



# Amended 2025 Housing Element & Fair Share Plan

Township of Frelinghuysen

January 16, 2026

Prepared for:

Township of Frelinghuysen

Prepared by:

A handwritten signature in blue ink that reads "Darlene A. Green".

**Darlene A. Green, PP, AICP**  
License No. 33LI00611400

**Colliers Engineering & Design**  
Shelbourne at Hunterdon  
53 Frontage Road, Suite 110  
Hampton, New Jersey 08827

Main: 908.238.0900  
Colliersengineering.com

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Township of Frelinghuysen

Warren County, New Jersey

Adopted by the Land Use Board: February 10, 2026

Endorsed by the Township Committee: February 18, 2026

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

FRB-0080

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## I. Introduction

According to the New Jersey Fair Housing Act, a Housing Plan Element shall be designed to meet the municipality's fair share of its region's present and prospective housing needs, with particular attention to low- and moderate-income housing.

Affordable housing in New Jersey has a long, convoluted history dating back to 1975, when the New Jersey Supreme Court ruled that each municipality within the State has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. This landmark decision is commonly referred to as Mount Laurel I, as the defendant was the Township of Mount Laurel. In 1983, the New Jersey Supreme Court upheld its Mount Laurel I decision and created builder's remedy as a means of enforcement (known as Mount Laurel II). In response to the court decisions, the Fair Housing Act ("FHA") was adopted in 1985 which provided an administrative process for municipal compliance. The FHA also created the Council on Affordable Housing ("COAH"), which was responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process. The first round of affordable housing spanned from 1987 to 1993. This was followed by the second round from 1993 to 1999.

The third round of affordable housing commenced in 1999, but COAH failed to establish new affordable housing obligations. Several lawsuits were filed between 2008 and 2015 regarding the obligation. Ultimately, on March 10, 2015, the Supreme Court ruled that COAH failed to act and as a result, the Courts assumed jurisdiction over the Fair Housing Act. The decision and accompanying Order ("March 2015 Order") divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The transitional process created by the Supreme Court tracked the Fair Housing Act procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair share obligations. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction of its fair share of the regions' low- and moderate-income households.

On January 18, 2017, the Supreme Court ruled that municipalities are responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before-calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

Between 2015 and 2024, towns that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Housing Element and Fair Share Reports, and most towns concluded the process with a judgment of repose and compliance. As a result of COAH's inability to function, the third round period spanned from 1999 to 2025.

Then, on March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as A4, abolished COAH, modified the

process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 (“Amended FHA”) charged the Department of Community Affairs (“DCA”) with the preparation of fourth round obligations and set forth aggressive timelines for compliance. In October of 2024, DCA published a report on its calculations of regional need and municipal present (Rehabilitation Obligation) and prospective (Fourth Round Obligation) fair share obligations. The Report is entitled “Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background”. The DCA calculated Frelinghuysen’s present need obligation as 0 and its prospective need obligation as 229, which was then capped at 156. Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 27, 2025, the Township Committee adopted Resolution No. 2025-25 accepting the DCA’s calculations of the Township’s present obligation and rejecting the prospective need obligation due to errors regarding sewer service areas. The Resolution indicates that once the errors are corrected, the prospective need obligation is 39, subject to any vacant land and/or durational adjustment. The Township of Frelinghuysen also filed a “Complaint for Declaratory Judgment and for Judgment of Compliance with the Fair Housing Act” on January 27, 2025 as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, the New Jersey Builders Association challenged the Township’s Prospective Need obligation. Mediation was held on March 27, 2025 and when mediation efforts failed, a “session” was held by Program Member Judge Thomas Miller (retired). Judge Miller’s “Statement of Reasons” (“Program Recommendation”) was issued on April 14, 2025, which concurred with the Township’s documentation that the Prospective Need obligation should be set at 39 units. Judge Mennen entered an Order on April 23, 2025 setting the obligation at 39.

This is the Township of Frelinghuysen’s Housing Element and Fair Share Plan (“HEFSP”) for the period between 2025 and 2035, known as the Fourth Round. Frelinghuysen seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules<sup>1</sup>, Third Round Rules<sup>2</sup> (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Rehabilitation Obligation
2. Prior (First and Second Round) Obligations (1987-1999)
3. Third Round Obligation (1999 – 2025)
4. Fourth Round Obligation (2025-2035)

## Affordable Housing History

A summary of Frelinghuysen’s affordable housing timeline is included below:

- **November 3, 1999** | Township petitioned COAH for the Second Round.

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<sup>1</sup> NJAC 5:91 (Procedural) and NJAC 5:93 (Substantive) Rules. They can be found at: [New Jersey Department of Community Affairs | Second Round Regulations](#)

<sup>2</sup>NJAC 5:96 (Procedural) and NJAC 5:97 (Substantive) Rules, which can be found at: <https://nj.gov/dca/dlps/hss/thirdroundregs.shtml>

- **March 7, 2001** | Frelinghuysen received Substantive Certification from COAH (see Appendix A).
- **December 15, 2008** | Frelinghuysen petitioned COAH for the Third Round.
- **June 10, 2009** | The Township received Substantive Certification from COAH for the Third Round Obligation (see Appendix B).
- **January 27, 2025** | The Township Committee adopted Resolution 2025-25 committing to a Fourth Round Present and Prospective Need obligation (see Appendix C).
- **January 27, 2025** | Complaint for Declaratory Judgment and for Judgment of Compliance with the Fair Housing Act filed (see Appendix D).
- **April 15, 2025** | Judge Miller issued “Statement of Reasons” document regarding the Fourth Round Obligation (see Appendix E).
- **April 23, 2025** | Judge Mennen issued a Decision and Order regarding the fair share obligation (see Appendix F).
- **June 18, 2025** | Township adopted Fourth Round Housing Element and Fair Share.
- **September 2, 2025** | Fair Share Housing Center (“FSHC”) filed a letter requesting additional documentation.
- **October 7, 2025** | Judge Mennen issued a Case Management Order requiring the Township and FSHC prepare and present to the Court a proposed form of Consent Order that resolves the issues raised in the filings.
- **January 8, 2026** | The Township Committee approved Resolution 2026-20 authorizing the execution and filing with the Superior Court of a Consent Order with Fair Share Housing Center (see Appendix T).

## Municipal Summary

The Township of Frelinghuysen is located in the northeast quadrant of Warren County and encompasses approximately 24 square miles. Frelinghuysen is a rural agricultural community comprised of two villages, Johnsonburg and Marksboro, single-family homes, and acres of farmland. Commercial uses are scattered throughout the Township, but are primarily located in the two villages and along State Route 94. The Township is in the Highlands Region and is entirely within the Highlands Planning Area. Frelinghuysen has no access to public sewer or water or any passenger rail or bus service provided by NJTransit. Frelinghuysen is adjacent to the Townships of Stillwater, Fredon, and Green in Sussex County and the Townships of Allamuchy, Independence, Liberty, Hope, Blairstown, and Hardwick in Warren County (see map on page 6).

According to the Census, between 2010 and 2020, Frelinghuysen’s population decreased by 31 residents (1.4%) from 2,230 to 2,199 residents.<sup>3</sup> It should be noted that the 2023 American Community Survey (“ACS”), which is the most recent Survey available from the US Census Bureau, estimates Frelinghuysen’s population at 2,020 residents, which is 8.1% (179 residents) less than

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<sup>3</sup> Information sourced from <https://data.census.gov/>, accessed March 12, 2025.

reported in the 2020 Census.<sup>4</sup> Looking into the future, the North Jersey Transportation Planning Authority (“NJTPA”) projects that the Township will grow to 2,464 residents by the year 2050.<sup>5</sup>

## Affordable Housing Obligation

The Township of Frelinghuysen has a Rehabilitation Obligation of zero units. The Township’s Prior Round Obligation (“PRO”) is 6 as documented by the Second Round Substantive Certification in Appendix A. Finally, the Township’s Fourth Round Obligation (“FRO”) is 39 as outlined in the Statement of Reasons and Decision and Order in Appendix E and F.

The Township declined to participate in the Third Round declaratory judgment process. Therefore, Frelinghuysen does not have an adjudicated Third Round Obligation. As detailed in the introduction, COAH failed to perform its duties and was stripped of its power during the course of the Third Round. The only court case to thoroughly adjudicate the Third Round Obligation in the State of New Jersey was in Mercer County. Judge Mary Jacobson held a 41-day trial in 2017 on the Third Round Obligation for the two unsettled towns – West Windsor and Princeton. On March 8, 2018 Judge Jacobson issued her 217-page decision for the two communities. The decision only provides West Windsor and Princeton’s Rehabilitation and Third Round Obligation. However, the decision provides extensive detail on the methodology to determine the obligations. Following the issuance of the decision, Econsult Solutions extrapolated what has been named the “Jacobson Methodology” and prepared obligations for the rest of the state. Their report is entitled “Statewide and Municipal Obligations Under Jacobson Opinion” and is dated March 28, 2018. This report indicates Frelinghuysen’s Third Round Obligation is 121.

While the Jacobson Methodology does not take into account the impact of the Highlands Region (which is intended to be added into the methodology), Frelinghuysen acknowledges a Third Round Obligation of 121.

Finally, it should be noted that the Township of Frelinghuysen will be seeking a durational adjustment for water and sewer capacity for the Third and Fourth Round Obligations. NJAC 5:93-4.3(c) states “The lack of adequate capacity, in and of itself, **shall** constitute a durational adjustment of the municipal housing obligation. The requirement to address the municipal housing obligation shall be deferred until adequate water and/or sewer are made available.” As described in the section below, no portion of Frelinghuysen is served by public water and/or sewer. Therefore, the Third and Fourth Round Obligations will be deferred as described in the rules.

The chart on the following page illustrates the Township’s four-part obligation. See Chapter XI. for details regarding the Durational Adjustment.

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<sup>4</sup> Ibid.

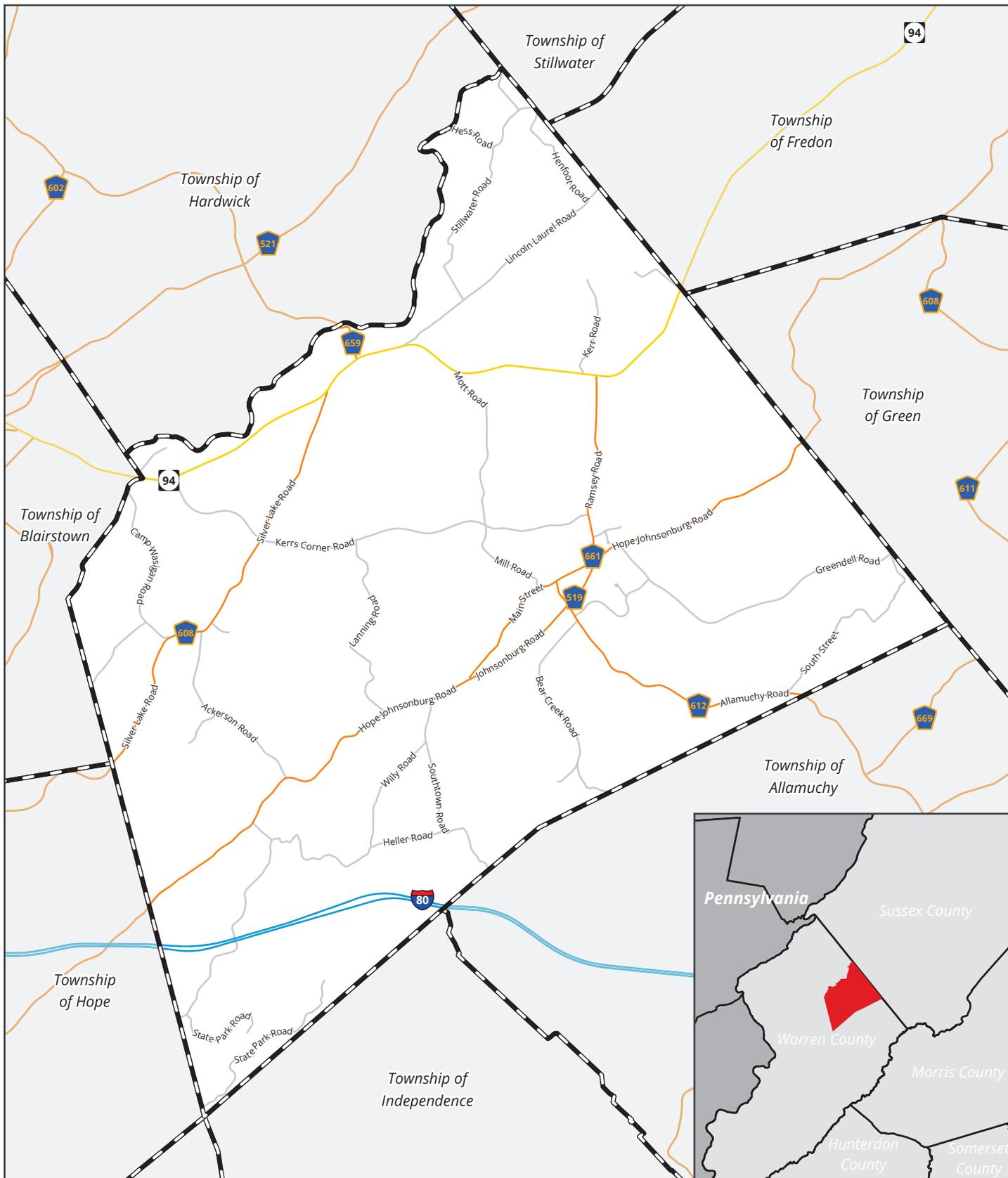
<sup>5</sup> Information sourced from NJTPA Plan 2050, Appendix E, “Demographic Forecasts”, <https://www.njtpa.org/plan2050>, accessed March 12, 2025.

**Affordable Housing Obligation**

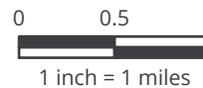
	<b>Rehabilitation</b>	<b>Prior Round 1987 - 1999</b>	<b>Third Round 1999 - 2025</b>	<b>Fourth Round 2025 - 2035</b>
Obligation	0	6	121	39
Durational Adjustment	-	-	121	39
Remaining Obligation That Must Be Satisfied	-	-	0	0

**Township Goal**

It is the overall goal of the HEFSP, in combination with the Land Use Plan, to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey, while respecting the character, scale, density, and natural carrying capacity of the Township of Frelinghuysen.



**REGIONAL LOCATION**  
**TOWNSHIP OF FRELINGHUYSEN**  
**WARREN COUNTY, NEW JERSEY**



This map was developed using GIS digital data from NJDEP, NJDOT, and NJGIN, but this secondary product has not been verified and is not state-authorized.

# HOUSING ELEMENT

Township of Frelinghuysen

## II. Content of Housing Element

The Amended Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing”. As per the Municipal Land Use Law (“MLUL”), specifically NJSA 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose conducting this inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52-27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multi-generational 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.52D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, C.120 (C.13-20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable

housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Chapters III. through IX. address a. through i. above except for the determination of the Township's affordable housing obligation (subsection e.) and the Highlands Council (subsection h.).

Frelinghuysen's four-part obligation is discussed in Chapter XI. Additionally, while Frelinghuysen is located within the Highlands Region, it is located in the Planning Area where conformance is voluntary. Frelinghuysen has opted not to conform with the Highlands Regional Master Plan. As a result of this, build-out funding was not made available to the Township due to its non-conforming status. As Frelinghuysen is not subject to the jurisdiction of the Highlands Council section h. is not applicable.

### III. Frelinghuysen's Population Demographics

The Township of Frelinghuysen's population saw consistent growth between 1940 and 2010. The largest influx of residents was realized during the 1980s when the Township grew by 344 people (24%). The most growth by percentage was during the 1960s when the population of Frelinghuysen jumped by 32.2% from 846 to 1,118 residents, or an increase of 272 people. Since 1990, the Township's population growth has slowed and reduced, realizing an increase of only 147 residents in the 2000s, and a decline of 31 residents in the 2010s. See the table below for details.

#### Population Growth

Year	Population	Change	Percent
1940	715	--	--
1950	779	64	9.0%
1960	846	67	8.6%
1970	1,118	272	32.2%
1980	1,435	317	28.4%
1990	1,779	344	24.0%
2000	2,083	304	17.1%
2010	2,230	147	7.1%
2020	2,199	-31	-1.4%

Source: 2010 & 2020 Census Table P1; New Jersey Population Trends, 1790 to 2000,  
<https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>

The NJTPA projects that the Township's population will grow to 2,464 residents by 2050 from their baseline 2015 population of 2,191. This represents an increase of 273 residents, or an average increase of approximately eight residents annually over 35 years. However, the Township's estimated population according to the 2023 ACS is only 2,020, which is 444 less than projected by the NJTPA. This represents an average annual increase of approximately 16 residents over the next 27 years.

#### Population Projection

Year	Population	Change	Percent
2015	2,191	---	---
2020	2,199	8	0.4%
2050	2,464	265	12.1%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts,  
<https://www.njtpa.org/plan2050>; 2020 Census Table P1

### Age Distribution of Population

The 2023 ACS estimates 26.1% of Frelinghuysen's population was 65 years or older, while only 17.6% of the population was 19 years or younger. The largest age cohort was estimated to be those aged 50 to 54 years, which comprised 13% (262 residents) of the Township's population. The second-largest age cohort was estimated to be residents aged 60 to 64 years, which comprised 9.5% (192 residents) of the population. Residents aged 65 to 69 were estimated to be the third-largest group

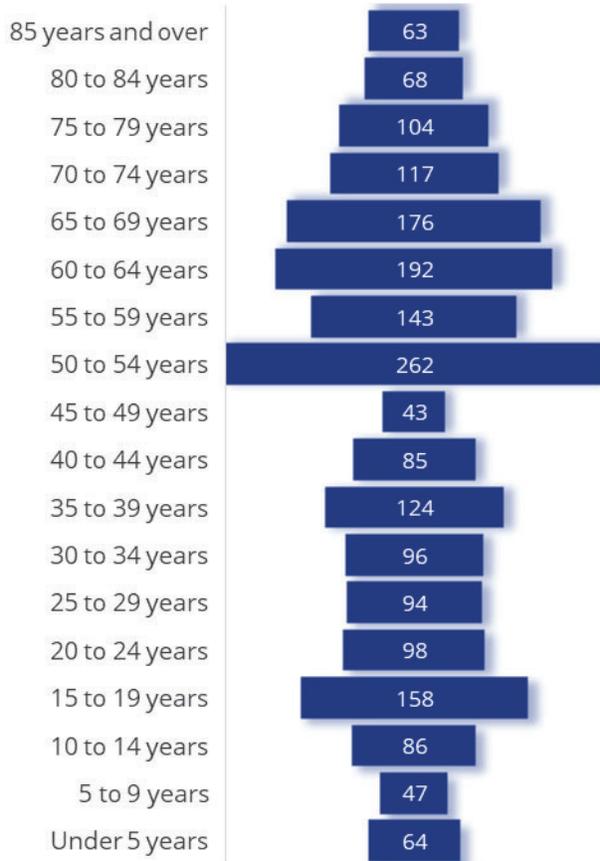
in the Township with 176 residents or 8.7% of the population. The median age for the Township of Frelinghuysen was estimated to be 52.2 years in the 2023 ACS. See the table and chart below for further details.

**Population by Age Cohort**

Age	Total	Percent
85 years and over	63	3.1%
80 to 84 years	68	3.4%
75 to 79 years	104	5.1%
70 to 74 years	117	5.8%
65 to 69 years	176	8.7%
60 to 64 years	192	9.5%
55 to 59 years	143	7.1%
50 to 54 years	262	13.0%
45 to 49 years	43	2.1%
40 to 44 years	85	4.2%
35 to 39 years	124	6.1%
30 to 34 years	96	4.8%
25 to 29 years	94	4.7%
20 to 24 years	98	4.9%
15 to 19 years	158	7.8%
10 to 14 years	86	4.3%
5 to 9 years	47	2.3%
Under 5 years	64	3.2%
<b>Total</b>	<b>2,020</b>	<b>100%</b>

Source: 2023 ACS Table S0101

**Population by Age Cohort**



## Household Size & Type

According to the 2023 ACS, Frelinghuysen had 775 households. Most were married-couple households, which comprised over two-thirds of all households. Of those, 119 had children under 18 years old. Female householders with no spouse present comprised 16.9% (131) of all households, including 22 with children under 18 years old. Households with male householders with no spouse present comprised only 12.6% (98) and did not include any with children under 18 years old. See the table on the following page for complete details.

### Household Type

Type	Number	Percent
Married-couple	519	67.0%
with children under 18	119	15.4%
Cohabiting couple	27	3.5%
with children under 18	6	0.8%
Male householder, no spouse	98	12.6%
with children under 18	0	0.0%
living alone	89	11.5%
Female householder, no spouse	131	16.9%
with children under 18	22	2.8%
living alone	62	8.0%
<b>Total</b>	<b>775</b>	<b>100%</b>

Source: 2023 ACS Table DP02

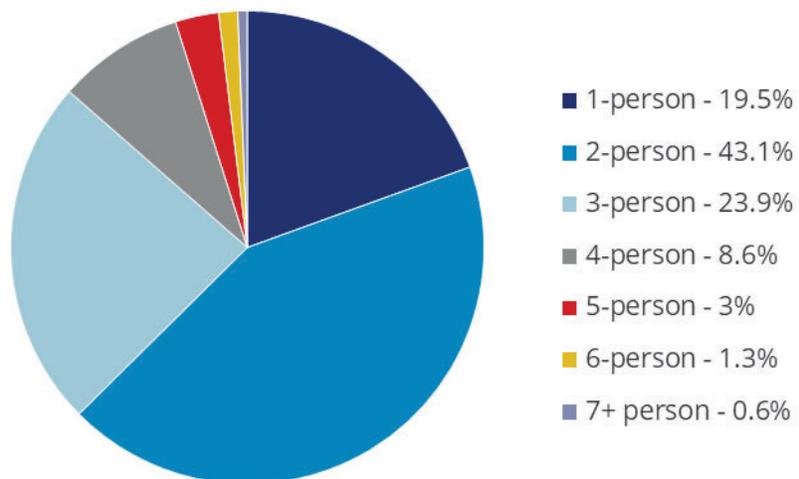
Scrutinizing household size, the most common in Frelinghuysen was estimated to be two-person households, which comprised 43.1% (334) of households in 2023. Three-person households included the second-largest number of households at 23.9% (185). Finally, one-person households consisted of 19.5% (151) of the 775 households in Frelinghuysen. It should be noted that ten households contained six people, and five households contained seven or more people. The table and pie chart below graphically illustrate the household size composition in Frelinghuysen. Additionally, the 2023 ACS estimated the average household size at 2.44 persons, which is lower than the 2.76 persons reported in the 2010 Census. Said reduction in household size is likely due to a population that is aging in place, where the children have grown and left the household.

### Household Size

Size	Total	Percent
1-person	151	19.5%
2-person	334	43.1%
3-person	185	23.9%
4-person	67	8.6%
5-person	23	3.0%
6-person	10	1.3%
7+ person	5	0.6%
<b>Total</b>	<b>775</b>	<b>100%</b>

Source: 2023 ACS Table B11016

### Household Size



## Income & Poverty Status

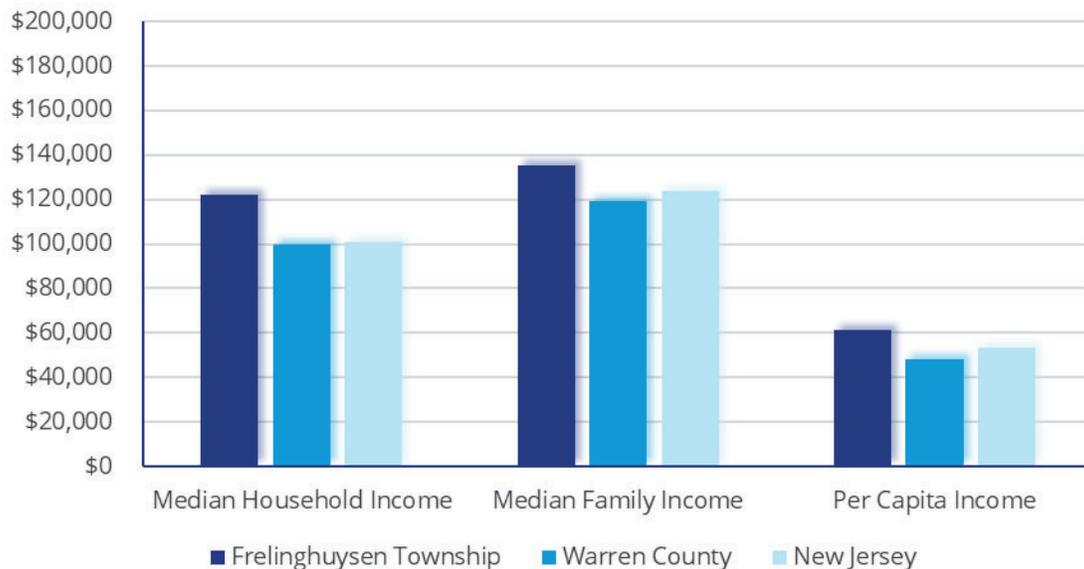
The 2023 ACS estimated the median household income for the Township of Frelinghuysen to be \$122,006, which is \$22,000+ more than Warren County's and \$20,956 more than the State's. Similarly, the median family income for Frelinghuysen was estimated at \$135,000, which is \$16,000+ above the County's and \$11,000+ greater than the State's. Finally, the Township's per capita income was estimated at \$61,198, which is almost \$13,000 more than County's and \$8,000+ more than the State's. Based on this income data, residents of Frelinghuysen, on average, are wealthier than other Warren County and State residents. Reviewing the poverty rates of individuals and families for the Township, Frelinghuysen's rates are significantly lower than the rates of Warren County and New Jersey. The table and bar chart below provide a comparison between income and poverty characteristics.

### Income and Poverty Characteristics

Income Type	Frelinghuysen Township	Warren County	New Jersey
Median Household Income	\$122,006	\$99,596	\$101,050
Median Family Income	\$135,000	\$118,998	\$123,892
Per Capita Income	\$61,198	\$48,232	\$53,118
Poverty Status (Percent of People)	2.3%	8.1%	9.8%
Poverty Status (Percent of Families)	0.7%	5.6%	7.0%

Source: 2023 ACS Table DP03

### Income Characteristics



According to the 2023 ACS, 26.6% of the households in Frelinghuysen earn between \$100,000 to \$149,999 annually. Additionally, nearly a quarter of households in the Township earned over \$200,000 according to the 2023 data. Households earning between \$150,000 and \$199,999 were

the third-most common, comprising an estimated 13.8% of households. Based on this information, over 65% of households in Frelinghuysen earned over \$100,000, compared to only 49.8% of households in Warren County and 50.5% of households in New Jersey. Only 14.5% of households in the Township earned less than \$50,000 annually. See the table below for additional details.

### Household Income

Income Range	Frelinghuysen Township		Warren County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	17	2.2%	1,650	3.7%	140,262	4.0%
\$10,000 to \$14,999	9	1.2%	954	2.1%	99,362	2.9%
\$15,000 to \$24,999	6	0.8%	2,402	5.3%	175,402	5.0%
\$25,000 to \$34,999	36	4.6%	2,270	5.1%	184,753	5.3%
\$35,000 to \$49,999	44	5.7%	3,230	7.2%	276,601	8.0%
\$50,000 to \$74,999	69	8.9%	6,714	14.9%	448,192	12.9%
\$75,000 to \$99,999	88	11.4%	5,349	11.9%	397,939	11.4%
\$100,000 to \$149,999	206	26.6%	10,482	23.3%	627,526	18.0%
\$150,000 to \$199,999	107	13.8%	5,733	12.8%	407,723	11.7%
\$200,000 or more	193	24.9%	6,159	13.7%	720,595	20.7%
<b>Total</b>	<b>775</b>	<b>100%</b>	<b>44,943</b>	<b>100%</b>	<b>3,478,355</b>	<b>100%</b>

## IV. Frelinghuysen's Housing Demographics

### Housing Type

The 2023 ACS estimated the Township's housing stock at 826 units. A vast majority of dwellings in the Township are single-family detached dwellings, which comprised an estimated 811 units or 98.2% of the housing stock. Single-family attached dwellings (e.g. townhomes) totaled only two units, while 11 units were estimated to be two-family dwellings. Two units were estimated to be mobile homes. See the table below for details. Of the estimated 826 units in 2023, 4 units or 0.48% of the housing stock is affordable.

**Housing Units in Structure**

Structure	Number of Units	Percent
1-unit, detached	811	98.2%
1-unit, attached	2	0.2%
2 units	11	1.3%
3 or 4 units	0	0.0%
5 to 9 units	0	0.0%
10 to 19 units	0	0.0%
20 or more units	0	0.0%
Mobile Home	2	0.2%
Other (boat, RV, van, etc.)	0	0.0%
<b>Total</b>	<b>826</b>	<b>100%</b>

Source: 2023 ACS Table DP04

### Occupancy Status

Of the 826 residential units, 775 units, or 93.8% of the housing stock, was occupied. This includes 730 owner-occupied units and 45 rental units. The 51 vacant units were reported to be either for sale (12 units), for seasonal use (eight units), or "other" vacancy status (31 units) according to the 2023 ACS. See the table on the following page for details.

The 2023 ACS estimated the average household size in Frelinghuysen was 2.44 persons, while the average family size was 2.78 persons. Comparing tenure, the average owner-occupied household was 2.46 persons, while the average renter-occupied household was 2.07 persons.

### Occupancy Status

Status	Units	Percent
Occupied Total	775	93.8%
Owner Occupied	730	94.2%
Renter Occupied	45	5.8%
Vacant Total	51	6.2%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For Sale	12	23.5%
Sold, not occupied	0	0.0%
Seasonal	8	15.7%
For migrant workers	0	0.0%
Other	31	60.8%
<b>Total</b>	<b>826</b>	<b>100%</b>

Source: 2023 ACS Tables DP04 & B25004

### Value & Rent of Housing Stock

The 2023 ACS provided estimates for the value of owner-occupied housing units in Frelinghuysen. According to the data, a plurality of homes in the Township were worth between \$300,000 and \$499,999 (45.3%). Homes valued between \$500,000 and \$999,999 comprised a third of the owner-occupied housing units, while 13.6% of homes were estimated to be worth between \$200,000 and \$299,999. Only five homes were valued at more than \$1 million. The median home value estimated in the 2023 ACS was \$436,100. See the table below and chart on the following page.

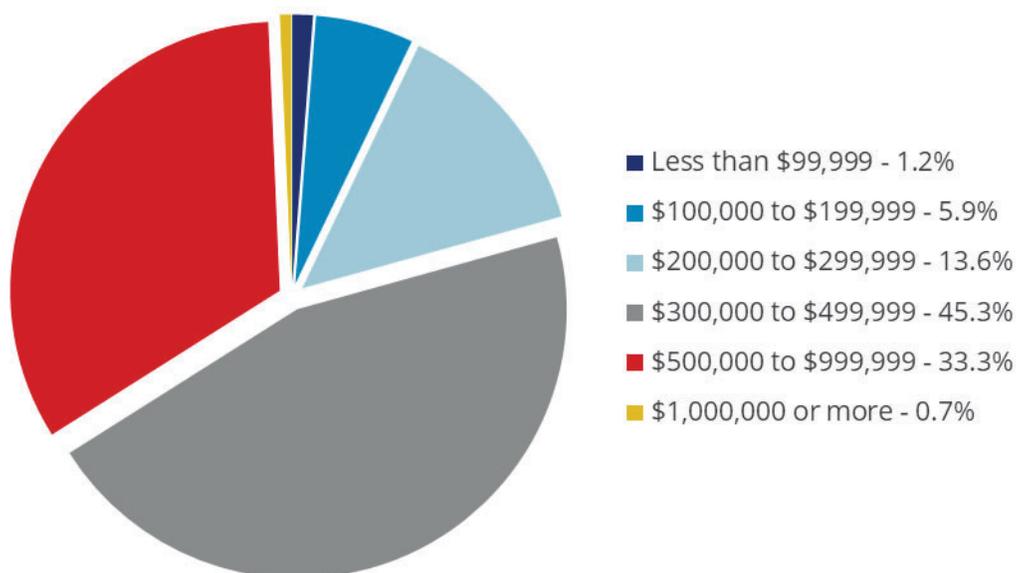
### Value of Owner Occupied Units

Value	Number of Units	Percent
Less than \$99,999	9	1.2%
\$100,000 to \$199,999	43	5.9%
\$200,000 to \$299,999	99	13.6%
\$300,000 to \$499,999	331	45.3%
\$500,000 to \$999,999	243	33.3%
\$1,000,000 or more	5	0.7%
<b>Total</b>	<b>730</b>	<b>100%</b>

Median Value \$436,100

Source: 2023 ACS Table DP04

### Value of Owner Occupied Units

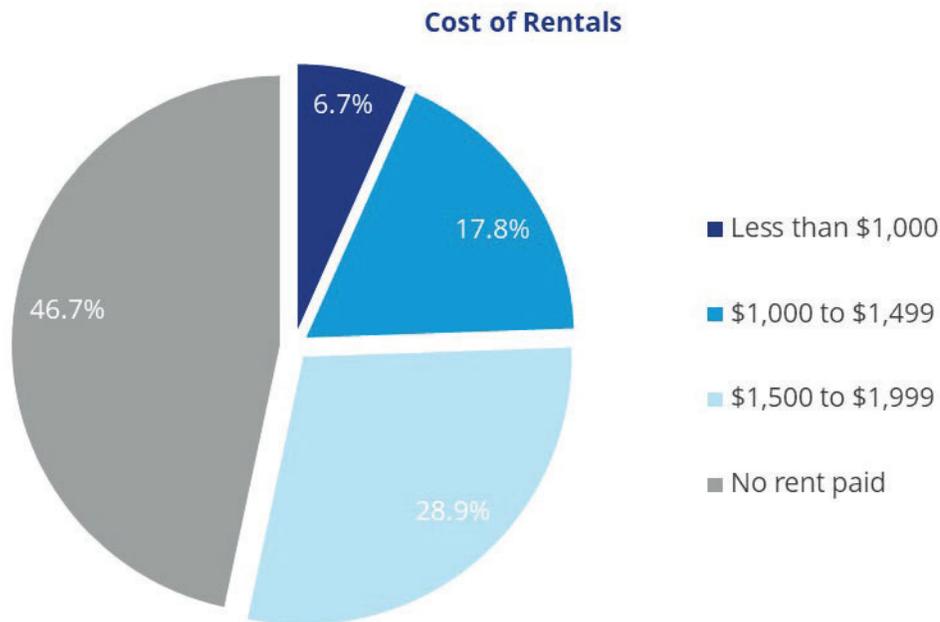


The median rent in the Township was estimated at \$1,538 per the 2023 ACS. No rental units were estimated to cost over \$2,000 per month and only three units cost less than \$1,000 per month. Most rental units, however, were estimated to have no rent. See the table below and chart on the following page for more information.

### Cost of Rentals

Cost	Number of Units	Percent
Less than \$1,000	3	6.7%
\$1,000 to \$1,499	8	17.8%
\$1,500 to \$1,999	13	28.9%
\$2,000 to \$2,499	0	0.0%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	0	0.0%
No rent paid	21	46.7%
<b>Total</b>	<b>45</b>	<b>100%</b>
Median (in dollars)	\$1,538	

Source: 2023 ACS Table DP04



## Condition and Age of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low- and moderate-income households. However, most of the Census indicators available at the municipal level indicate a sound housing stock. All but 12 homes within Frelinghuysen contain complete plumbing and kitchen facilities, while 12 units were estimated to have a lack of adequate heating.

### Condition of Housing Stock

Condition	Number of Units	Percent
Lack of complete plumbing	12	0.0%
Lack of complete kitchen	0	0.0%
Lack of telephone service	21	2.7%
Lack of adequate heat	12	1.5%
<b>Total Occupied Housing Units</b>	<b>775</b>	<b>4.3%</b>

Source: 2023 ACS Table DP04

Housing with 1.01 or more persons per room (excluding bathrooms and kitchens) is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development.<sup>6</sup> According to the 2023 ACS, none of the Township's 775 occupied housing units contain more than one person per room.

<sup>6</sup> <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/overpayment-payment-and-overcrowding#:~:text=The%20U.S.%20Census%20defines%20an,room%20are%20considered%20severely%20overcrowded.> Accessed April 3, 2025.

**Occupants Per Room**

Occupants	Number of Units	Percent
1.00 or less	775	100.0%
1.01 to 1.50	0	0.0%
1.51 or more	0	0.0%
<b>Total</b>	<b>775</b>	<b>100%</b>

Source: 2023 ACS Table DP04

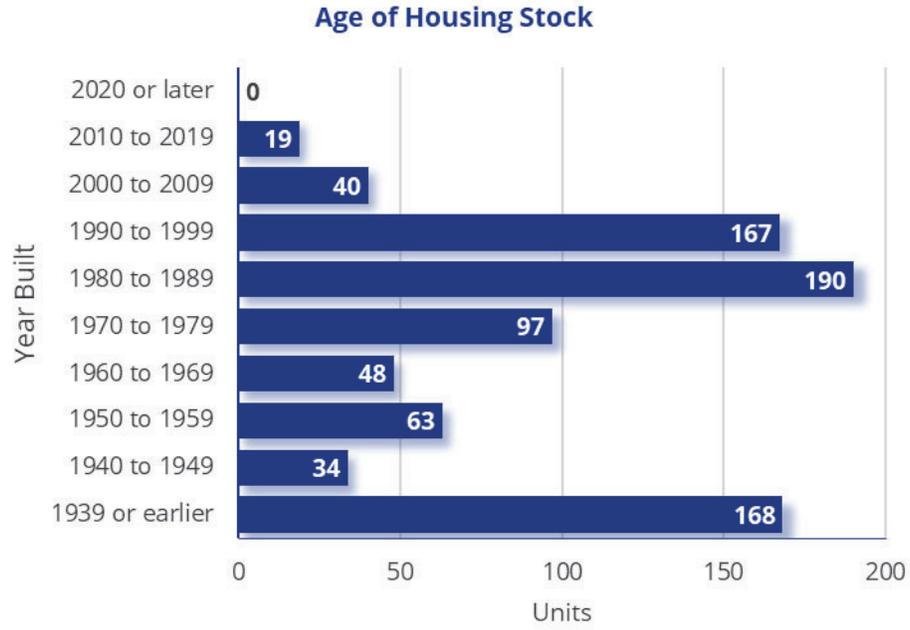
The table below and bar graph on page 20 provide the 2023 ACS estimates for the age of housing units in Frelinghuysen. An estimated 313 units, or 37.8%, of the Township's housing stock were constructed prior to 1970. Over 43% of homes in the Township were constructed between 1980 and 2000. Since 2000, only 59 homes have been constructed. The Township's Rehabilitation Obligation is zero units, which reflects the excellent condition of the Township's older homes.

It should be noted that the "2020 or later" line item may be inaccurate. The New Jersey Department of Community Affairs' ("DCA"), Division of Codes and Standards website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development. We have reviewed the data from the State for 2020 through 2024 and nine certificates of occupancy have been issued for new residential units since the beginning of 2020. See the table on page 24 for additional details.

**Age of Housing Stock**

Year Built	Number of Units	Percent
1939 or earlier	168	20.3%
1940 to 1949	34	4.1%
1950 to 1959	63	7.6%
1960 to 1969	48	5.8%
1970 to 1979	97	11.7%
1980 to 1989	190	23.0%
1990 to 1999	167	20.2%
2000 to 2009	40	4.8%
2010 to 2019	19	2.3%
2020 or later	0	0.0%
<b>Total</b>	<b>826</b>	<b>100%</b>

Source: 2023 ACS Table DP04



## V. Frelinghuysen's Employment Demographics

The 2023 ACS estimated that Frelinghuysen had 1,059 residents over the age of 16 in the workforce. Of those, 981 (92.6%) were employed, which translates to a 7.4% unemployment rate. A majority of workers were private wage and salary worker (67.9%). However, 15.6% were workers employed by the government and 9.2% were self-employed. See the table below for details.

Class of Workers		
Class	Workers	Percent
Private wage and salary workers	719	67.9%
Government workers	165	15.6%
Self-employed workers	97	9.2%
Unpaid family workers	0	0.0%
<b>Total employed residents</b>	<b>981</b>	<b>92.6%</b>
Total unemployed residents	78	7.4%
<b>Total residents in workforce</b>	<b>1,059</b>	<b>100%</b>

Source: 2023 ACS Table DP03

### Occupational Characteristics

The 2023 ACS estimated 593 workers were employed in management, business, science, and arts fields, which represents over 60% of the Township's employed residents. Service workers totaled 13.5% of employed residents, while sales and office workers totaled 10.3% of employed residents. See the table below for details.

Occupation of Employed Population		
Occupation	Workers	Percent
Management, business, science, & arts	593	60.4%
Service	132	13.5%
Sales & office	101	10.3%
Natural resources, construction, & maintenance	82	8.4%
Production, transportation, & material moving	73	7.4%
<b>Total</b>	<b>981</b>	<b>100%</b>

Source: 2023 ACS Table DP03

### Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Frelinghuysen will decrease by nearly 15% from 188 reported in 2015 to 160 in 2050. This represents a loss of 28 jobs, or an average annual decrease of 0.8 jobs annually.

### Employment Projection

Year	Jobs	Change	Percent
2015	188	---	---
2050	160	-28	-14.9%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, <https://www.njtpa.org/plan2050>

### In-Place Employment By Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. However, the 2023 Report redacted all data for the private sector industries within the Township, which includes construction, manufacturing, information, and professional/technical jobs, due to not meeting publication standards. The 2023 QCEW document did report on the public-sector, which found one State employer provided an average of two jobs and two local government employers provided an average of 37 jobs. This included one local government education employer providing an average of 26 jobs. It should be noted that, the QCEW data reflects employment within Frelinghuysen, regardless of where the employee lives.

### Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Agriculture	-	-	-	-	-
Construction	-	-	-	-	-
Manufacturing	-	-	-	-	-
Retail Trade	-	-	-	-	-
Professional/Technical	-	-	-	-	-
Administration/Waste Remediation	-	-	-	-	-
Accommodations/Food	-	-	-	-	-
Unclassifieds	-	-	-	-	-
<b>Private Sector Total</b>	-	-	-	-	-
State Government	1	33.3%	2	5.1%	\$83,030
Local Government	2	66.7%	37	94.9%	\$49,778
Local Government Education	1	33.3%	26	66.7%	\$57,914
<b>Public Sector Total</b>	<b>3</b>	<b>100%</b>	<b>39</b>	<b>100%</b>	<b>\$53,846</b>

Source: The table values above are sourced from the NJDLWD's QCEW 2023 Municipal Report. It is noted that this Report has redacted all of the private sector industries for not meeting the publication standard. Therefore, the Private Sector Totals row cannot be calculated

### Travel Time to Work

The 2023 ACS collected data regarding employed resident's commute time. The most common commute time was between 15 to 19 minutes, which was made by 124 workers (14.7%). A commute between 60 to 89 minutes followed close behind with 108 workers (12.8%). Rounding off the top

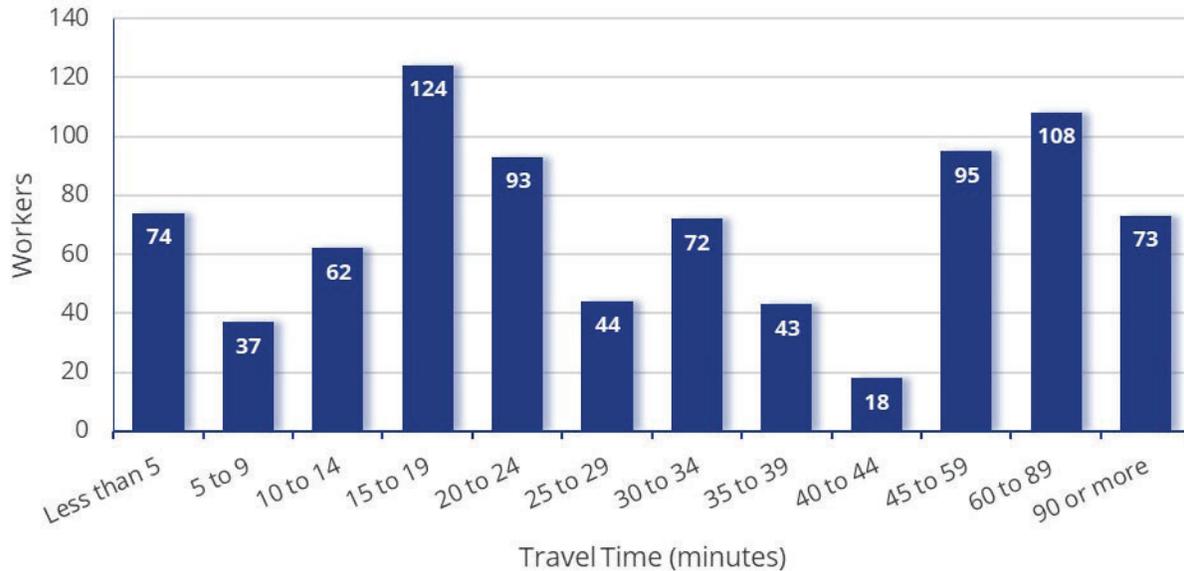
three times was a commute of 45 to 59 minutes, which was reported by 95 workers (11.3%). The mean travel time was estimated at 35.4 minutes. It should be noted that 73 workers (8.7%) reported a commute of 90 minutes or more. Additionally, 131 workers, or 13.3% of the Township’s employed residents, reported working from home. See the table and chart below for additional details.

**Commute Time**

Travel Time (minutes)	Workers	Percent
Less than 5	74	8.8%
5 to 9	37	4.4%
10 to 14	62	7.4%
15 to 19	124	14.7%
20 to 24	93	11.0%
25 to 29	44	5.2%
30 to 34	72	8.5%
35 to 39	43	5.1%
40 to 44	18	2.1%
45 to 59	95	11.3%
60 to 89	108	12.8%
90 or more	73	8.7%
<b>Total</b>	<b>843</b>	<b>100.0%</b>

Source: 2023 ACS Table B08303

**Commute Time**



## VI. Projection of Housing Stock

As per the MLUL, specifically NJSA 52:27D-310, 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 permits issued, approvals of applications for development and probable residential development of lands.

The DCA Division of Codes and Standards' website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and certificate of occupancy information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Township's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, the Township typically issues one or two certificates of occupancy annually. In 2013 and 2017 zero certificates of occupancy were issued. Additionally, three certificates were issued in 2023. During the same time period, seven demolition permits were issued for residential dwellings, which equates to a net development of 11 residential units since 2013.

### Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	0	2	2	2	0	1	2	2	2	1	3	1	18
Demolitions	0	2	0	0	1	0	2	0	1	0	0	1	7
<b>Net Development</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>-1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>11</b>

Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Yearly Summary Data

Projecting into the future, the Township presently has six single-family detached homes that have been approved, have active building permits, and are either under construction or will commence construction shortly. Additionally, one two-family duplex home has been issued a building permit and is under construction. Two single-family homes have received a zoning permit, but no building permits have been issued to date. Additionally, there is a pending Planning Board application for the development of a 12,000± square foot childcare center. Finally, projected development was based on historic development patterns as shown in the table above.

### Projection of Residential Development

	'25	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35	Total
Projected Development	0	0	0	1	0	2	0	1	2	0	1	7
Approved Development with Building Permits Issued												8
16 Lanning Road		1										1
23 Bear Creek Road		1										1
42 Golden Chain Road		1										1
140 State Park Road	1											1
177 State Park Road	1											1
201 Kerrs Corner Road	1											1
1007 Dark Moon Road	2											2
Approved Development with Zoning Permits Issued												2
100 Greendell Road			1									1
135 Ramsey Road					1							1
Future Projects	None											
<b>Total</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>17</b>

Of the 17 new residences projected to be built between now and 2035, zero are anticipated to be reserved for low- and moderate-income households.

## VII. Capacity for Fair Share

This chapter of the HEFSP provides the following information as required by the rules:

- The Township's capacity to accommodate its affordable housing needs.
- 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.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

### Land Capacity

Frelinghuysen's capacity to accommodate its present and prospective affordable housing need is determined by three components – available land, water availability/capacity, and sewer availability/capacity. Note that land development is limited by environmental features, parcel size, easements (conservation, sewer, water, etc.), municipal regulations. In total, 14,020.09 acres of Frelinghuysen Township, or 91.79% of the Township's 15,274.76 acres, are encumbered by at least one environmentally sensitive area. Environmental constraints within Frelinghuysen include:

- Waterbodies – 269.05 acres (1.76% of the Township's area), which includes 23.92 acres of the Bear Creek and Paulins Kills.
- 300-foot Category 1 ("C1") stream buffer – 1,813.83 acres (11.87% of the Township's area)
- 150-foot Riparian Buffer – 822.79 acres (5.39% of the Township's area)
- 50-foot Riparian Buffer – 30.14 acres (0.20% of the Township's area)
- Wetlands – 1,580.81 acres (10.35% of the Township's area)
- 50-ft Wetlands Buffer (excluding wetlands area) – 1 acre (<0.01% of the Township's area)
- 150-foot Wetlands Buffer (excluding wetlands area) – 2,648.89 acres (17.34% of the Township's area)
- FEMA Special Flood Hazard Area Zone A – 329.46 acres (2.16% of the Township's area), including 1.2 acres within Zone AE Floodway
- Slopes greater than 15% - 4,589.73 acres (30.05% of the Township's area)
- State Threatened species habitat (Landscape Rank 3) – 6,186 acres (40.50% of the Township's area)
- State Endangered species habitat (Landscape Rank 4) – 3,962.71 acres (25.94% of the Township's area)
- Federal Listed species habitat (Landscape Rank 5) – 2,329.09 acres (15.25% of the Township's area)

- Confirmed Vernal Pool Habitat – 4,370.97 acres (28.62% of the Township’s area)
- Potential Vernal Pool Habitat – 1,318.26 acres (8.63% of the Township’s area)

See the maps on pages 28 and 29 for the location of the environmental features identified above.

In addition, there are 34 preserved farms within the Township comprising 2,899 acres.<sup>7</sup> Preserved farmland totals 18.98% of Frelinghuysen’s land area.

## Utility Capacity

As noted in the Chapter I., utility capacity impacts a community’s ability to accommodate its present and prospective affordable housing need. A vast majority of the Township of Frelinghuysen is served by private septic systems. Two public sewer systems previously existed within the Township, one in the Johnsonburg area and one in the Marksboro area. However, after the County of Warren did not accept wastewater management planning responsibility in 2008, and the Township did not seek approval from NJDEP to assume wastewater management responsibility in 2009, the two sewer service area designations were withdrawn. Therefore, the former Johnsonburg and Marksboro sewer service areas no longer exist.

The Township does have six private sewer service areas, all of which are overseen by the Warren County Pequest MUA Wastewater Management Planning Agency. Additionally, private wells are relied on in the Township for water. However, there is one public community water system, which encompasses the Forest Manor Health Care Center property.

Due to the Township’s lack of public sewer and water infrastructure, Frelinghuysen is seeking a Durational Adjustment for their Third and Fourth Round Obligations.

## Appropriate Locations for Affordable Housing

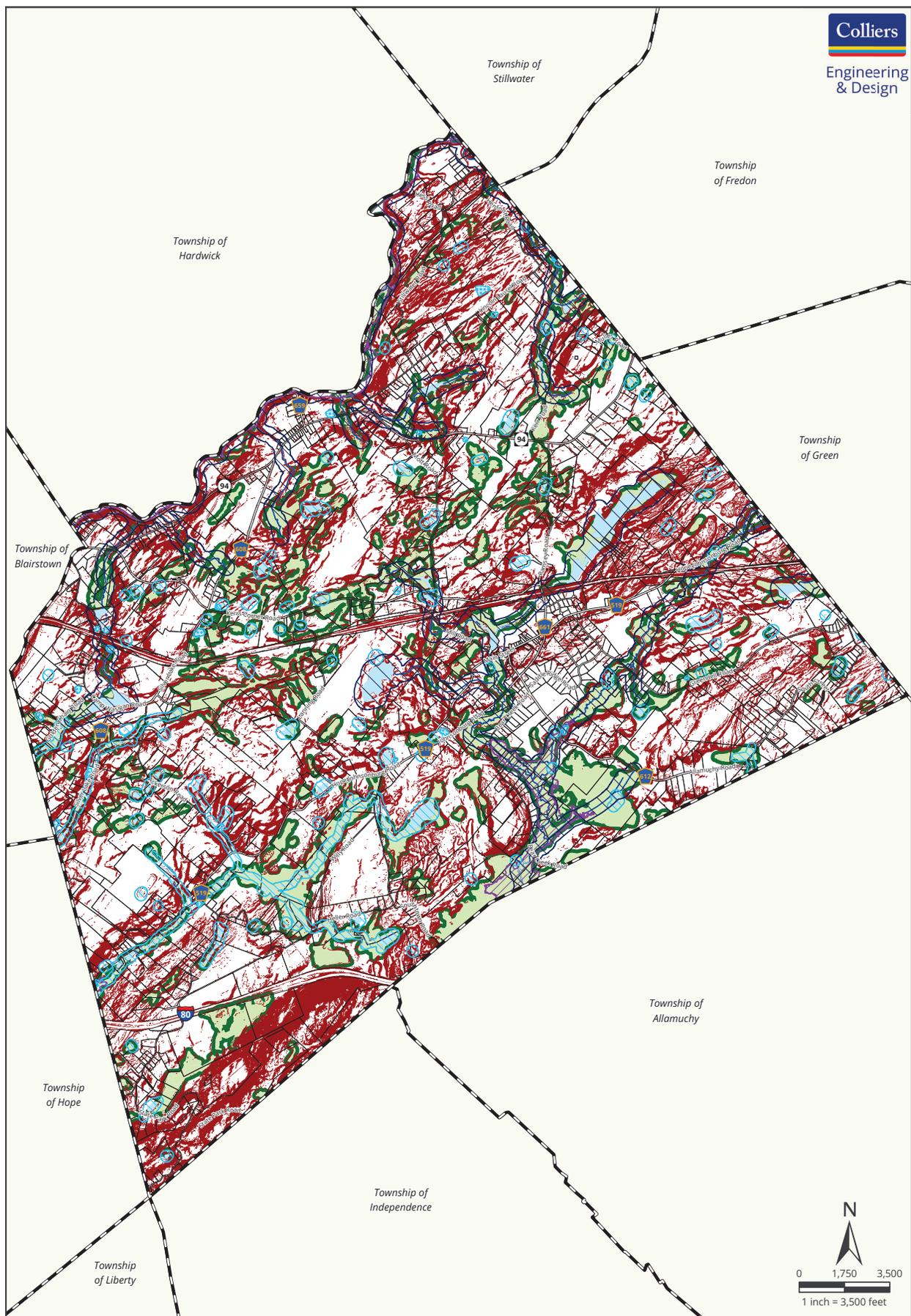
Land that is most appropriate for the construction of low- and moderate-income housing includes farms that could benefit from on-site affordable agricultural employee housing. As noted above, 2,899 acres or 18.98% of the Township’s land area is preserved farmland. A total of 9,427.61 acres or 61.7% of the Township has a tax classification of farmland assessed.<sup>8</sup> Affordable agricultural accessory units on farms would provide low- and moderate-income households with housing proximate to their place of employment and eliminate the need for a car to travel to work. Housing for agricultural workers would support the agricultural industry and is in keeping with the goals and policies of the draft State Plan to create accessory apartment units and with Bill S3353, signed by Governor Murphy on May 9, 2025.

Existing structures appropriate for conversion to affordable housing include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Township’s Rehabilitation Obligation, 0 homes within Frelinghuysen are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

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<sup>7</sup> Email from Sandy Urgo, Vice President of Land Preservation and Stewardship, The Land Conservancy, dated April 23, 2025.

<sup>8</sup> Data obtained from New Jersey Office of GIS, Parcels and MOD-IV Composite of NJ, published on December 5, 2024, <https://njogis-newjersey.opendata.arcgis.com/documents/property-tax-list-mod-iv-of-nj-fgdb-download/about>, accessed on January 5, 2025.



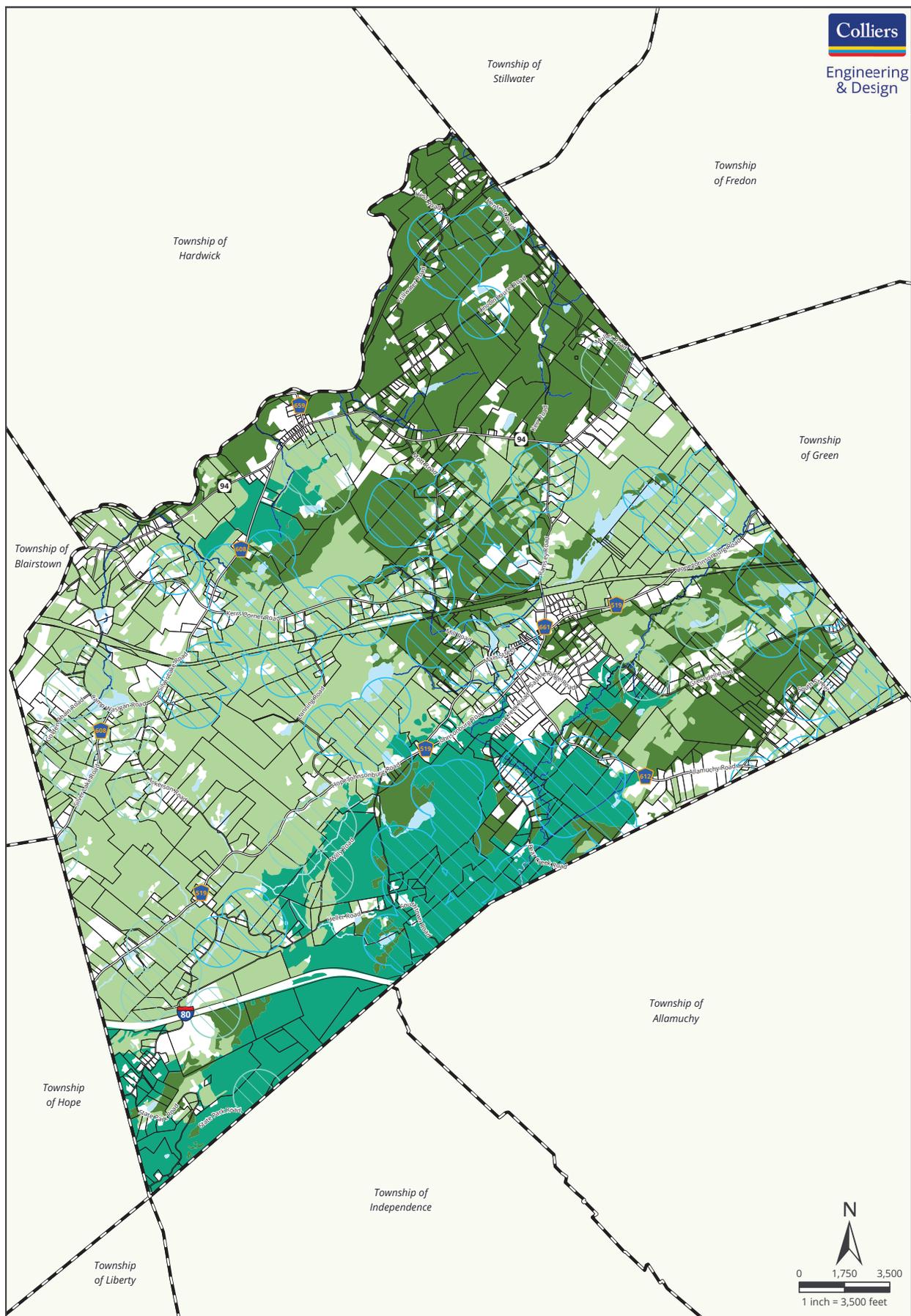
**ENVIRONMENTAL CONSTRAINTS**  
**TOWNSHIP OF FRELINGHUYSEN**  
 WARREN COUNTY, NEW JERSEY

May 9, 2025  
 FRB0080

Legend					
	Municipal Boundary		300-ft C1 Stream Buffer		150-ft Wetlands Buffer
	Parcels		150-ft Riparian Zone		FEMA Special Flood Hazard Area
	Category 1 (C1) Streams		50-ft Riparian Zone		Slopes greater than 15%
	Non-C1 Streams		Wetlands		
	Waterbodies		50-ft Wetlands Buffer		



Engineering & Design



**NJDEP THREATENED & ENDANGERED SPECIES**

TOWNSHIP OF FRELINGHUYSEN  
WARREN COUNTY, NEW JERSEY

**Legend**

- |                         |                               |                          |
|-------------------------|-------------------------------|--------------------------|
| Municipal Boundary      | Vernal Pool Habitats          | Landscape Rank           |
| Parcels                 | Potential vernal habitat area | State Threatened Species |
| Category 1 (C1) Streams | Vernal habitat area           | State Endangered Species |
| Non-C1 Streams          |                               | Federal Listed           |
| Waterbodies             |                               |                          |

May 9, 2025  
FRB0080

## Potential Affordable Housing Developers

As of May 14, 2025 no developers have approached the Township with a concept plan for affordable housing or submitted a letter of interest.

## Anticipated Development Patterns

Anticipated land use patterns within the Township of Frelinghuysen will most likely follow the established zoning map. A majority of Frelinghuysen is within the Agricultural Residential (AR-6) Zone, which permits single-family dwellings, accessory apartments, agriculture uses, churches, and public uses on six-acre lots. The Township has two Village Neighborhood (VN-1 and VN-2) Zones, which permit a variety of retail and service uses as well as residential uses on one or two-acre lots. There is also a Neighborhood Commercial Zone permitting a variety of non-residential uses and a Research, Office, and Manufacturing ("ROM") Zone, which permits low-intensity industrial and office uses. See the Zoning Map on page 31 for details.

No changes to the Township's current zoning map are proposed as part of this HEFSP.

# ZONING MAP

## Township of Frelinghuysen

Warren County  
New Jersey

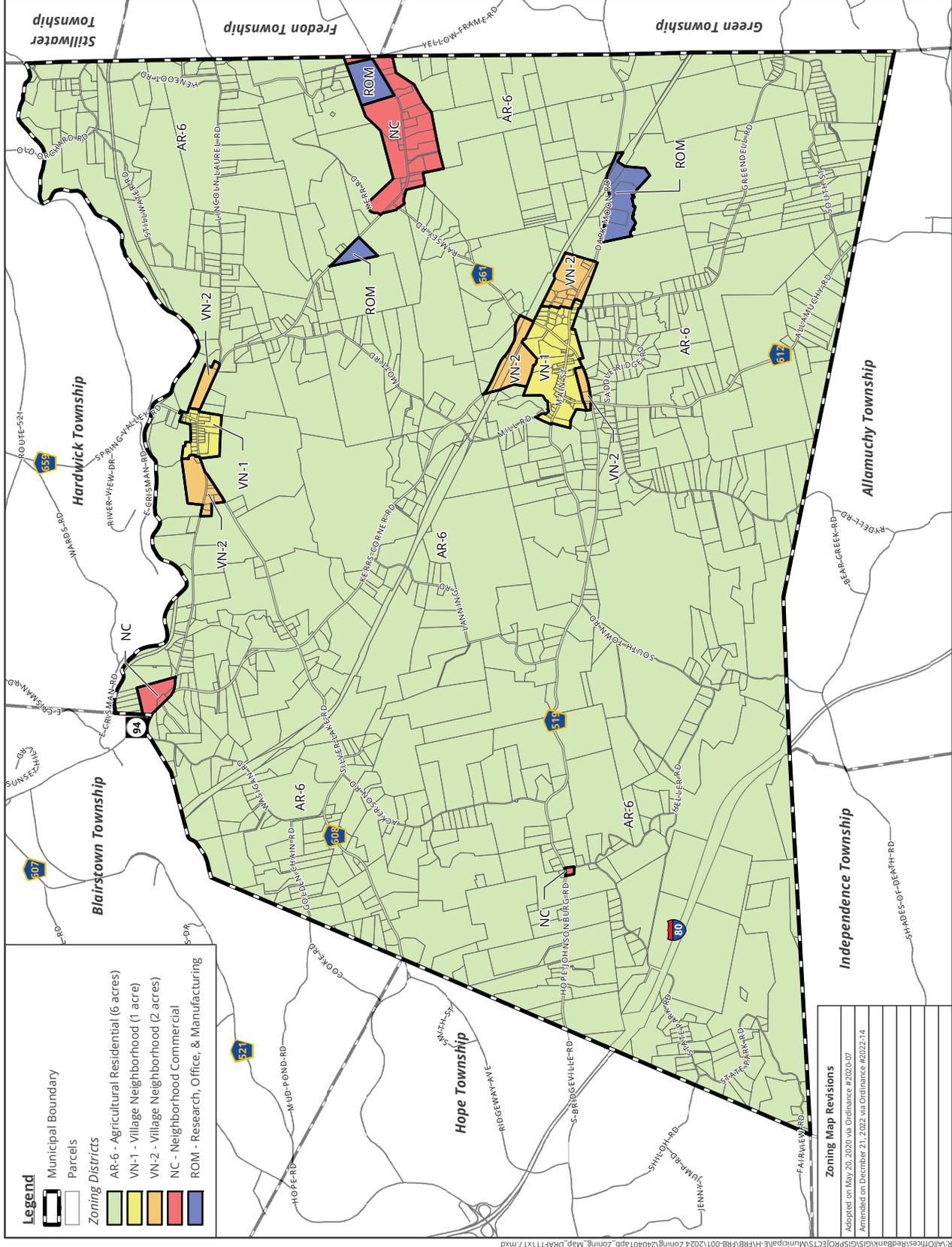


0 1,500 3,000  
Feet  
1 inch = 3,000 feet

This map was developed using NJDEP, NJGIS and Warren County GIS data. The map was prepared and verified by NJDEP and is not state authorized.



April 2024



**Legend**

- Municipal Boundary
- Parcels
- Zoning Districts**
- AR-6 - Agricultural Residential (6 acres)
- VN-1 - Village Neighborhood (1 acre)
- VN-2 - Village Neighborhood (2 acres)
- NC - Neighborhood Commercial
- ROM - Research, Office, & Manufacturing

**Zoning Map Revisions**

Adopted on May 20, 2020 via Ordinance #2020-07
Amended on December 21, 2022 via Ordinance #2022-14

R:\Info\Res\RedBank\GIS\GIS\Projects\Municipal\HFRB\RB-00112024\zoning\zoning\Draft\171.mxd

## VIII. Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. NJSA 52:27D-310g. has been added, which states, "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)".

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of 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 Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The Department of Community Affairs ("DCA") is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on May 16, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on May 16, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Frelinghuysen is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Frelinghuysen's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

## IX. State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. NJSA 52:27D-310i. reads "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 Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024 and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties between February 12, 2025 and April 16, 2025. Frelinghuysen submitted comments to the State and Warren County during the public comment period. The State Plan and Redevelopment Plan was adopted on December 17, 2025. Due to the State-mandated December 31, 2025 and March 15, 2026 affordable housing deadlines, the Township has not yet reviewed the document for consistency.

It should be noted that Frelinghuysen did not receive guidance concerning water, wastewater, stormwater, or multi-modal transportation from the State Planning Commission during the past year.

# FAIR SHARE PLAN

Township of Frelinghuysen

## X. Fair Share Plan

Fair Share Plan is defined by the Amended Fair Housing Act as “the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.”

The remaining chapters of this report comprise the Fair Share Plan.

### Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Outline of the four-part affordable obligation;
- Explanation of existing mechanisms and credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its HEFSP, a municipality may provide for its fair share of low- and moderate-income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per NJAC 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

### Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. A moderate-income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low-income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low-income households are those with a gross household income equal to 30% or less of the median gross household income. Frelinghuysen is located in Region 2, which contains Essex, Morris, Union, and Warren Counties.

Using the Affordable Housing Professionals of New Jersey's latest chart on the regional income limits for Housing Region 2 in 2025, a four-person moderate-income household is capped at \$108,240. Two-person moderate-income households are capped at \$86,640, while two-person households could make up to \$54,150 to be considered a low-income household. The table below provides the median, moderate-, low-, and very-low-income limits for one-, two-, three-, and four-person households in Region 2.

### 2025 Regional Income Limits

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$94,800	\$108,300	\$121,800	\$135,300
Moderate	\$75,840	\$86,640	\$97,440	\$108,240
Low	\$47,400	\$54,150	\$60,900	\$67,650
Very-Low	\$28,440	\$32,490	\$36,540	\$40,590

Source: [https://www.nj.gov/dca/hmfa/about/regulations/docs/UHAC\\_Income%20Limits.pdf](https://www.nj.gov/dca/hmfa/about/regulations/docs/UHAC_Income%20Limits.pdf)

### Affordable Requirements

The four components that must be addressed by this plan are contained in the table below.

### Affordable Housing Obligation

	Rehabilitation	Prior Round 1987 - 1999	Third Round 1999 - 2025	Fourth Round 2025 - 2035
Obligation	0	6	121	39
Durational Adjustment	-	-	121	39
Remaining Obligation That Must Be Satisfied	-	-	0	0

As discussed in Chapter XI., Frelinghuysen has reviewed its water and sewer infrastructure. The Township relies heavily on private wells and septic systems. Frelinghuysen has six private sewer service areas managed by the Warren County Pequest MUA. There is one public community water system, which only encompasses the Forest Manor Health Care Center. The Township has no public water or sewer service areas. Pursuant to NJAC 5:93-4.2(c) a lack of water and/or sewer capacity **shall** constitute a durational adjustment of the municipal obligation. As a result, the Third Round Obligation and the Fourth Round Obligation are durationally adjusted in their entirety.

## XI. Frelinghuysen's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation Frelinghuysen has been assigned.

### Four-Part Obligation

#### Rehabilitation

The Township has agreed with the DCA Report, which assigns Frelinghuysen a Rehabilitation Obligation of zero units.

#### Prior Round (1987-1999)

The Township of Frelinghuysen was granted Second Round Substantive Certification in 2001, which indicated a Prior Round Obligation ("PRO") of 6. The 2001 Compliance Report included the rental and age-restricted formulas. These formulas provide the minimum and maximum requirements regarding the development of rentals and age-restricted units for the PRO.

Minimum rental obligation:

= 25% (pre-credited need –rehabilitation component)

= 25% (19-14) = 1.25 ~ 1

Furthermore, it should be noted that NJAC 5:93-5.15(d)3 limits the number of rental bonuses to the minimum required rental obligation. Therefore, Frelinghuysen may receive a **maximum of 1 rental bonus** for the PRO.

Maximum age-restricted:

= 25% (pre-credited need –credits)

= 25% (19-8) = 2.75 ~ 3

#### Third Round (1999-2025)

Frelinghuysen has an obligation of 121 for the Third Round Obligation ("TRO"). However, as discussed below, the Township is seeking a durational adjustment due to a lack of public water and sewer service areas.

#### Fourth Round (2025-2035)

As indicated in the Program Recommendation and upheld by Judge Mennen, the Township's Fourth Round Obligation ("FRO") is 39.

The Amended FHA modified the micro-requirement formulas for the FRO, which are as follows:

- Minimum 50% of the actual affordable units (exclusive of any bonus credits) available to families
- Minimum 25% of the actual affordable units (exclusive of any bonus credits) as rental units
- Half of the above as family rental units
- Maximum 30% of the affordable units (exclusive of any bonus credits) as age-restricted housing

- Maximum 25% of the obligation as bonus credits

However, as noted below, Frelinghuysen is seeking a durational adjustment for the FRO.

### **Durational Adjustment**

Pursuant to NJAC 5:93-4.3, municipalities that do not have sufficient capacity for water or sewer facilities to support inclusionary development are entitled to a Durational Adjustment. Specifically, NJAC 5:93-4.3(c) states “The lack of adequate capacity, in and of itself, **shall** constitute a durational adjustment of the municipal housing obligation. The requirement to address the municipal housing obligation shall be deferred until adequate water and/or sewer are made available.” The following evidence supports the Township’s request for a Durational Adjustment.

The overwhelming majority of Frelinghuysen is served by private septic systems. Previously there were two public sewer service areas within Frelinghuysen, the Johnsonburg and Marksboro sewer service area. However, on September 24, 2008, Lawrence Baier of the NJDEP issued a letter notifying the Township that the County of Warren will not accept wastewater management planning responsibility and that the Township of Frelinghuysen could pursue to be the alternative assignee of wastewater management plan responsibility pursuant to NJAC 7:15-5.13(b). Subsequently, Paul Sterbenz, PE, PP of Maser Consulting, PA, the Township’s Engineer, issued a letter dated February 19, 2009 to Mr. Baier that Frelinghuysen will not seek approval from the NJDEP for wastewater management plan responsibility. Pursuant to NJAC 7:15-8.1, the two sewer service area designations were withdrawn, as the Township did not assume wastewater management plan responsibility and prepare and file a wastewater management plan by July 7, 2009. Therefore, the Johnsonburg and Marksboro public sewer service areas no longer exist. See Appendix G for a copy of the letters from Mr. Sterbenz.

There are six private sewer areas within the Township:<sup>9</sup>

- Frelinghuysen Twp Elementary School, Warren County Pequest MUA (“WCPMUA”), groundwater discharge
- Forest Manor Health Care Center, WCPMUA, groundwater discharge
- James Alexander Corporation, WCPMUA, groundwater discharge
- Jenny Jump State Forest, WCPMUA, groundwater discharge
- Johnsonburg Presbyterian Camp, WCPMUA, surface water discharge
- Westbrook Realty Westbrook Farms Industrial Park, WCPMUA, groundwater discharge

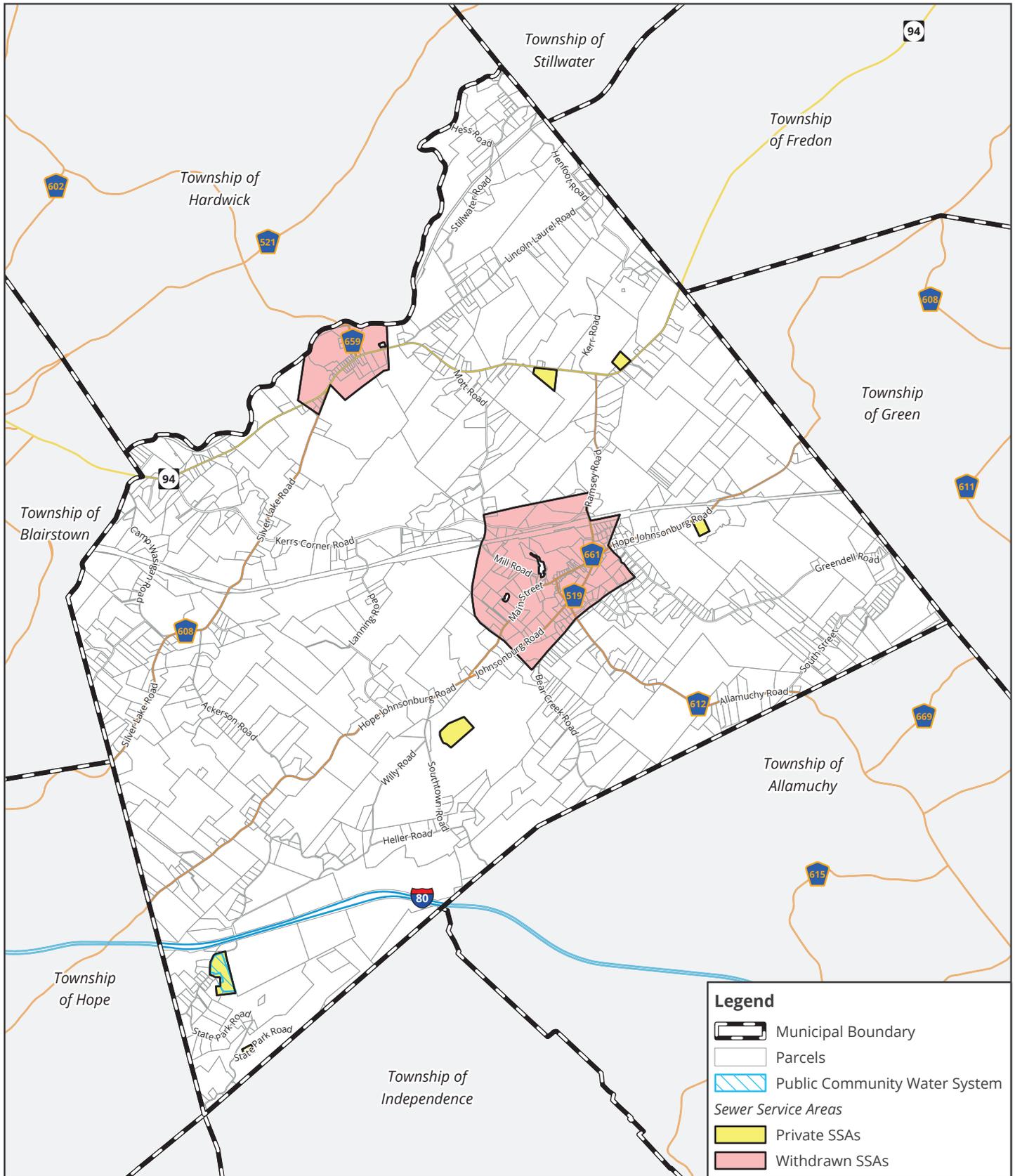
Additionally, there is one public community water system within Frelinghuysen. However, the area only encompasses the Forest Manor Health Care Center property.

The map on page 39 illustrates the existing private sewer and water areas within the Township of Frelinghuysen.

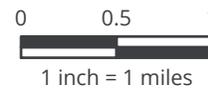
Frelinghuysen has no public water and sewer service area. Therefore, pursuant to NJAC 5:93-4.3(c) the Township is entitled to a durational adjustment. Both the TRO and FRO are durationally adjusted down to 0.

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<sup>9</sup> Data obtained from <https://njogis-newjersey.opendata.arcgis.com/datasets/njdep::statewide-sewer-service-area-for-new-jersey/about>, accessed May 9, 2025.



**SEWER AND WATER SERVICE AREAS**  
**TOWNSHIP OF FRELINGHUYSEN**  
 WARREN COUNTY, NEW JERSEY



This map was developed using GIS digital data from NJDEP, NJDOT, and NJGIN, but this secondary product has not been verified and is not state-authorized.

## XII. Mechanisms & Credits

This chapter provides the existing and proposed mechanisms and credits for each of the four affordable housing obligations.

### Existing Mechanisms & Credits

Frelinghuysen has a total of 20 credits of alternative living arrangement bedrooms and one rental bonus that exist on the ground today.

### Rehabilitation Mechanisms & Credits

The Township does not have any existing Rehabilitation credits. It also does not have a Rehabilitation Obligation.

### Prior Mechanisms & Credits

There are three completed mechanisms allocated to the PRO. All three mechanisms were listed in the 2001 Second Round COAH Substantive Certification.

### Center for Humanistic Change

The Center for Humanistic Change operates a group home at 2158 Stillwater Road (Block 104, Lot 6.02) that serves developmentally disabled persons and is licensed by the Department of Human Services. The home began operation in 1996 and has four bedrooms that are low-income units. The facility is not age-restricted. Licenses from 1996 to 2000 and 2002 to 2025<sup>10</sup> are attached in Appendix H along with an Alternative Living Arrangement Survey.

Based on the above information, this facility is eligible for **4 credits** pursuant to NJAC 5:93-5.8.

### Matheny – 253 Greendell

Matheny School and Hospital Inc. operates a group home at Block 1301, Lot 23.09, also known as 253 Greendell Road, that serves the developmentally disabled. The facility is licensed by the Department of Human Services, Office of Licensing. The home was issued its first license in 1998 and licenses from 1998 to 2000, 2001 to 2019, and 2020 to 2025<sup>11</sup> are in Appendix I along with an Alternative Living Arrangement Survey. The facility has 6 bedrooms, all of which are utilized by low-income residents. The facility is not age-restricted. According to the Second Round Substantive Certification COAH Compliance Report the facility has a promissory note between Matheny and the Department of Human Services that has a funding condition which places a perpetual lien on the home.

Based on the above information, this facility is eligible for **6 credits** pursuant to NJAC 5:93-5.8 **and 1 bonus** credit pursuant to NJAC 5:93-5.8(d). Therefore, the site is eligible for a total of **7 credits**.

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<sup>10</sup> An OPRA was submitted to the State of New Jersey for all licenses ever issued. The copies in the Appendix are all the licenses the State of New Jersey provided.

<sup>11</sup> An OPRA was submitted to the State of New Jersey for all licenses ever issued. The copies in the Appendix are all the licenses the State of New Jersey provided.

### Matheny – 255 Greendell

Matheny School and Hospital Inc. operates a second group home at 255 Greendell Road (Block 1301, Lot 23) that serves developmentally disabled persons. The site is licensed by the Department of Human Services. In response to an OPRA for all licenses ever issued for the site, the State provided copies of licenses from 2005 to 2019 and 2020 to 2025, which are in Appendix J along with an Alternative Living Arrangement Survey. The facility has 6 bedrooms, all of which are occupied by low-income residents. The facility is not age-restricted and has a use restriction attached to the deed. Additionally, according to the Second Round Substantive Certification COAH Compliance Report the facility has a promissory note between Matheny and the Department of Human Services that has a funding condition which places a perpetual lien on the home.

Based on the above information, this facility is eligible for **6 credits** pursuant to NJAC 5:93-5.8.

### Third Mechanisms & Credits

There are 11 surplus credits from the PRO that can be applied against the TRO. In addition, there is one existing mechanism that provides credits towards the Township's TRO.

### Silver Lake Group Home

REM-NJ Inc. operates a four-bedroom group home that houses five individuals at 33 Silver Lake Road (Block 301, Lot 20). The home is licensed by the Department of Human Services. Licenses, provided by the State of New Jersey in response to an OPRA request for all licenses issued, from 1998 to 2016 and 2018 to 2025 are attached in Appendix K along with an Alternative Living Arrangement Survey. The facility is not age-restricted and is occupied by low-income individuals.

Based on the above information, this facility is eligible for **4 credits** pursuant to NJAC 5:93-5.8.

### Fourth Mechanisms & Credits

There are no existing FRO credits.

### Summary of Existing Mechanisms & Credits

The Township has a total of 21 existing credits as detailed in the table on the following page.

### Existing Mechanisms & Credits

Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Prior Round Credits</i>						
Center for Humanistic Change	Alternative Living Arrangement	Rental	No	4		4
Matheny - 253 Greendell	Alternative Living Arrangement	Rental	No	6	1	7
Matheny - 255 Greendell	Alternative Living Arrangement	Rental	No	6		6
<b>Total</b>				<b>16</b>	<b>1</b>	<b>17</b>
<i>Third Round Credits</i>						
Surplus Credits				11		11
Silver Lake Group Home	Alternative Living Arrangement	Rental	No	4		4
<b>Total</b>				<b>15</b>	<b>0</b>	<b>15</b>

### Proposed Mechanisms & Credits

The sections below describe the proposed mechanisms and credits to address the Township's four-part affordable housing obligation.

#### Rehabilitation Mechanisms & Credits

Frelinghuysen does not have a Rehabilitation Obligation; therefore, no mechanisms are proposed.

#### Prior Round Mechanisms & Credits

As described in the above section, the PRO has been satisfied with existing credits.

#### Third Round Mechanisms & Credits

The Township has 15 existing credits towards the TRO. Frelinghuysen has demonstrated its lack of public water and sewer service areas and is entitled to a durational adjustment. Therefore, the remaining TRO is durationally adjusted to 0.

#### Fourth Round Mechanisms & Credits

As noted above, the Township does not have public water and sewer and is therefore entitled to a durational adjustment. However, the Township proposes two mechanisms to potentially generate credits. These credits could ultimately be applied towards the Third Round Obligation or Fourth Round Obligation. However, for purposes of this report, they are placed under the Fourth Round (the Township reserves the right to shift these credits if/when they come to fruition).

### Accessory Apartment Ordinance

The Township seeks to create accessory apartment units for farm employees on properties with a tax classification of 3A or 3B or on preserved farmland. Frelinghuysen contains 2,899 acres of

preserved farmland, which totals 18.98% of the Township's land area.<sup>12</sup> Moreover, 9,427.61 acres or 61.7% of the Township has a tax classification of farmland assessed.<sup>13</sup> Frelinghuysen is requesting a waiver pursuant to NJAC 5:93-15.1 from affirmatively marketing the accessory apartment units and to allow the units to be reserved for farm employees and their families.

NJAC 5:93-1.3 defines accessory apartment as "a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created within an existing home, or through the conversion of an existing attached accessory structure on the same site, or by an addition to an existing home or accessory building."

The Township will amend the zoning ordinance to permit accessory apartments as a conditional accessory use in the AR-6 Zone. Potential conditions include, but are not limited to:

- Must be located on a property with a tax classification of 3A or 3B or on preserved farmland. Said property must meet the required minimum lot size.
- The accessory apartment shall comply with the AR-6 Zone accessory building setbacks and building coverage limitation.
- Can be created within an existing home, through the conversion of an existing accessory structure, by an addition to an existing home or accessory building, or through the construction of a new accessory building.
- The accessory apartment shall be limited to 750 square feet.
- New accessory apartment buildings shall be limited to one story in height and 18 feet tall.
- Occupants of the accessory apartment must be income-qualified affordable households and at least one member of the affordable household must be an employee of the farm where the housing unit is located.
- In exchange for a one-time payment of \$35,000 from the Affordable Housing Trust Fund, the property must record a minimum 10-year deed restriction in a format acceptable to the Township's professionals.

Providing affordable accessory apartments for farm workers and their families aligns with S3353 signed by Governor Murphy on May 9, 2025.<sup>14</sup> Bill S3353 directs the State Agricultural Development Committee to adopt agricultural management practices for housing resident farm employees on commercial farms, and establishes such housing as eligible for "Right to Farm" protection. The Bill defines commercial farm as:

- A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually
- A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually, or
- A farm management unit that is a beekeeping operation worth \$10,000 or more annually.

The Bill also adds a new definition for "resident farm employee", which is a person who is employed by the owner or operator of a commercial farm to engage in agricultural production activities on a full-time basis on the commercial farm. Resident farm employee does not include a full-time, year-

<sup>12</sup> Email from Sandy Urgo, Vice President of Land Preservation and Stewardship, The Land Conservancy, dated April 23, 2025.

<sup>13</sup> Data obtained from New Jersey Office of GIS, Parcels and MOD-IV Composite of NJ, published on December 5, 2024, <https://njogis-newjersey.opendata.arcgis.com/documents/property-tax-list-mod-iv-of-nj-fgdb-download/about>, accessed on January 5, 2025.

<sup>14</sup> [https://pub.njleg.state.nj.us/Bills/2024/S3500/3353\\_R1.PDF](https://pub.njleg.state.nj.us/Bills/2024/S3500/3353_R1.PDF)

round equine-related farm employee or the owner of the farm, or any lineal descendant of the owner.<sup>15</sup>

The proposed accessory apartment program for farm workers and their families provides housing in a rural area where affordable housing options are limited. Over time, the accessory apartments become permanent fixtures within the community, providing housing alternatives in keeping with the draft State Plan and the goals of Frelinghuysen to support the agricultural industry. To incentivize the construction of or conversion of existing buildings to an affordable accessory apartment, Frelinghuysen will provide a one-time payment of \$35,000 per qualifying unit to aid with the construction and/or conversion of an existing building to the affordable accessory apartment. A maximum of five accessory apartment units will be funded by the Affordable Housing Trust Fund, which is dependent on the amount of development fees collected.

The Ordinance will permit a maximum of five accessory apartments. However, if the program is a success and additional property owners show interest, the Township will reevaluate the program to determine if the Ordinance should be amended to permit more than five accessory apartments.

As noted above, Frelinghuysen is requesting a waiver pursuant to NJAC 5:93-15.1 from affirmatively marketing the accessory apartment units and to allow the units to be reserved for farm employees and their families.

Waivers can be granted pursuant to 5:93-15.1(b) if it is determined:

- That such a waiver fosters the production of low- and moderate-income housing;
- That such a waiver fosters the intent of, if not the letter of, its rules; or
- Where the strict application of the rule would create an unnecessary hardship.

The requested waiver fosters the production of affordable housing and advances Bill S3353 signed by Governor Murphy on May 9, 2025. Providing affordable housing for farm employees and their families will create housing opportunities in a rural area where there are fewer reasonably priced housing options available. The requested waiver fosters the intent of the affordable housing regulations and will provide rental family housing, which is one of the micro-requirements mandated by the regulations. The strict application of the affirmative marketing rules and the inability to reserve the accessory apartments for farm employees and their families would run contrary to Bill S3353 signed by Governor Murphy on May 9, 2025. Moreover, the strict application of the rules does not support the agricultural industry, which is an important economic industry in Frelinghuysen, Warren County, and the State.

The Township respectfully requests a waiver pursuant to NJAC 5:93-15.1 from affirmatively marketing the accessory apartment units and to allow the units to be reserved for farm employees and their families. This is an innovative affordable housing mechanism, which is encouraged in NJAC 5:97-6.15, that can be accommodated in a community without public water and sewer.

Based on the above information, this mechanism has the potential to produce **5 credits** pursuant to NJAC 5:93-5.9 (accessory apartments).

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<sup>15</sup> [https://pub.njleg.state.nj.us/Bills/2024/S3500/3353\\_R1.PDF](https://pub.njleg.state.nj.us/Bills/2024/S3500/3353_R1.PDF), accessed May 14, 2025.

## Highlands Affordable Housing Ordinance

Pursuant to the Amended FHA (NJSA 52:27D-329.9.a) new developments located, or to be located, within the jurisdiction of a regional planning entity requiring an adoption of a master plan or comprehensive management plan, are required to reserve 20% of said development's residential units for low- or moderate-income households. The Township of Frelinghuysen is located within the Highlands Region, in the Planning Area, where conformance is voluntary. The Township has elected not to opt in to the Highlands. Despite this, Frelinghuysen cannot ignore the requirement of NJSA 52:27D-329.9.a.

The Highlands Council issued Affordable Housing Implementation Guidelines in October of 2024. These guidelines require conforming towns to adopt a Highlands Affordable Housing Ordinance. This Ordinance reflects the requirements of NJSA 52:27D-329.9a, which compels developments consisting of residential units within the jurisdiction of any regional planning entity to reserve for occupancy by affordable households at least 20% of the residential units constructed.

The Highlands Council has provided a template ordinance, and it contains the following language:

- Any development consisting of five or more newly constructed residential units shall reserve for occupancy at least 20 percent (20%) of the residential units constructed for low- or moderate-income households.
- Development exempt from the Highlands Act is not exempt from the 20% reservation requirement.
- A minimum of 13% of the affordable units shall be reserved for very low-income households pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).

Frelinghuysen will adopt the Highlands Affordable Housing Ordinance as it is located within the jurisdiction of a regional planning entity. The draft ordinance can be found in Appendix M.

Based on the above information, the Highlands Affordable Housing Ordinance and its 20% set-aside requirement presents a realistic opportunity to create affordable units that can be allocated towards the Township's affordable housing obligation.

## Summary of Proposed Mechanisms & Credits

The table below summarizes the mechanisms and credits Frelinghuysen proposes to address its four-part affordable housing obligation.

Proposed Mechanisms & Credits						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
<i>Fourth Round Credits</i>						
Accessory Apartment Ordinance	Accessory Apartments	Rental	No	5	0	5
Highlands Affordable Housing Ordinance	Inclusionary	TBD	TBD	TBD	TBD	TBD
<b>Total</b>				<b>TBD</b>	<b>TBD</b>	<b>TBD</b>

## Summary of Mechanisms & Credits

The table below provides a summary of the mechanisms, credits, and bonuses this HEFSP proposes.

### Existing & Proposed Credits

Mechanism	Credit Type	Credit	Bonus	Total
<i>Prior Round Credits</i>				
Center for Hunmanistic Change	Alternative Living Arrangement	4		4
Matheny - 253 Greendell	Alternative Living Arrangement	6	1	7
Matheny - 255 Greendell	Alternative Living Arrangement	6		6
<b>Total</b>		<b>16</b>	<b>1</b>	<b>17</b>
<i>Third Round Credits</i>				
Surplus Credits		11		11
Silver Lake Group Home	Alternative Living Arrangement	4		4
<b>Total</b>		<b>15</b>	<b>0</b>	<b>15</b>
<i>Fourth Round Credits</i>				
Accessory Apartment Ordinance*	Accessory Apartments	5		5
Highlands Affordable Housing Ordinance*	Inclusionary	TBD	TBD	TBD
<b>Total</b>		<b>TBD</b>	<b>TBD</b>	<b>TBD</b>

\*Proposed Mechanisms

### XIII. Implementation Schedule

The table below provides an anticipated implementation schedule for the mechanisms that are proposed within the Frelinghuysen Township.

Implementation Schedule										
Mechanism	'26	'27	'28	'29	'30	'31	'32	'33	'34	'35
Accessory Apartment Ordinance										
Adopt Ordinance										
Application Review & Approval										
Construction										
Occupancy										
Highlands Affordable Housing Ordinance										
Adopt Ordinance										
Application Review & Approval										
Construction										
Occupancy										

## XIV. Implementing Documents

The deadlines prescribed in the Amended FHA failed to realize the multitude of moving parts in the world of affordable housing. On December 20, 2024, the Housing and Mortgage Finance Agency (“HMFA”) adopted “amendments” to the Uniform Housing Affordability Controls (“UHAC”). These special adopted rules are hardly amendments, as there are widespread and dramatic changes throughout the 192-page document. Furthermore, these rules are only effective until December 19, 2025, or such earlier date at which time the HMFA amends, adopts, or readopts the rules pursuant to the New Jersey Administrative Procedure Act.

The HMFA then proposed the readoption of the specially adopted amendments and other proposed rulemaking actions to the UHAC rules, which was published in the New Jersey Register on July 21, 2025. Public comments were accepted through September 19, 2025 on the 2025 proposed rules.

Meanwhile, on March 17, 2025, the State issued proposed rules (NJAC 5:99), which were open for public comment until May 16, 2025. These rules concern the municipal ordinance requirements for development fees; monitoring requirements; regulations regarding municipal housing liaison and administrative agents, etc.

On December 15, 2025 the new NJAC 5:99 and UHAC rules were published. These regulations impact several of the standard implementing documents that typically accompany a HEFSP. The below documents will be updated as needed to comport with the newly adopted regulations:

1. Affordable Housing Ordinance
2. Development Fee Ordinance
3. Affirmative Marketing Plan
4. Operating Manuals
5. Affordability Assistance Mini-Manuals

The Frelinghuysen Township Affordable Housing Ordinance can be found in Chapter 20 Affordable Housing (<https://ecode360.com/34733476>) and the Development Fee Ordinance is located in Chapter 20 Affordable Housing, Subsection 20-7 (<https://ecode360.com/34733787#34733788>).

## XV. Appendix

- A. COAH Second Round Substantive Certification.
- B. COAH Third Round Substantive Certification.
- C. Resolution 2025-25 Committing to a Fourth Round Present and Prospective Need Obligation
- D. 2025 Complaint for Declaratory Judgment and for Judgment of Compliance with the Fair Housing Act
- E. April 15, 2025 Statement of Reasons (“Program Recommendation”)
- F. April 23, 2025 Decision & Order on Fair Share Obligation
- G. February 19, 2009 Letter and October 27, 2023 Letter Regarding Lack of Sewer Service Areas
- H. Center for Humanistic Change Licenses and Alternative Living Arrangement Survey
- I. Matheny 253 Greendell Licenses and Alternative Living Arrangement Survey
- J. Matheny 255 Greendell Licenses and Alternative Living Arrangement Survey
- K. REM-NJ Inc Licenses and Alternative Living Arrangement Survey
- L. Accessory Apartment Ordinance
- M. Highlands Affordable Housing Ordinance
- N. 2026 Spending Plan
- O. Municipal Housing Liaison Resolution
- P. Land Use Board Resolution Adopting 2025 HEFSP
- Q. Committee Resolution Endorsing 2025 HEFSP
- R. Committee Resolution Approving Spending Plan
- S. October 7, 2025 Case Management Order
- T. 2026-20 Committee Resolution and Consent Order
- U. January 9, 2026 Consent Order Conditional Compliance Certification
- V. Affirmative Marketing Plan
- W. Land Use Board Resolution Adopting Amended 2025 HEFSP
- X. Committee Resolution Endorsing Amended 2025 HEFSP