-311, "A municipality shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its prospective need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to section 21 of P.L.1985, c.222 (C.52:27D-321)." In compliance with this fifty percent (50%) minimum family housing requirement, 50 units of the Township's 99 unit Fourth Round RDP (exclusive of bonus credits),



or fifty percent (50%), will be satisfied by affordable family units. The properties located in the Tier One Phase One Redevelopment Plan, were determined to sites likely to be redeveloped. These properties are approved by the redevelopment plan of constructing 350 units, inclusive of 53 affordable housing units. These 53 affordable housing units, are expected to be family units, thereby satisfying the 50% family housing requirement. The Township will continue to comply with this requirement over the course of the Fourth Round period as units are constructed and the RDP is adjusted.

4. Fourth Round Age-Restricted Housing

Per N.J.S.A. 52:27D-311, "A municipality may not satisfy more than 30 percent of the affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation through the creation of age-restricted housing." This means that up to 29 units may be age-restricted units, based upon the calculated RDP of 99. The Township will comply with this requirement as no more than 29 affordable housing units will be age-restricted units. The Township will continue to comply with this requirement over the course of the Fourth Round period as units are constructed and the RDP is adjusted.

5. Fourth Round Very Low-Income Housing Obligation

Per N.J.S.A. 52:27D-329.1, "Housing elements and fair share plans adopted pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) shall ensure that at least 13 percent of the housing units made available for occupancy by low-income and moderate-income households to address a municipality's prospective need obligation will be reserved for occupancy by very low income households, as that term is defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), with at least half of such units made available for families with children. The 13 percent shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality's prospective need obligation." Based on the Township's Fourth Round RDP of 99, the Township's requirement for providing very low-income units is 13 units.

The Township anticipates satisfying this requirement through the inclusion of very low-income units in all approved and proposed developments identified as contributing toward the Township's RDP, in accordance with the Township's Mandatory Set-Aside Ordinance (MSO). The Township will continue to comply with this requirement over the course of the Fourth Round period as units are constructed and the RDP is adjusted.

6. Fourth Round Rental Bonuses

Per N.J.S.A. 52:27D-311, "A municipality shall not receive more than one type of bonus credit for any unit and a municipality shall not be permitted to satisfy more than 25 percent of its prospective need obligation in the fourth round or any subsequent round through the use of bonus credits." The Township is currently eligible for 25 bonus credits, based on the 25% bonus credit cap applied to the RDP of 99 generated by a combination of vacant developable sites and approved developments. The Township will identify and implement appropriate mechanisms to secure the maximum allowable 25 bonus credits.



Based on the Township's 213-unit Fourth Round prospective need obligation, the Township will be eligible to credit up to 53 total bonus credits towards satisfaction of its Fourth Round prospective need as units are built out over the Fourth Round period and the RDP calculation is adjusted. The Township reserves the right to adjust the allocation of bonus credits in accordance with the FHA Amendments to fully satisfy the twenty five percent (25%) bonus credit cap applicable to the Fourth Round prospective need obligation should any condition of this HEFSP change.

7. Satisfaction of Fourth Round RDP

Table 24: Existing and Proposed Projects and Sites Likely to be Redeveloped Addressing the Fourth Round RDP						
FOURTH ROUND RDP	8 units from vacant developable land identified via VLA 91 units from developed properties/properties approved or pending approval <u>99 TOTAL RDP</u>					
Mechanism	Completed Units	Proposed Units	L	M	VL	Total
<i>Inclusionary</i>	-		<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	91
Phase 1, Tier 1 Redevelopment Plan	-	53				53 (F)(R)
350 Forest Road Block 1601, Lot 9.02		5				5 (F)(R)
Elite Properties Block 1201, Lots 21-23		6				6 (F)(R)
1805 Front Street (Block 1001, Lot 59-61)		9				9 (F)(R)
2446 Morse Avenue Block 7802, Lots 13 & 14		2				2 (F)(R)
<i>Age-Restricted</i>		-	-	-		
Benchmark Senior Living and Memory Care Facility (Block 13901, Lots 4-6)		-	-	-		10 (AR)
Our Lady of Fatima House Subdivision of Block 2401, Lot 1		6				6 (AR)



Bonus Credits***		25 (BC)
TOTAL CREDITS AND BONUS CREDITS	116	
<p>(F) = Family (AR) = Age-Restricted Rental</p> <p>(GH) = Group Home (SN) = Special Needs Rental</p> <p>(R) = Rental (BC) = Bonus Credit</p> <p>(S) = For-Sale</p>		

8. Detailed Summary of Fourth Round RDP Satisfaction

1. 91 units from the following new inclusionary and age-restricted redevelopment projects:
 - i. **Phase 1, Tier 1 Redevelopment Plan.** 350 total units, including 53 inclusionary affordable family rentals, based on a 15% set-aside.
 - ii. **Benchmark Redevelopment (Block 13901, Lots 4-6).** Benchmark Senior Living and Memory Care facility, with a total of 86 units and 10 age-restricted bedroom units.
 - iii. **350 Forest Road (Block 1601, Lot 9.02).** 30 total rental units, including 5 inclusionary affordable family rental units, based on a 15% set-aside.
 - iv. **Elite Properties (Block 1201, Lots 21-23).** 40 total units, including 6 affordable family rental units based on a 15% set-aside.
 - v. **1805 Front Street (Block 1001, Lots 59-61).** 42 total units, including 9 inclusionary affordable family rentals, based on a 20% set-aside.
 - vi. **Our Lady of Fatima House (Subdivision of Block 2401, Lot 1).** 38 total units, including 6 inclusionary affordable age-restricted rental units, based on a 15% set-aside.
 - viii. **2446 Morse Avenue (Block 7802, Lots 13 & 14).** 8 total units, including 2 inclusionary affordable family rental units, based on a 20% set-aside.
2. **25 rental bonus credits**, based on a maximum of 25% of the 99-unit RDP.

9. Other Mechanisms

- a. **Extension of Expiring Controls.** Scotch Plains may receive credits by extending controls on affordability that are scheduled to expire during the period of repose (July 1, 2025 through June 30, 2035). The extended controls must be consistent with the applicable State and UHAC regulations. To obtain this credit, the municipality must obtain a certified statement from its building inspector stating that the affordable unit complies with all code standards.



The Township will evaluate the expiring controls of the affordable units within the Fourth Round and may use available affordable housing trust fund dollars to update and secure extension of controls of existing affordable housing units in the Fourth Round provided the units are creditworthy. At the time of writing this plan, the Township is projected to secure an additional 16 credits towards its 4th Round Prospective Need Obligation from extending the controls that will expire within the period of July 1, 2025 and June 30, 2035.

- b. **Mandatory Set Aside Ordinance.** The Township will amend its Mandatory Set Aside Ordinance ("MSO") to provide that all developments will provide a 20% set aside for both rental and for-sale developments. A draft of the amended MSO is provided in Appendix X.

Fourth Round Prospective Need Obligation

The Township's Fourth Round prospective need obligation of 213 units subtracted by the 99 RDP units, 25 bonus credits, and 16 credits from the extension of expiring controls leaves the Township with an unmet need of 73. The Township will address its 73-unit unmet need through the mechanisms detailed in the table below:

Table 34: Proposed Projects Addressing the Fourth Round Unmet Need			
Fourth Round Unmet Need	73		
Mechanisms	Completed Units	Proposed Units	Total
<i>Inclusionary Overlay Zoning</i>	-		
Downtown Development Tier 1	-	51	51
Downtown Development Tier 2	-	19	19
Downtown Development Tier 3	-	10	10
B2 South Avenue Overlay		11	11
TOTAL CREDITS FOR UNMET NEED	93		



1. Detailed Summary of Fourth Round Unmet Need Satisfaction

i. 80 units from Redevelopment in Downtown Revitalization through tiered densities

As part of the ongoing revitalization of Downtown Scotch Plains, the Township anticipates the production of approximately 80 affordable housing units contributing toward its Fourth Round affordable housing obligation. These units will be located within the Downtown Tier 1, Tier 2, and Tier 3 Overlay Areas. The overlay zones will be delineated based on distinct areas within the Downtown, with stepped residential densities applied to each tier: Tier 1 will permit 30 units per acre, Tier 2 will allow 22.5 units per acre, and Tier 3 will permit 18 units per acre

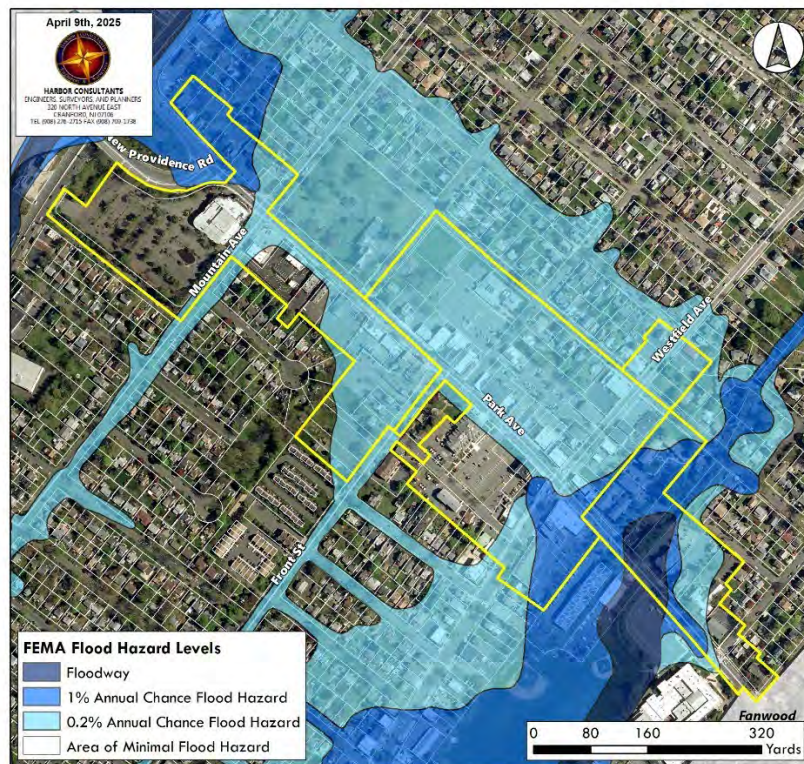


Figure 1: Downtown Development Tier 1 Overlay

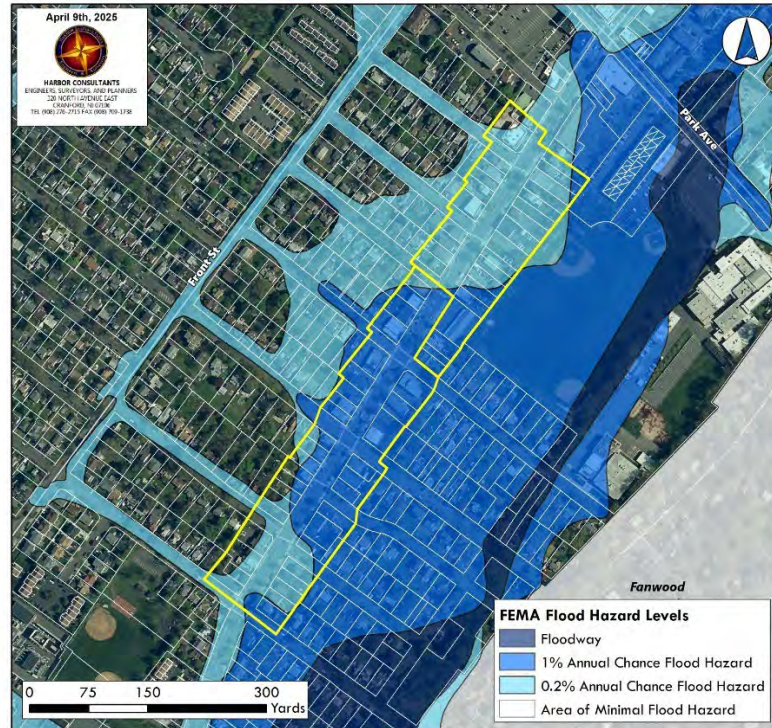


Figure 2: Downtown Development Tier 2 Overlay

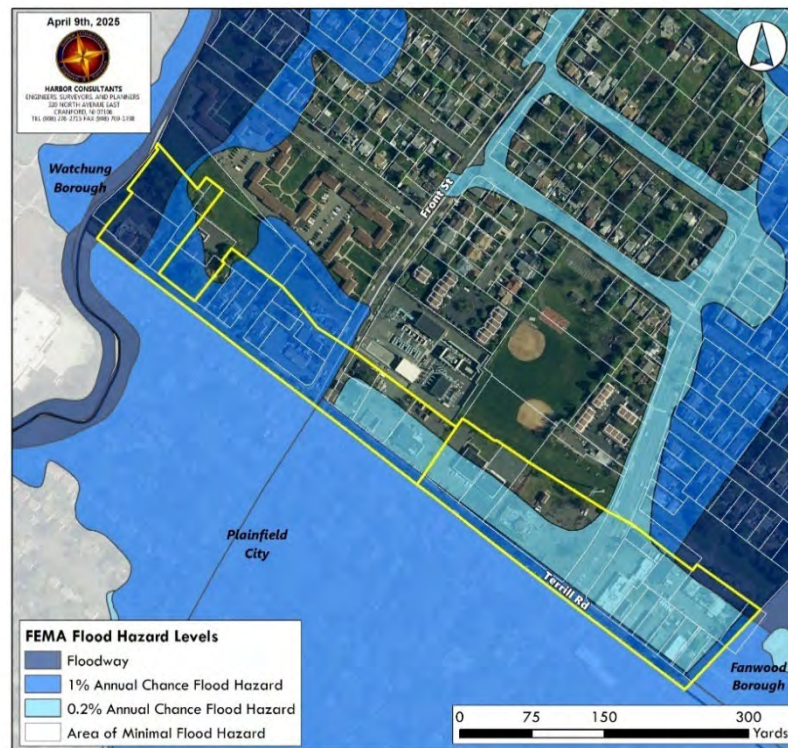


Figure 3: Downtown Development Tier 3 Overlay



ii. 13 units from B2 South Avenue Overlay Zone

To create future opportunities for affordable housing, the Township will enact an amendment to the zoning code for the area located along South Avenue, between the Borough of Fanwood and the Town of Westfield. The Overlay Zone Area includes a total of 2.75 acres of unconstrained land, which are proposed to be developed for inclusionary affordable housing at an average density of 20 units per acre, with a minimum 20 percent affordable set-aside for rental units and a minimum 20 percent affordable set-aside for for-sale units, creating 11 affordable units in the Township.

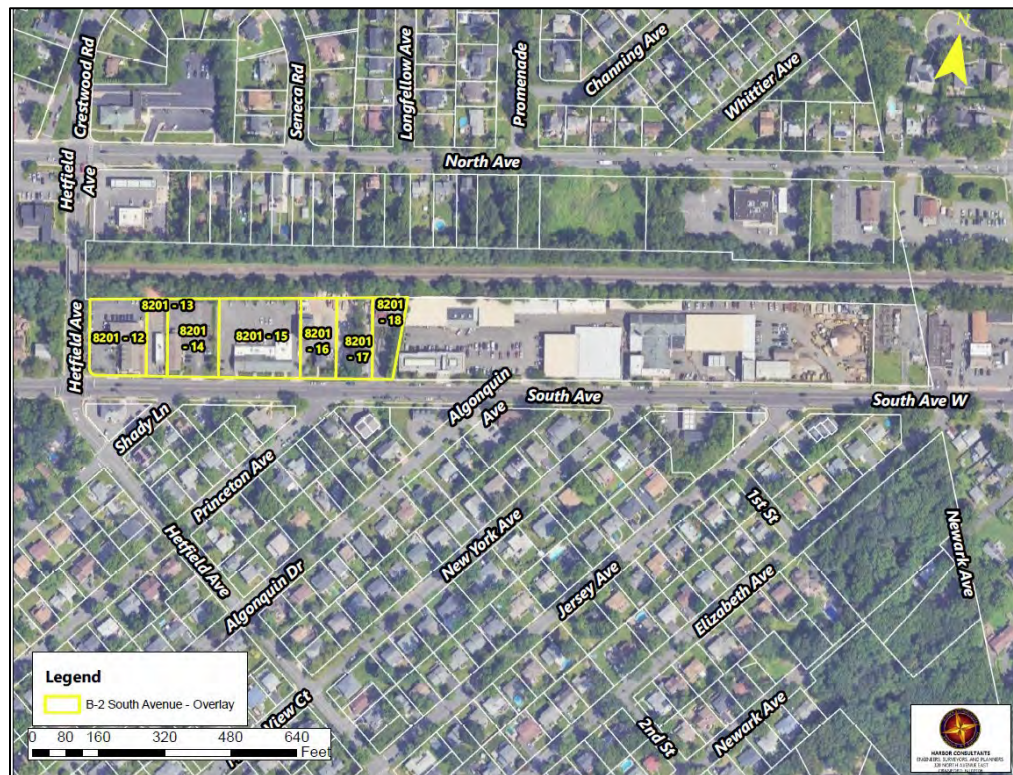


Figure 4: B2 South Avenue Overlay

iii. Potential Unmet Need Mechanisms With Undefined RDP

Block 12801, Lot 14 – 2002 Lake Avenue

Block 12801, Lot 14, located at 2002 Lake Avenue, is a Township-owned property currently providing senior housing. The existing ground lease agreement between the Township and the Senior Citizen Corporation of Scotch Plains is nearing expiration. The Township intends to issue a Request for Qualifications (RFQ) to solicit interest in managing the property and exploring opportunities to potentially increase the number of senior and senior affordable housing on-site, thereby contributing to the Township's realistic development potential (RDP).

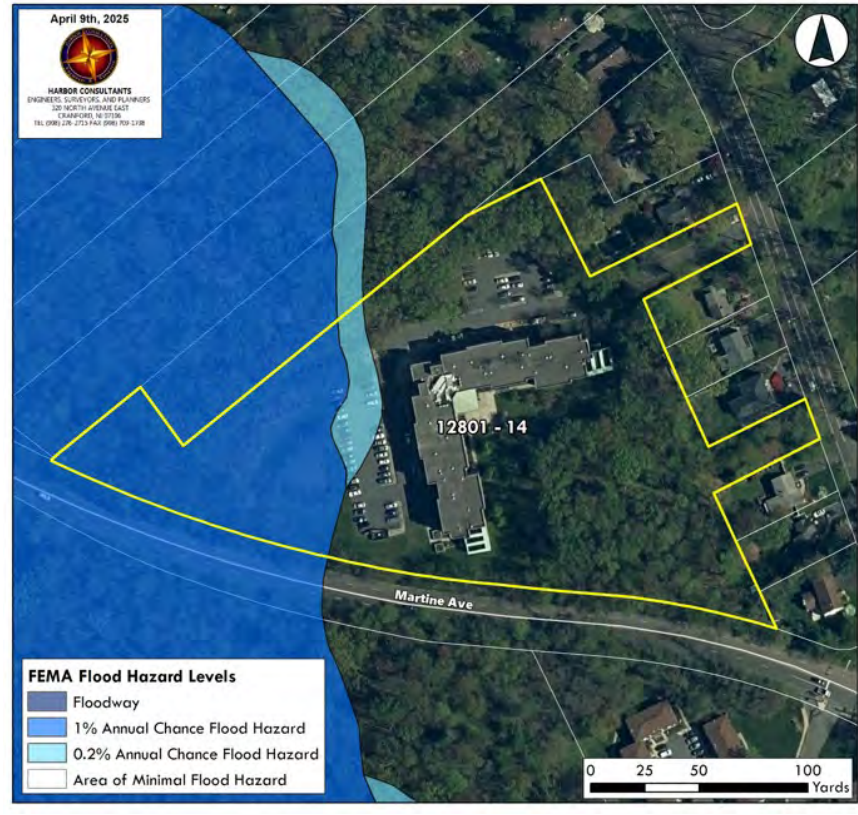


Figure 5: Block 12801, Lot 14

Block 1803, Lot 1 – 237 Park Avenue

Block 1803, Lot 1 is currently improved with a building and accessory parking area occupied by the American Legion. The site presents a potential opportunity for redevelopment to include affordable housing units designated for at-risk veterans, which may contribute to the Township's realistic development potential (RDP).



Figure 6: Block 1803, Lot 1

iv. Mandatory Set-Aside Ordinance to capture remaining Unmet Need

The adoption of the MSO requiring any site that benefits from a rezoning, variance or redevelopment plan approved by the Township which results in multi-family residential development of five (5) dwelling units or more to produce affordable housing at a set-aside rate of 20% for for-sale affordable units and at a set-aside rate of 20% for rental affordable units. The adoption of the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Township or its boards to grant such rezoning, variance, redevelopment designation or other relief.



C. CONSIDERATION OF SITES FOR INCLUSIONARY DEVELOPMENT

As required by the FHA, several proposals for inclusionary affordable residential development have been considered during the preparation of this Housing Element and Fair Share Plan and were ultimately included in this Plan. These sites are outlined below. These sites also comply with N.J.A.C. 5:93-1.1, 5.3 and 5.6, which require all new construction sites to be available, approvable, developable and suitable.

1. Phase 1, Tier 1 Redevelopment Plan

The Phase 1, Tier 1 Redevelopment Plan is located within Downtown Scotch Plains located on Township owned property consisting of Block 1601, Lots 13 and 14, Block 1104, Lot 16, Block 1105, Lots 1.02 and 1.03, Block 1501, Lot 10 and 11 and Block 1201, Lot 31.02. The Phase 1, Tier 1 Redevelopment Plan was approved by the Township Council in November of 2021. The Tier One Phase 1 Redevelopment Plan permits a maximum of 350 residential units with an affordable housing set aside requirement of 53 units. The multi-family developments resulting from this redevelopment plan will all be inclusionary development projects.

2. Elite Properties – Block 1201, Lot 21.01

This property is an inclusionary development project with 40 residential units and six affordable housing units. A Redevelopment Plan for the property was approved in June of 2022, and the Planning Board approved the project on May 22, 2023.

3. 1801-1815 Front Street - Block 1001, Lots 59-61

Block 1001, Lots 59–61 are located at 1801, 1803, 1805, and 1815 Front Street and fall within both the B-1 and B-2 Zoning Districts, as well as the Downtown Affordable Housing Overlay – Tier 1 Phase 2. Portions of the site are located within the designated Flood Hazard Area. A lot consolidation was approved for Lots 59, 60, and 61, resulting in a new lot identified as Lot 59.01.01 with a total area of approximately 1.39 acres. On January 10, 2022, the Planning Board approved an application for a multi-family residential development consisting of 41 units, including 9 affordable housing units. In 2023, the applicant returned to the Planning Board for a lot line adjustment to transfer 361 square feet from Lot 62 to Lot 61 and submitted an amended application for 42 residential units, while maintaining the 9 affordable units. This amended application was approved on September 18, 2023. The project contributes an RDP (Realistic Development Potential) of 9 units to the Township.

4. 350 Forest Road – Block 1601, Lots 9 and 9.02

Block 1601, Lot 9 and Lot 9.02 is located in the B-2 Zone at 350 Forest Road. The entire property is covered by the 0.2 percent annual chance flood hazard zone. These properties are part of the 350 Forest Road Redevelopment Plan. Block 1601, Lot 9 will be subdivided, with a portion of Lot 9 to be combined with Lot 9.02 with an area of approximately 1.0 acre. The 350 Forest Road Redevelopment Plan permits a three story multi-family residential building with a maximum of 30 units inclusive of 5 affordable housing units.



application received site plan approval from the Planning Board on August 5, 2024 for 30 residential units inclusive of 6 affordable housing units, adding 5 to the Township's RDP.

All these sites also comply with N.J.A.C. 5:93-1.1, 5.3 and 5.6, which require all new construction sites to be available, approvable, developable and suitable.

D. AFFORDABLE HOUSING ORDINANCE AND AFFIRMATIVE MARKETING PLAN

The Township will update its Affordable Housing Ordinance and Affirmative Marketing Plan (see *Appendix T*) to comply with all requirements of the FHA, applicable COAH and revised UHAC regulations, relevant Mount Laurel case law, and any statutory changes in the Fourth Round. The Township has entered into a contract with Community Grants, Planning & Housing ('CGP&H') as a qualified affordable housing administrator to act as the Administrative Agent to manage the affordability controls and the Affirmative Marketing Plan for all affordable housing units in the Township. The Township has also appointed a Municipal Housing Liaison ("MHL") to manage the Township's compliance with and execution of its affordable housing responsibilities (see *Appendix DD*).

E. SPENDING PLAN AND AFFORDABILITY ASSISTANCE MANUAL

The Township has prepared a draft Spending Plan (see *Appendix W*), which is to be adopted by the Township Council as part of its Fourth Round compliance. The Spending Plan outlines the anticipated collection and distribution of mandatory development fees and in lieu contributions and the Township's proposals for spending the money that comes into the Affordable Housing Trust Fund. Development fees are collected in accordance with the Township's Development Fee Ordinance, which was prepared during the Third Round and adopted by Township Council on October 24, 2017 (see *Appendix CC*). The Township will revise the Development Fee Ordinance if necessary to comply with statutory changes in the Fourth Round. The Township understands that no funds may be expended without the Court's approval of the Spending Plan. Additionally, as part of the Third Round, the Township passed an ordinance addressing any shortfalls associated with the provision of affordable housing as set forth in its HEFSP which will be revised to address the mechanisms of the Township's Fourth Round HEFSP.

A draft Affordability Assistance Manual has been prepared by the Township's Administrative Agent and is attached to *Appendix S*. The Affordability Assistance Manual shall be adopted by the Township Council as part of its Fourth Round compliance. It is understood that any documents not completed and/or adopted by the time of the adoption of this HEFSP will be subject to review by the Special Adjudicator and the Court and may be a condition of any judgment of repose.

F. CONCLUSION

The Township of Scotch Plains will address its Fourth Round affordable housing obligation as follows:



Summary of Scotch Plains' Fourth Round Affordable Housing Plan		
Obligation	#	Summary of Affordable Housing Strategies
Fourth Round Present Need	53	The Township will continue to participate in the Union County Community Home Improvement Program until the remaining rehabilitation obligation has been fully satisfied.
Fourth Round Prospective Need Obligation	213	
RDP	99	<p>TOTAL CREDITS = 140</p> <p>Total RDP : 99</p> <p>Bonus credits: 25 bonus credits</p> <p>Credits from Extending Expiring Controls: 16</p> <ul style="list-style-type: none"> • Phase 1, Tier 1 Redevelopment Plan. 350 total units, including 53 inclusionary affordable family rentals, based on a 15% set-aside. • Benchmark Redevelopment (Block 13901, Lots 4-6). Benchmark Senior Living and Memory Care facility, with a total of 86 units and 10 age-restricted bedroom units. • 350 Forest Road (Block 1601, Lot 9.02). 30 total rental units, including 5 inclusionary affordable family rental units, based on a 15% set-aside. • Elite Properties (Block 1201, Lots 21-23). 40 total units, including 6 affordable family rental units based on a 15% set-aside. • 1805 Front Street (Block 1001, Lots 59-61). 42 total units, including 9 inclusionary affordable family rentals, based on a 20% set-aside. • Our Lady of Fatima House (Subdivision of Block 2401, Lot 1). 38 total units, including 6 inclusionary affordable age-restricted units, based on a 15% set-aside.



		<ul style="list-style-type: none"> • 2446 Morse Avenue (Block 7802, Lots 13 & 14). 8 total units, including 2 inclusionary affordable family rental units, based on a 20% set-aside. <p><u>Bonus Credits – 25</u></p> <ul style="list-style-type: none"> • Bonus credits are currently capped at 25 credits based on a maximum 25% cap applicable to an RDP of 99 generated by vacant developable properties, developed properties/properties pending approval in the Fourth Round and sites likely to be redeveloped. <p>Extension of Expiring Controls – 16 credits</p> <ul style="list-style-type: none"> • At the time of writing this plan, the Township is projected to secure an additional 16 credits towards its 4th Round Prospective Need Obligation from extending the controls that will expire within the period of July 1, 2025 and June 30, 2035.
Unmet Need	73	<p>TOTAL CREDITS FOR UNMET NEED = 93</p> <p>Total new units through Unmet Need Strategies : 93</p> <ul style="list-style-type: none"> • Downtown Development Tier 1 <ul style="list-style-type: none"> ○ Adopt an overlay zone to permit a density of up to 30 dwelling units an acre on an approximately 25.54 acre property. Results in 51 affordable housing units to be applied to the Fourth Round unmet need. • Downtown Development Tier 2 <ul style="list-style-type: none"> ○ Adopt an overlay zone to permit a density of up to 22.5 dwelling units an acre on an approximately 13.12 acre property. Results in 19 affordable housing units to be applied to the unmet need. • Downtown Development Tier 3 <ul style="list-style-type: none"> ○ Adopt an overlay zone to permit a density of up to 18 dwelling units an acre on an approximately 8.41 acre property. Results in 10 affordable housing units to be applied to the unmet need.



		<ul style="list-style-type: none"> • B2 South Avenue Overlay <ul style="list-style-type: none"> ○ Adopt an overlay zone to permit a density of up to 20 dwelling units an acre on an approximately 3.32 acre property. Results in 13 affordable housing units to be applied to the unmet need.
“Sites Likely to be Redeveloped” of Unmet Need (25% of unmet need)	18	<p>TOTAL CREDITS FOR SITES LIKELY TO BE REDEVELOPED = 18</p> <ul style="list-style-type: none"> • 350 Forest Road <ul style="list-style-type: none"> ○ 30 total rental units, including 5 inclusionary affordable family rental units, based on a 15% set-aside. Redevelopment Plan approved on December 13, 2022. Planning Board approval on August 5, 2024. • Our Lady of Fatima House (Subdivision of Block 2401, Lot 1) <ul style="list-style-type: none"> ○ 38 total units, including 6 inclusionary affordable age-restricted rental units, based on a 15% set-aside. Redevelopment Plan approved in 2023. • 2446 Morse Avenue (Block 7802, Lots 13 and 14) <ul style="list-style-type: none"> ○ 8 total units, including 2 inclusionary affordable family rental units, based on a 20% set-aside. Concept plans prepared. • 2002 Lake Avenue (Block 12801, Lot 14) <ul style="list-style-type: none"> ○ Scotch Plains Senior Housing complex. RFQ is being prepared for management of the Senior Housing Facility with opportunities to provide additional senior housing. Any additional senior housing will contribute a minimum of 5 units to be applied to “sites likely to be redeveloped” requirement of 18.