

Housing Element and Fair Share Plan

Prepared for:

**Monroe Township
Middlesex County, New Jersey**

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Prepared By:



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Contents

INTRODUCTION..... 1

MUNICIPAL SUMMARY 3

DEMOGRAPHIC CHARACTERISTICS..... 4

 POPULATION 4

 POPULATION COMPOSITION BY AGE 4

 HOUSEHOLDS..... 6

 INCOME 7

 HOUSEHOLD COSTS 8

EXISTING HOUSING CONDITIONS 9

 HOUSING UNIT DATA..... 9

 HOUSING TYPE AND SIZE..... 10

 HOUSING VALUES AND CONTRACT RENTS 11

 HOUSING CONDITIONS..... 12

 PROJECTED HOUSING STOCK 13

EMPLOYMENT DATA..... 13

Lands Most Appropriate for Affordable Housing 17

 Infrastructure 18

 Anticipated Demand and Land Use Patterns 18

 Environmental Constraints 19

 Historic 19

 Existing Land Use Designations 20

 Consistency with the State Plan 25

FAIR SHARE PLAN 28

 Fair Share Obligation Summary..... 28

 Satisfaction of the Township’s Rehabilitation/Present Need Obligation 28

 Prior Round Obligation (1987-1999) 28

 Third Round Obligation (1999-2025)..... 29

 Fourth Round Obligation..... 32

APPENDICES 1

 Appendix A. Spending Plan

 Appendix B. Rehab Operating Manual

 Appendix C. Affordable Housing Ordinance /Development Fee Ordinance

Appendix D. Draft Ordinances

List of Tables

TABLE 1: POPULATION TRENDS, 1940-2023	4
TABLE 2: POPULATION BY AGE COHORT, MONROE, 2010-2023	5
TABLE 3: POPULATION BY AGE COHORT, MIDDLESEX COUNTY, 2010-2023	5
TABLE 4: MEDIAN AGE	6
TABLE 5: HOUSEHOLD CHARACTERISTICS.....	6
TABLE 6: HOUSEHOLDS BY TYPE (2023).....	7
TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME.....	7
TABLE 8: HOUSEHOLD INCOME DISTRIBUTION	8
TABLE 9: MONTHLY OWNER COSTS AS A.....	9
TABLE 10: GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023.....	9
TABLE 11: HOUSING UNIT DATA, 2023.....	10
TABLE 12: HOUSING UNITS BY TYPE, 2023	11
TABLE 13: VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2023.....	11
TABLE 14: GROSS RENT PAID.....	12
TABLE 15: HOUSING DEFICIENCY CHARACTERISTICS.....	12
TABLE 16: BUILDING PERMITS AND DEMOLITION PERMITS ISSUED.....	13
TABLE 17: EMPLOYMENT STATUS	14
TABLE 18: CLASSIFICATION OF WORKERS IN MONROE, 2023.....	14
TABLE 19: WORKFORCE BY SECTOR.....	15
TABLE 20: COMPARISON OF WORKFORCE BY SECTOR.....	16
TABLE 21: OCCUPATIONS BY TYPE.....	16
TABLE 22: PROJECTED EMPLOYMENT, MIDDLESEX COUNTY, 2032	17
TABLE 23: FAIR SHARE OBLIGATION SUMMARY	28
TABLE 24: PRIOD ROUND OBLIGATION SUMMARY	29
TABLE 25: THIRD ROUND COMPLIANCE SUMMARY	29
TABLE 26: FOURTH ROUND COMPLIANCE SUMMARY.....	32

INTRODUCTION

In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing in their communities. In its Mount Laurel decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by stating that this constitutional responsibility extended to all municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities affirmatively addressed this obligation.

In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The Fair Housing Act established a Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was also given the responsibility of establishing various housing regions in the state, determining regional and municipal fair share affordable housing obligations and adopting regulations establishing the guidelines and approaches that municipalities may use in addressing their affordable housing need.

Under COAH’s regulations, low income households are defined as those with incomes no greater than 50 percent of the median household income, adjusted for household size, of the housing region in which the municipality is located, and moderate-income households are those with incomes no greater than 80 percent and no less than 50 percent of the median household income, adjusted for household size, of the housing region. For the Township of Monroe, the housing region is defined by COAH as Region 3 and is comprised of Hunterdon, Middlesex, and Somerset counties. In Region 3 the median income for a four-person household is \$146,200, the moderate-income limit is \$116,960 and low-income limit is \$73,100 in 2024.

Pursuant to both the Fair Housing Act and the Municipal Land Use Law (MLUL), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality’s low- and moderate-income housing needs. The statutory required contents of the housing element are:

- 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;
- A projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing, for the 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; and
- 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.

MUNICIPAL SUMMARY

Monroe Township is a growing suburban community located in southern Middlesex County, New Jersey. The Township consists of a land area of approximately 42 square miles, which makes it the largest municipality in the county by area. The Township was originally founded by settlers in the late 1600s for its agricultural opportunities and natural resources.

Today, Monroe Township is characterized by a diverse land use that consists of residential neighborhoods, commercial centers, industrial areas, recreational spaces and preserved open spaces. Monroe Township shares borders with several municipalities including Millstone Township to the south, Englishtown, Manalapan and Marlboro Township to the east, Spotswood to the north, and Cranbury and East Windsor to the west. The Township also completely surrounds the Borough of Jamesburg.

The current year-round population of Monroe is estimated at 48,299 (ACS 2023 5-year data). The Township has a population density of 1,145 persons per square mile. Monroe has also grown older by 3.8 years between 2000 and 2023, with a current median age of 57.3 years of age. Monroe's 2023 median household income estimate of \$106,892 was lower than that of the county (\$109,028) and higher than the State (\$101,050).

In the guidelines established by COAH, Monroe Township is in affordable housing Region 3 which is comprised of Hunterdon, Middlesex, and Somerset.

DEMOGRAPHIC CHARACTERISTICS

POPULATION

In 2023, Monroe Township had a total population of 48,299. This number represented an increase of 3,684 individuals or 8.3 percent since 2020, when the total population was 44,615 individuals. This increase is part of the steady increase of population that the Township has experienced. The total population pattern for Monroe, Middlesex County, and New Jersey are detailed below.

TABLE 1: POPULATION TRENDS, 1940-2023

Year	Monroe			Middlesex County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1940	3,034	-	-	217,007	-	-	4,160,165	-	-
1950	4,082	1,048	34.5%	264,872	47,865	22.0%	4,835,329	675,164	16.2%
1960	5,831	1,749	42.8%	433,856	168,984	63.8%	6,066,782	1,231,453	25.5%
1970	9,138	3,307	56.7%	583,813	149,957	34.6%	7,171,112	1,104,330	18.2%
1980	15,858	6,720	73.5%	595,893	12,080	2.1%	7,365,011	193,899	2.7%
1990	22,255	6,397	40.3%	671,780	75,887	12.7%	7,730,188	365,177	5.0%
2000	27,999	5,744	25.8%	750,162	78,382	11.7%	8,414,350	684,162	8.9%
2010	39,132	11,133	39.8%	809,858	59,423	8.0%	8,721,577	307,227	3.6%
2020*	44,615	5,483	14.0%	825,015	15,157	1.8%	8,885,418	163,841	1.9%
2023*	48,299	3,684	8.3%	861,535	36,520	4.4%	9,267,014	381,596	4.29%
2050**	51,173	2,874	5.9%	939,723	78,188	9.1%	-	-	-

Source: U.S. Census Bureau Decennial Census

*American Community Survey 5-Year Estimates (table DP05)

**Population Projections from North Jersey Transportation Planning Authority (NJTPA)

POPULATION COMPOSITION BY AGE

The age composition of Monroe has shifted noticeably since 2010. According to American Community Survey 5-Year Estimates, 2023, significant changes occurred in many age groups. The populations of children aged 15 to 19 and under the age of 5 years old decreased significantly over this time period. All population cohorts but these two increased during the 2010 to 2023 time period. The greatest increase in population was experienced in the years 65 to 74 age cohort, followed by the 60 to 64 years age cohort.

TABLE 2: POPULATION BY AGE COHORT, MONROE, 2010-2023

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	37,171	100.0%	48,299	100.00%	29.9%
Under 5 years	1,655	4.5%	1,431	3.0%	-13.5%
5 to 9 years	1,970	5.3%	2,448	5.1%	24.2%
10 to 14 years	1,912	5.1%	2,823	5.8%	47.6%
15 to 19 years	1,947	5.2%	1,595	3.3%	-18.1%
20 to 24 years	1,007	2.7%	1,401	2.9%	39.1%
25 to 34 years	2,134	5.7%	2,107	4.4%	13.8%
35 to 44 years	4,139	11.1%	4,771	9.9%	15.3%
45 to 54 years	4,445	12.0%	6,042	12.5%	35.9%
55 to 59 years	2,006	5.4%	2,868	5.9%	42.9%
60 to 64 years	2,586	7.0%	4,013	8.3%	55.0%
65 to 74 years	5,278	14.2%	9,117	18.9%	72.7%
75 to 84 years	6,094	16.4%	6,666	13.8%	9.4%
85 years and over	1,998	5.4%	3,017	6.2%	51.0%
U.S. Census Bureau ACS 5- Year Estimates (table DP-05)					

Middlesex County also experienced shifts in the age make-up of its population. The County experienced a significant decrease in children under the age of 9. The 55 and over age cohorts also experienced population increases between 2010 and 2023, suggesting that the County, like the Township, has an aging population.

TABLE 3: POPULATION BY AGE COHORT, MIDDLESEX COUNTY, 2010-2023

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	798,882	100.0%	861,535	100.0%	7.8%
Under 5 years	50,702	6.3	46,940	5.4%	-7.4%
5 to 9 years	51,488	6.4	50,589	5.9%	-1.7%
10 to 14 years	49,664	6.2	55,217	6.4%	11.1%
15 to 19 years	57,603	7.2	59,602	6.9%	3.4%
20 to 24 years	55,404	6.9	54,938	6.4%	-0.8%
25 to 34 years	111,988	14.0	110,996	12.9%	-0.9%
35 to 44 years	120,693	15.1	119,608	13.9%	-0.8%
45 to 54 years	119,395	14.9	115,123	13.4%	-3.6%
55 to 59 years	48,118	6.0	58,702	6.8%	21.9%
60 to 64 years	36,906	4.6	53,932	6.3%	46.1%
65 to 74 years	48,494	6.1	80,737	9.4%	66.5%
75 to 84 years	34,814	4.4	38,881	4.5%	11.6%
85 years and over	13,613	1.7	16,270	1.9%	19.5%
U.S. Census Bureau American Community Survey 5-Year Estimates (table DP-05)					

The median age of Monroe Township residents has increased by 3.8 years between 2010 and 2023. While the State and County have experienced increases in median age and the Township experienced a higher increase between 2010 and 2023, and is the highest of the median age range of the three populations.

TABLE 4: MEDIAN AGE

Year	Monroe	Middlesex County	New Jersey
2010	53.5	36.9	38.5
2023	57.3	37.3	40.1
Change	3.8	0.4	1.6
U.S. Census Bureau, American Community Survey 2010, 2023 5-Year Estimates (table B01002)			

HOUSEHOLDS

A household is defined as one or more persons, either related or not, living together in a housing unit. 2023 ACS 5-Year Estimates note that there were approximately 21,673 households in the Township. Approximately 71.2% percent of all Township households were comprised of one or two persons, with 39.6% comprising two-person households. While one- and two-person household also comprise the majority of County households at 52.1%, Monroe has far fewer large households than the County overall. The Township’s average household size was 2.21, which is smaller than the County’s average household size of 2.74.

**TABLE 5: HOUSEHOLD CHARACTERISTICS
MONROE AND MIDDLESEX COUNTY, 2023**

	Township		County	
	Number	Percent	Number	Percent
Total Households	21,673	100.0%	305,610	100.0%
1-person	6,853	31.6%	68,949	22.6%
2-persons	8,588	39.6%	90,455	29.6%
3-persons	2,116	9.8%	56,378	18.4%
4 or more persons	4,116	19.0%	89,828	29.4%
Average Household Size	2.21		2.74	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S2501 & B25010)				

Family households are defined as two or more persons living in the same household, related by blood, marriage or adoption. Households in Monroe mainly consist of family households (66.0%). Approximately 91.1 percent of all family households were family households with married couple householders. While 5.9 percent and 3.0 percent of family households respectively were family households consisting of single female and male householders. The average family size was 3.3 persons. The average non-family household size was 1.07 persons.

TABLE 6: HOUSEHOLDS BY TYPE (2023)

Households	Total	Percent
		21,673
Average Household Size	2.21	
Average Non-Family Household Size	1.07	
Family households	14,307	66.0%
Married Couple Family	13,039	91.1%
With own children under 18 years	4,132	19.0%
No children under 18 years	8,907	41.1%
Other Family		
Male householder, no spouse present	428	3.0%
With own children under 18 years	217	1.0%
No own children under 18 years	211	0.9%
Female householder, no spouse present	840	5.9%
With own children under 18 years	203	0.9%
No own children under 18 years	637	2.9%
Nonfamily Households	4,762	21.9%
Average Family Size	3.3	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table S1101)		

INCOME

Monroe experienced a 65.2 percent increase in per capita income between 2010 and 2023, which was much higher than Middlesex County’s 48.4 percent increase, and higher than the State’s 52.3 percent increase over the same period. The Township’s percent increase in per capita income was higher than that of Middlesex County and the per capita income value of \$69,356 was greater than that of the County (\$49,417) and the State overall (\$53,118).

TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME

	2010 Per Capita Income	2023 Per Capita Income	Percent Change	2010 Median Household Income	2023 Median Household Income	Percent Change
Monroe	\$41,959	\$69,356	65.2%	\$74,202	\$106,892	44.1%
Middlesex	\$33,289	\$49,417	48.4%	\$77,615	\$109,028	40.4%
New Jersey	\$34,858	\$53,118	52.3%	\$69,811	\$101,050	44.7%
U.S. Census Bureau, 2010 Decennial Census (tables DP03 and P082)						
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S1902 and S1903)						

The income distribution for the Township deviates from that of the County. The income bracket containing the highest percentage of households for Monroe is the \$200,000 or more while the County’s highest is the \$100,000 to \$149,999 range. The income brackets containing the second highest percentage were the \$100,000 to \$149,999 range for Monroe, and the

\$200,000 or more range for the County. However, the median income in Monroe was \$106,829, approximately \$2,136 less than the county median household income, and about \$5,842 more than the state median household income. Between 2010 and 2023, the median household income increased by 44.1 percent, higher than the 40.4 percent growth rate experienced in Middlesex County and lower than the 44.7 percent increase for the State overall.

**TABLE 8: HOUSEHOLD INCOME DISTRIBUTION
MONROE AND MIDDLESEX COUNTY, 2023**

	Monroe		Middlesex County	
	Number	Percent	Number	Percentage
Total Households	21,673	100.0%	305,610	100.0%
Less than \$10,000	549	2.5%	9,699	3.1%
\$10,000 to \$14,999	476	2.2%	7,697	2.5%
\$15,000 to \$24,999	1,251	5.7%	13,810	4.5%
\$25,000 to \$34,999	772	3.3%	12,665	3.5%
\$35,000 to \$49,999	2,044	9.4%	22,016	7.2%
\$50,000 to \$74,999	2,584	11.9%	38,152	12.4%
\$75,000 to \$99,999	2,661	12.3%	36,214	11.8%
\$100,000 to \$149,999	3,111	14.3%	59,875	22.7%
\$150,000 to \$199,999	2,783	12.8%	41,172	19.5%
\$200,000 or more	5,442	25.1%	64,310	21.0%

U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B19001)

HOUSEHOLD COSTS

The tables below show housing expenditures for owner- and renter-occupied units in Monroe in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 6,059 households (30.7%) were devoting more than 30 percent of their annual income to housing costs. The State affordability threshold for housing as a percent of income suggests that not more than 28 percent of gross income should be allocated for housing costs.

The second table shows rental costs as a percentage of household income. A total of 1,929 households renting in Monroe, or 53.1 percent, were spending over 30 percent of their incomes on rent. The State affordability threshold for housing as a percent of income suggests that not more than 30 percent of gross income should be allocated for rent.

TABLE 9: MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023

	Monroe		Middlesex County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	19,710	100.0%	124,042	100.0%
Less than 15%	5,947	30.2%	24,716	19.9%
15 to 19%	2,856	14.5%	23,010	18.5%
20 to 24%	2,783	14.1%	20,437	16.5%
25 to 29%	1,949	9.9%	14,983	12.1%
30 to 34%	1,432	7.3%	9,894	7.9%
35% or more	4,627	23.5%	30,546	24.6%
Not computed	116	0.6%	456	0.4%

U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25091)

TABLE 10: GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023

	Monroe		Middlesex County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Housing Units	1,963	100.0%	111,647	100.0%
Less than 15%	68	3.4%	13,968	12.5%
15 to 19%	83	4.2%	15,373	13.8%
20 to 24%	59	3.0%	15,508	13.6%
25 to 29%	341	17.3%	12,276	10.9%
30 to 34%	130	6.6%	9,599	8.6%
35% or more	942	47.9%	39,747	35.6%
Not computed	340	17.3%	5,176	4.6%

U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25070)

EXISTING HOUSING CONDITIONS

HOUSING UNIT DATA

Monroe housing stock is predominantly owner occupied and relatively new. According to the 2023 ACS, the Township had a total of 22,598 occupied housing units. Most occupied units (95.9%) were owner-occupied (87.2), while only 8.7 percent were renter-occupied. Housing construction peaked from 2000-2009, followed by homes built in 2010 or later. Most of the housing structures (55.8%) in Monroe were built after 1990.

TABLE 11: HOUSING UNIT DATA, 2023

Housing Units in Monroe	Number	Percent
Total Housing Units	22,598	100.0%
Vacant Housing Units	925	4.1%
Occupied Housing Units	21,673	95.9 %
Owner Occupied	19,710	87.2%
Renter Occupied	1,963	8.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)		

	Number	Percent
Built 1939 or earlier	450	2.0%
Built 1940 to 1949	246	1.1%
Built 1950 to 1959	762	3.4%
Built 1960 to 1969	1,613	7.1%
Built 1970 to 1979	3,488	15.4%
Built 1980 to 1989	3,402	15.1%
Built 1990 to 1999	3,258	14.4%
Built 2000 to 2009	5,291	23.4%
Built 2010 or later	4,088	18.0%
Total	22,598	100.0%
Median Year Structure Built	1994	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04 and B25035)		

HOUSING TYPE AND SIZE

The majority of the housing stock in Monroe is generally divided into two different unit types. Single-family detached homes comprise approximately 62.8% percent of the Township’s housing stock, while a further 26.7 percent of all units were single-family attached homes. The median number of rooms per unit was 6.2.

TABLE 12: HOUSING UNITS BY TYPE, 2023

Units in Structure	Total	Percent
Total	22,598	100%
1 Unit, detached	14,192	62.8%
1 Unit, attached	6,034	26.7%
2 Units	559	2.5%
3 or 4 Units	394	1.7%
5 to 9 Units	349	1.5%
10 to 19 Units	206	0.9%
20 Units or more	852	3.8%
Mobile home	12	0.1%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percent
1 room	351	1.6%
2 rooms	108	0.5%
3 rooms	1,136	5.0%
4 rooms	1,973	8.7%
5 rooms	4,419	19.6%
6 or more rooms	14,611	64.7%
Median number of rooms	6.2	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (DP04)		

HOUSING VALUES AND CONTRACT RENTS

According to ACS 2023 5-Year Estimates, most housing units in Monroe (51.7%) were valued at \$500,000 and greater. Table 13 provides a breakdown of home values for owner-occupied units within the Township. Only 465 owner-occupied housing units in Monroe were worth less than \$100,000. The median value of an owner-occupied housing unit was \$513,400 at the time of the survey.

TABLE 13: VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2023

	Monroe		Middlesex County	
	Number	Percentage	Number	Percentage
Total	19,710	100.0%	193,963	100%
Less than \$50,000	201	1.0%	4,112	2.1%
\$50,000 to \$99,999	264	1.3%	2,241	1.2%
\$100,000 to \$149,999	587	3.0%	2,815	1.5%
\$150,000 to \$199,999	1,079	5.5%	4,396	2.3%
\$200,000 to \$299,999	2,310	11.7%	23,362	12.0%
\$300,000 to \$499,999	5,079	25.8%	86,661	44.7%
\$500,000 and greater	10,190	51.7%	70,376	36.2%
Median Value	\$513,400		\$439,300	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

With respect to renter-occupied units, there are a range of rents, with a majority of the rental units in the Township carrying rental costs within the \$1,500 to \$1,999 range followed by the \$2,000 to \$2,499 per month range. At the time of the ACS 5-Year Estimates, the median gross rent in Monroe was \$1,882. 161 units in the Township carried rental costs less than \$1,000 per month, and 0.0 percent of units did not require cash rent payments.

TABLE 14: GROSS RENT PAID

	Monroe		Middlesex County	
	Number	Percentage	Number	Percentage
Total Renter Occupied Units	1,623	100.0%	108,226	100%
Less than \$500	0	0.0%	4,968	4.6%
\$500 to \$999	161	9.9%	4,691	4.3%
\$1,000 to \$1,499	273	16.8%	21,863	20.2%
\$1,500 to \$1,999	494	30.4%	36,441	33.7%
\$2,000 to \$2,499	482	29.7%	26,270	24.3%
\$2,500 to \$2,999	76	4.7%	9,099	8.4%
\$3,000 or more	137	8.4%	4,894	4.5%
No cash rent	0	0.0%	0	0.0%
Median Contract Rent	\$1,882		\$1,771	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

HOUSING CONDITIONS

According to the 2023 ACS, there were a minimal number of units exhibiting overcrowding (more than one person per room), lacking complete plumbing facilities or lacking complete kitchen facilities. Table 15 details the condition of housing within Monroe based on plumbing facilities, kitchen facilities, and overcrowding. These factors are utilized in determining housing deficiency and general housing problems and are used as the basis to calculate the municipal rehabilitation obligation. According to the data, 0.3 percent of occupied housing units experienced over-crowding, while 0.1 percent of occupied units lacked complete plumbing facilities and 0.5 percent of units lacked complete kitchen facilities.

TABLE 15: HOUSING DEFICIENCY CHARACTERISTICS

	Count	Percent
Housing Units with 1.01 or More Persons Per Room		
1.01 to 1.5 occupants per room	38	0.2%
1.51 or more occupants per room	18	0.1%
Plumbing Facilities		
Total Occupied Housing Units	21,673	100.0%
Lacking complete plumbing facilities	27	0.1%
Kitchen Equipment		
Total Occupied Housing Units	21,673	100.0%
Lacking complete kitchen facilities	112	0.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)		

PROJECTED HOUSING STOCK

According to New Jersey Department of Community Affairs, Monroe has issued building permits for 9,898 residential dwelling units between 2000 and 2023. During that same time period, the Township issued 124 residential demolition permits, adding a total of 9,774 dwelling units over this time period. Building permit data by year is summarized in Table 16 below.

TABLE 16: BUILDING PERMITS AND DEMOLITION PERMITS ISSUED, 2000 - 2023

Year	Residential Building Permits Issued				Residential Demolition Permits Issued	Total Added
	1&2 Family	Multi Family	Mixed Use	Total		
2000	-	-	-	435	0	435
2001	-	-	-	471	1	470
2002	-	-	-	644	1	643
2003	-	-	-	525	2	523
2004	677	6	1	684	22	662
2005	652	10	2	664	6	658
2006	352	306	0	658	8	650
2007	356	61	0	417	6	411
2008	249	0	0	249	17	232
2009	327	1	0	328	2	326
2010	274	5	1	280	5	275
2011	300	0	0	300	3	297
2012	273	20	0	293	2	291
2013	436	9	1	446	2	444
2014	362	10	0	372	7	365
2015	419	15	0	434	4	430
2016	314	37	0	351	1	350
2017	292	122	0	414	0	414
2018	278	126	0	404	4	400
2019	242	25	0	267	5	262
2020	254	53	0	307	7	300
2021	229	125	0	354	4	350
2022	231	50	0	281	6	275
2023	206	114	0	320	9	311
Total	6,723	1,095	5	9,898	124	9,774

Source: New Jersey Department of Community Affairs Construction Reporter

EMPLOYMENT DATA

The 2023 ACS reports on work activity of residents aged 16 years and older. While the Township's working age population was 41,012 residents, Monroe had an approximate labor force of 20,941 residents. Approximately 48.9 percent of the Township's working age

residents were not participating in the labor force at the time of the estimates. All of the Township’s labor force was employed in civilian jobs, while 0 residents reported being members of the armed forces. Approximately 2.9 percent of the Township’s residents reported being unemployed.

TABLE 17: EMPLOYMENT STATUS

	Monroe		Middlesex County	
	Number	Percent	Number	Percent
Population 16 years and over	41,012	100.0%	697,485	100.0%
In labor force	20,941	51.1%	466,429	66.9%
Civilian Labor Force	20,941	51.1%	466,150	66.8%
Employed	19,743	48.1%	436,300	62.6%
Unemployed	1,198	2.9%	29,850	4.3%
Armed Forces	0	0.0%	279	0.04%
Not in labor force	20,071	48.9%	231,056	33.1%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)				

More than three quarters of the Township’s workers were employed in private wage and salary positions, while 3.3 percent of workers are self-employed. Government workers comprise about 13.2 percent of the Township’s workforce. Table 18 provides a breakdown of worker classifications.

TABLE 18: CLASSIFICATION OF WORKERS IN MONROE, 2023

	Number	Percent
Total	19,743	100.0%
Private Wage and Salary Worker	16,468	83.4%
Government Worker	2,610	13.2%
Self-Employed Worker	649	3.3%
Unpaid Family Worker	16	0.1%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Monroe were involved in a range of economic sectors. As depicted in Table 19 below, the highest concentration of workers (22%) are employed in the educational services, health care, and social services sectors. The professional scientific, management, administrative and waste management services employ, and finance and insurance, and real estate and rental and leasing sector employ 18.9 and 15.3 percent of the Township’s workforce and employ the next highest concentrations of Township workers respectively.

TABLE 19: WORKFORCE BY SECTOR

Sector	Number	Percent
Civilian employed population 16 years and over	19,743	100.0%
Agriculture, forestry, fishing and hunting, mining	84	0.4%
Construction	696	3.5%
Manufacturing	1,590	8.1%
Wholesale Trade	626	3.2%
Retail Trade	1,906	9.7%
Transportation and Warehousing, and Utilities	1,110	5.6%
Information	576	2.9%
Finance and insurance, and real estate and rental and leasing	3,025	15.3%
Professional, scientific, and management, and administrative and waste management services	3,730	18.9%
Educational services, and health care and social assistance	4,367	22.1%
Arts, entertainment, and recreation, and accommodation and food services	621	3.1%
Other Services, except public administration	460	2.3%
Public administration	952	4.8%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

Table 20 provides a percentage comparison of the Township’s workforce against that of the County. The Township’s profile of employment by sector generally mirrors that of the County. A higher percentage of the Township’s workforce is employed in finance and insurance, and real estate and rental and leasing; while a higher percentage of the County’s workforce was employed in retail trade, manufacturing, transportation and warehousing, and utilities; and arts, entertainment, and recreation, and accommodation and food services.

**TABLE 20: COMPARISON OF WORKFORCE BY SECTOR
MONROE AND MIDDLESEX COUNTY, 2023**

Sector	Monroe	Middlesex County
Civilian employed population 16 years and over	19,743	436,300
Agriculture, forestry, fishing and hunting, mining	0.4%	0.2%
Construction	3.5%	4.9%
Manufacturing	8.1%	9.0%
Wholesale Trade	3.2%	3.3%
Retail Trade	9.7%	10.3%
Transportation and Warehousing, and Utilities	5.6%	8.2%
Information	2.9%	2.5%
Finance and insurance, and real estate and rental and leasing	15.3%	9.3%
Professional, scientific, and management, and administrative and waste management services	18.9%	16.0%
Educational services, and health care and social assistance	22.1%	23.2%
Arts, entertainment, and recreation, and accommodation and food services	3.1%	5.3%
Other Services, except public administration	2.3%	3.7%
Public administration	4.8%	4.0%
U.S. Census Bureau, American Community Survey 2023 5 Year Estimates (table DP03)		

Table 21 provides a breakdown of occupations by type for the Township’s employed civilian labor force. Approximately 61.6 percent of the Township’s employed civilian labor force was employed in management, business, science and arts occupations, while 19.4 percent of the Township’s employed work force worked in sales and office occupations.

TABLE 21: OCCUPATIONS BY TYPE

Occupation	Number	Percent
Employed Civilian population 16 years and over	19,743	100.0%
Management, business, science and arts occupations	12,159	61.6%
Service occupations	1,722	8.7%
Sales and office occupations	3,821	19.4%
Natural resources, construction and maintenance occupations	880	4.5%
Production Transportation and material moving occupations	1,161	5.9%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

As indicated in Table 22 below, it is projected that Middlesex County will add 46,600 jobs by 2032. The Transportation and Warehousing, Arts, Entertainment, and Recreation and Ambulatory Health Care Service sectors are poised to experience the greatest increase in number of jobs over the course of the projection period.

TABLE 22: PROJECTED EMPLOYMENT, MIDDLESEX COUNTY, 2032

Industry Title	2022 Actual Employment	2032 Projected Employment	Numeric Change	Annual Growth Rate	Percent Change	Outlook
Mining	100	100	0	0.0%	0	Stable
Utilities	126,950	142,450	15,500	1.2%	12.2%	Growing
Construction	15,650	16,800	1,150	0.7%	7.3%	Growing
Manufacturing	31,600	33,000	1,400	0.4%	4.4%	Growing
Wholesale Trade	32,400	34,750	2,350	0.7%	7.3%	Growing
Retail Trade	39,400	39,850	450	0.1%	1.1%	Growing
Transportation and Warehousing	54,200	66,900	12,700	0.2%	23.4%	Growing
Postal Service	1,550	1,450	-100	-0.6%	-6.9%	Declining
Information	9,200	8,900	-300	-0.3	-3.2%	Declining
Finance and Insurance	13,200	13,850	650	0.4%	4.9%	Growing
Real Estate and Rental and Leasing	5,600	5,900	300	0.5%	5.2%	Growing
Professional, Scientific, and Technical Services	48,200	51,800	3,600	0.7%	7.5%	Growing
Management of Companies and Enterprises	8,050	9,150	1,100	0.1%	13.8%	Growing
Administrative and Support and Waste Management and Remediation Services	51,500	58,300	6,800	0.1%	13.2%	Growing
Educational Services	42,900	45,300	2,400	0.5%	5.7%	Growing
Health Care and Social Assistance	53,950	60,650	6,700	0.1%	12.4%	Growing
Ambulatory Health Care Services	21,300	25,700	4,400	0.2%	20.5%	Growing
Hospitals	18,300	18,900	600	0.3	3.3%	Growing
Nursing and Residential Care Facilities	5,400	5,750	350	0.6%	6.1%	Growing
Social Assistance	8,900	10,300	1,400	0.1%	15.6%	Growing
Arts, Entertainment, and Recreation	4,350	5,300	950	0.2%	21.7%	Growing
Accommodation and Food Services	23,400	26,200	2,800	0.1%	12.0%	Growing
Other Services (except Government)	16,100	17,200	1,100	0.6%	6.6%	Growing
Government	15,900	15,900	0	0.02%	0.2%	Growing
Total Federal Government Employment	2,400	2,250	-150	-0.6%	-6.2%	Declining
State Government, Excluding Education and Hospitals	2,100	1,700	-400	-0.1%	-19.1%	Declining
Local Government, Excluding Education and Hospitals	11,350	11,950	600	0.5%	5.1%	Growing
Federal Government, Excluding Post Office	850	800	-50	-0.5%	-5.1%	Declining
Total Self Employed and Unpaid Family Workers, All Jobs	28,350	30,750	2,400	0.8%	8.5%	Growing
Total All Industries	494,950	541,550	46,600	0.9%	9.4%	Growing

Source: 2022-2032 Industry Employment Projections, NJ Department of Labor and Workforce Development

LANDS MOST APPROPRIATE FOR AFFORDABLE HOUSING

An analysis was conducted to determine which areas of the Township could accommodate developments that address affordable housing need. This analysis reviews the Township's existing zoning and planned zoning changes, and outlines the Township's capacity to accommodate residential and non-residential growth projections. The following are included:

- An analysis of the available existing and planned infrastructure;
- The projected demand for types of uses permitted by zoning based on present and anticipated future demographic characteristics of the Township and anticipated land use patterns; and
- Factors, such as environmental conditions, that present constraints on development.

Infrastructure

Water and Sewer

The Township of Monroe is mostly located within public water and sewer service areas. These areas include most of the Township located in the southern, western, and northern portion of the Township. The areas excluded from the sewer service areas include most of the southeastern portion of the Township. These areas contain mostly wooded areas, farms, and protected state parks. These areas are also located in clusters across the Township. Residential lots located within these areas use septic systems. Other areas excluded from the sewer service area include the golf courses located at the Forsgate Country Club and the Rossmoor Golf Course located to the northwestern portion of the Township.

The sewer service and public water are provided by the Monroe Municipal Utilities Department. The Authority primarily gets their water from two main aquifers: the Cahanseay aquifer and the Piney Point Aquifer. They additionally purchase water from New Jersey American Water. Sewer wastewater is also treated by the Monroe Municipal Utilities Department's Central Treatment facility for the Township.

Anticipated Demand and Land Use Patterns

The Township of Monroe contains residential neighborhoods, agricultural and commercial development, and public facilities. According to NJTPA population estimates projected to 2050, it is anticipated that the Township's population will grow to approximately 51,173 people. While large portions the Township have been developed, open farmlands and green spaces that are not preserved still remain. Many of these areas are identified for future preservation or contain environmental constraints. However, it is anticipated that some future growth will occur on previously undeveloped lands.

Residential

Currently, the Township is zoned for Residential Housing. These zones are located in the northern and northeastern portions of the Township, with small clusters of residential zoning located in the center and southern portion of the Township. Additionally, there are additional zoning for Affordable-Housing, planned retirement and age-restrictions, and planned residential community that provide multi-uses. These zones are located on the western along Applegarth Road and the southern portion of the Township along State Route 33. Monroe Township has opportunities to allow and encourage mixed-use development in its downtown area near commercial uses, permitting multifamily uses in areas potentially designated as mixed-use districts.

Non-Residential

Monroe Township hosts a variety of commercial businesses, office and similar establishments primarily located along major roadways that intersect the Township, like NJ Route 33 and Interstate 95. These corridors feature a mix of retail shops, service providers, and restaurants, all serve as daily and central services for commercial activities. Though there is still space for development within the Township, opportunities for new residential areas are growing more and more limited. Future commercial growth is anticipated to focus increasingly on redeveloping and repurposing currently existing sites rather than completely new sites.

Environmental Constraints

Monroe Township contains a variety of environmental features, including wooded areas and wetlands. Protected spaces are also included in the Township, including Matchapoinx Forest, a 100-acre area that the township acquired in 2008. The area consists of wooded area, wetland and streams that flow into the Matchpoinx Brook. In addition, Monroe also contains an 86-acre Superfund site located at Spotswood-Gravil Hill Road, that was used as a landfill until 1978, when it was closed. Environmental constraints and preservation of open spaces are a source of development constraints in Monroe.

Historic

There are a number of properties listed on the State or National Register of Historic Places. They include:

- Brookland Prehistoric 1, 3, 4, 5, and 6 Sites
- Buckelew Bog Complex
- Camden and Amboy Railroad Main Line Historic District
- DeBaun Site
- Charles Dey Farm
- Freehold and Jamesburg Agricultural Railroad Historic District
- Holmes- Tallman House
- New Jersey Training School for Boys Historic District
- Pocahontas Snuff and Tobacco Mill Stie

- Riverside 3 & 4 Archaeological Sites
- Rue Road Bridge
- Ten Eycks Forge Site
- Thompson Park Historic Site

However, historic status is not generally a major source of development constraint in Monroe.

Existing Land Use Designations

The Township’s land use designations have been continually examined and updated through the Master Plan Reexamination process. The last Reexamination Report was adopted on November 2020.

The following districts comprise the Township’s **residential** zones:

R-3A - Rural Residential

The Township has established the R-3A Rural Residential District, which permits single-family dwellings; farms, truck gardens, and other agricultural activities; parks, playground and other recreation facilities operated by Monroe Township; Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.

This zone is located in the northeastern portions of the Township, along Schoolhouse Road, Spotswood Gravel Hill Road, and County Route 613; Along the central portion of the township along Gravel Hill Road, and Union Valley Road; and in the southern portion, along Church road and Applegarth Road.

R-60 – Residential

The Township has established the R-60 Residential 60 District. Principle permitted uses in this zone include: Single-family dwellings; Farms, truck gardens, and other agricultural activities; Parks, playground and other recreation facilities operated by Monroe Township; Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.

This zone is located in the northern portion along Old Forge Road, Rhode Hall Road; along the eastern portion along Spotswood-Englishtown Road, Spotswood Gravel Hill Road, and finally in the southern portion of the Township along Perrineville Road, Halsey Reed Road, Cranbury Station Road, Applegarth Road, and Disbrow Hill Road.

R-30 and R-20 – Residential

The Township has established the R-30 and R-20 Residential Zone Districts. These zones have the same principle, accessory, and conditional uses. Principle permitted uses in this zone include: Single-family dwellings; Farms, truck gardens, and other agricultural activities; Parks, playground and other recreation facilities operated by Monroe Township;

Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.

The R-30 zoning is located in the north portion of the Township along Rhode Hall Road, Docks Corner Road, Cranbury South River Road Mott Ave, in a large portion of the northern center of the Township along Buckelew Avenue, Matchpoinx Ave and Perrineville Road. A cluster of this zone is located in the most southern portion of the Township along Disbrow Hill Road, and Applegarth Road.

The R-20 zoning is located in the center of the Township, located along Spotswood Gravel Hill Road, Grace Hill Road, and Buckelew Avenue.

R-10 and R-7.5 – Residential

The Township has established the R-10 and R-75 Residential Zone Districts. These zones have the same principle, accessory, and conditional uses. Principle permitted uses in this zone include: Single-family dwellings; Parks, playgrounds and other recreation facilities operated by Monroe Township; Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.

The R-10 zone is located at the northern most portion of the Township on the southbound side of Spotswood Gravel Hill Road and north of Avenue K.

The R-7.5 zone is also located at the northern most portion of the Township, on both the east and west side of Spotswood Englishtown Road and Monmouth Road.

R-5 – Residential

The Township has established the R-5 Residential Zone District. Principle permitted uses in this zone include: Single-family dwellings; Parks, playgrounds and other recreation facilities operated by Monroe Township; Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings; and Zero lot line dwelling units subject to side yard regulations.

This zone is located within the very center of the Township, along Oakwood Terrace, New Street, and State Street.

RR-FLP - Rural Residential-Farmland Preservation District

The Township has established the Rural Residential-Farmland Preservation District. Principle permitted uses in this zone include: Single-family dwellings; Farms, truck gardens, and other agricultural activities; Parks, playground and other recreation facilities operated by Monroe Township; Township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings.

This zone is located in the southern portion of the Township in several large locations. The first is located to the western portion of the Township along Wyckoff Mills Applegarth Road. The second location is located just to the left along Northwind Court. The third site is located along Longstreet Road and Perrineville Road. The fourth site is the largest, and located along Federal Road, Bergens Mills Gravel Hill Road, and Dey Grove Road. The last site is located along Gravel Hill-Spotswood Road.

PD-SH - Planned Development-Senior Housing

The Township has established the Planned Development-Senior Housing. Principle permitted uses in this zone include dwellings for owner-occupancy. This zone is located in the eastern portion of the Township, on the northbound side of Buckelew Avenue, north of Spotswood Englishtown Road, and south of Mounts Mills Road.

PRGC - Planned Residential Golf Community

The Township has established the Planned Residential Golf Community District. Principle permitted uses in this zone include: Golf course(s), clubhouse facilities, meeting facilities and banquet facilities, pro shop, maintenance building and parking areas; Residential dwellings, including single-family detached, patio homes, town homes and duplex dwellings, any or all of which may be limited to occupancy by individuals over a specified age limit, to the extent permitted by law.

This zone is located in the northwestern portion of the Township, located east of the New Jersey Turnpike, north of Forsgate Drive, and on both sides of Links Drive.

PRC - Planned Retirement Community District

The Township has established the Planned Retirement Community District. Principle permitted uses in this zone include: Dwellings for owner-occupancy with the required recreational uses of at least one each; Golf course; Clubhouse, Swimming pool lake, and shuffleboard court; Motels shall not exceed 100 units of occupancy; Retail commercial center, designed as a neighborhood type which does not use more than 5% of the gross area of the overall PRC site; Riding stables and bridle paths subject to any conditions required by the Township of Monroe; Fire station or fire protection facilities; Administration, maintenance and security buildings.

This zone is located in the northwestern portion of the Township, located south of Forsgate Drive, west of Applegarth Road, and north of Prospect Plains Road.

PRC-2 - Planned Retirement Community-Two

The Township has established the Planned Retirement Community-Two District. Principle permitted uses in this zone includes: Dwellings for owner-occupancy and the following required recreational uses, at least one of each: Clubhouse, Swimming pool, Lake, Shuffleboard court, Tennis court, and Medical facility.

This zone is located in the north, northwestern, southern and northeastern portions of the Township. The area located to the northern most portion of the Township, is located south of Rhode Hall and to the east of Cranbury south River Road. Northwestern areas are located to the north and south of Half Acre Road, and to the south of Prospect Plains Road, and two of these zones are located on the northbound side of Applegarth Road. The area located in the southern-most portion is south of state Highway 33. The areas located on the northeastern section are located on the southbound portion of Spotswood Englishtown Road.

PRC-3 - Planned Retirement Community-Three

The Township has established the Planned Retirement Community-Three District. Principle permitted uses in this zone includes: Dwellings for owner-occupancy; and The following required recreational uses, at least one of each: Clubhouse, Swimming pool Shuffleboard, or bocce court, Tennis court, and A nurses station room.

This zone is located on the western portion of the Township. The first site is located north of Cranbury Station Road. The second site is located north of Halsey Reed Road, and to the west of Applegarth Road.

Certain zones in the Monroe **do not permit residential uses** at all, as summarized below:

PO/CD - Planned Office Commercial Development

The Township has established the Planned Office Commercial Development District. Principle permitted uses in this zone include: Professional office and related uses such as: Corporate offices and executive centers, Data processing facilities, Computer centers, Medical offices and clinical laboratories, Retail pharmacies, Banks and other fiduciary institutions, Law and accounting offices, Office-type research; Municipal utilities and services; Restaurants, excluding fast-food take-out facilities and drive-up service windows; Sports and health facilities; Tennis centers; Racquetball centers; and Health spas.

This zone is located on the western portion of the Township, along Applegarth Road between Cranbury Station Road and Forsgate Drive.

OP - Office Professional

The Township has established the Office Professional District. Principle permitted uses in this zone includes: Law and accounting; Engineering and other licensed professional; Real estate; Medical; Data processing; Banks and other fiduciary institutions; Insurance; Management and advertising; and Research laboratories.

This zone is located on the western side of the Township in the are between the New Jersey Turnpike and North Half Acre Road.

CC - Community Commercial District

The Township has established the Community Commercial District. Principle permitted uses in this zone include: Retail stores serving local and community-wide needs; Personal service establishments, such as barber and beauty shops, tailors, minor repairs of electronics, shoes and similar consumer goods, but excluding tattoo parlors and similar establishments; Outlets and pick-up stations for laundry and dry cleaners; Fully enclosed eating and drinking establishments, excluding fast-food drive-ins and drive-throughs; Banks and lending institutions, excluding check cashing establishments; and Business, professional and medical offices.

This zone is located on the western side of the Township, located on the north bound side of Applegarth Road and south of Federal Road.

HD - Highway Development

The Township has established the Highway Development District. Principle permitted uses in this zone include: Business and professional offices, corporate centers including facilities used for business, professional and corporate training, education or other similar services; Theaters and other fully enclosed commercial entertainment establishments; Regional shopping centers; New auto sales and showroom establishments; Fully enclosed establishments for the sale and repair of machinery and equipment; Wholesale, distributive and storage establishments; Data processing and computer centers; Fully enclosed restaurants; Medical offices and clinical laboratories; Banks and other fiduciary institutions; Law and accounting offices; Hotels, motels, convention centers; and Highway development parks.

This zone is located in the southern portion of the Township, mostly north of Route 33, with four(4) areas located to the south of Route 33.

NC - Neighborhood Commercial

The Township has established the Neighborhood Commercial District. Principle permitted uses in this zone include: Retail stores of a neighborhood or daily-needs type; Personal service establishments; Outlets and pickup stations for laundry or dry cleaners; Fully enclosed eating and drinking establishments; Banks; Business and professional offices; and Municipal utilities.

This zone is located in clusters along the northern parts of the Township. The first area is located on the northbound side of Bordentown Turnpike. The second area is located to the north and south of Lower Matchpoinx Avenue. The third, fourth and fifth areas are all located on Spotswood Englishtown Road. The last area is located on both the north and southbound side of Englishtown Road, located on the eastern most portion of the town.

LI - Light Industrial District

The Township has established the Light Industrial District. Principle permitted uses in this zone include: Assembly and finishing of materials or products; Fully enclosed wholesale,

distributive or storage establishments, but excluding retail sales; Research laboratories subject; Data processing and computer centers; Business and professional offices including facilities used for business, professional and corporate training, education or other similar services; and Agricultural activities.

This zone is located on the western portion of the town. The first area is located on the southbound side of the New Jersey Turnpike, bordering South Brunswick. The second area is located on the northbound side of Applegarth Road, and the southbound side of North Half Acre Road. The last area is located on the southbound side of Applegarth Road.

ASOZ - Airport Safety Overlay Zone

The Township has established an Airport Safety Overlay Zone. The Airport Safety Overlay Zone is established in conformance with the general requirements and provisions of the Air Safety and Hazardous Zoning Act of 1983 Chapter 62 (N.J.S.A. 27:1-61 et seq.) and in accordance with N.J.A.C. 16:62 (16 N.J.R. 977-83, 17 N.J.R. November 4, 1985, 2673-2674) and N.J.A.C. 16:62 (21 N.J.R. 1378 May 15, 1989). The location of the Old Bridge Airport, adjacent to Monroe Township, requires the establishment of an Airport Safety Zone, including runway subzones, runway end zones and clear zones, pursuant to N.J.A.C. 16:62 et seq. Permitted uses shall be as listed in the existing Neighborhood Commercial District and in conformance with the height regulations. Permitted conditional non-conforming uses include: A preexisting structure or use located in a clear zone and not in conformance with the standards of the chapter shall be classified as nonconforming; Variances. No variance, subdivision or other relief from the standards promulgated by or under N.J.A.C. 16:62-2 within the Airport Safety Overlay Zone may be granted by the Township.

This zone is located on the eastern most portion of the town. This is located to the north and south of Union Hill Road, just southwest of the Old Bridge Airport.

Consistency with the State Plan

This housing element is consistent with the plans and policies of the New Jersey State Development and Redevelopment Plan (SDRP). The Township is located within four (4) Planning Areas:

- The PA 1 – Metropolitan Planning Area is intended 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 with natural systems; promote increased biodiversity and habitat restoration; stabilize and enhance older inner ring suburbs; redesign and revitalize auto oriented areas; and protect and enhance the character of existing stable communities.

- The PA 2 -Suburban Planning area is intended to: provide for a portion of the state's future growth in compact development and redevelopment in Centers and other appropriate areas; promote walkability and multi-modal transportation options; protect and enhance the character of existing stable communities; protect and enhance natural resources and promote increased biodiversity, reforestation and habitat restoration; redesign auto-oriented areas and promote traffic calming and other forms of pedestrian counter measures; reverse any further sprawl development, including warehouse sprawl; and revitalize and enhance towns and other traditional settlements.
- The PA 4 – Rural Planning Area is intended to: maintain the Environs as large contiguous areas of farmland, open space, and forested areas; enhance habitats and sensitive lands; accommodate growth in Centers; reverse auto-oriented patterns of development; promote a viable agricultural or forestry industry; revitalize cities, towns, and other traditional settlements; protect, enhance, and diversify the existing character and agricultural economy of stable communities; and confine programmed sewers and public water services to Centers, except where public health is at stake.
- The PA 5 – Environmental Sensitive Planning Area is intended to: protect environmental resources; protect both large and small contiguous areas of land; promote restoring habitats and bio-diversity; accommodate growth only in Centers; confining programmed sewers and public water services to Centers; revitalize cities, towns, and older traditional settlements; and protect, enhance, and diversify the existing character of stable communities.

The Township's Master Plan, Zoning Ordinance, and other planning documents take care to ensure that development is permitted in ways that are consistent with the State Plan and sensitive nature of certain areas located within the Township.

Monroe's planning documents are consistent with the State's goals for Stormwater Management, including the Stormwater Pollution Prevention Plan and a Municipal Stormwater Management Plan. Municipal goals to implement stormwater management within these plans include but are not limited to reducing flood damage, minimizing stormwater runoff, maintaining groundwater recharge, minimizing pollutants in stormwater runoff. The Stormwater Management Plan includes water quality assessment locations, groundwater recharge areas, wetland and water land uses locations, and FEMA Flood map. The Stormwater Management Plan outlines strategies to implement stormwater management including public outreach methods and education programs, new development and redevelopment programs, ordinances, street sweeping, MS4 infrastructure, Municipal Maintenance yards and other similar operations, training, MS4 Mapping, and a Watershed Improvement Plan.

Monroe Township manages a 12-fleet bus service for use by disabled residents and those aged 55 or older for transportation to routine medical appointments as well as designated shopping locations. Additionally, the Township's Transportation Office offers Freehold "Out of Town Shuttle" buses, which transport residents, regardless of age, to various shopping locations. The Transportation services provided by the Township are free to residents.

FAIR SHARE PLAN

Fair Share Obligation Summary

The Fourth Round (2025-2035) housing obligation is based upon the figures calculated in the NJ Department of Community Affairs Affordable Housing Obligations for the 2025-2035 (Fourth Round) Methodology. The Township's housing obligation is outlined in Table 23 below:

TABLE 23: FAIR SHARE OBLIGATION SUMMARY

Obligation Component	Number of Credits Required
Present Need	76
Prior Round Obligation (1987-1999)	554
Third Round "Gap" and Prospective Need (1999-2025)	1,399
Fourth Round Prospective Need (2025-2035)	460

The following sections outline the Township's plan for complying with its Fair Share Obligation.

Satisfaction of the Township's Rehabilitation/Present Need Obligation

The Township's 2025-2035 rehabilitation obligation is 76 units. The Monroe Township Housing Board administers the Township's Rehabilitation program, in which up to \$100,000 per unit may be available for improvements to eligible owner and renter occupied units. The Township anticipates rehabilitating seven (7) units each year for the first 10 years of the Fourth Round, and six (6) units for the final year of the Fourth Round. The operating manual for the Township's Rehab Program can be found herein in Appendix B.

Prior Round Obligation (1987-1999)

The Township had a prior obligation of 554 units, which the Township met through the following mechanisms, resulting in a total of 556 credits, for a two (2) credit surplus to be used in future housing obligations:

TABLE 24: PRIOR ROUND OBLIGATION SUMMARY

Affordable Housing Mechanism	Units	Bonus Credits	Total Credits
ARC Prospect Plains-Cranbury Rd Alt. Living	5	5	10
ARC Monmouth Road Alternative Living	3	-	3
ARC Schoolhouse Road Alternative Living	3	-	3
Monroe Manor Inclusionary Development	127	25	152
Stratford at Monroe Inclusionary Develop	205	68	273
RCA with New Brunswick	115	-	115
Total	458	98	556

Third Round Obligation (1999-2025)

The Township had a Third-Round obligation of 1,399 units. Of these, 133 units are deferred to the Fourth Round (2025-2035), 133 are deferred to the Fifth Round (2035-2045) and 1,133 shall be met with the following mechanisms:

TABLE 25: THIRD ROUND COMPLIANCE SUMMARY

Affordable Housing Mechanism	Family	Affordable Age-Restricted	Rental bonus	Total Credits	Affordable Very-Low Income Rental	Status
Toll Brothers/Monroe Chase Sarlo Conversion Inclusionary Development	26	-	26	52	2	Completed
K. Hovnanian Sarlo Conversion Municipally Sponsored/100% Affordable Housing (15% Very Low)	37	-	37	74	6	Approved
VC-2 Overlay Zone: Shared Properties I Inclusionary Development	47	-	47	94	6	Completed
Monroe Park Sections 1, 2, 3 (ML-1 Zone) AHMUD/HD Zone		66	9	75	5	Completed
Monroe Parke Family Sections 1, 2, 3 – (ML-1 Zone) AHMUD/HD Zone	7			7	1	Completed
Monroe Park Section 4, 5 (ML-2 Zone) VC-3 Village Overlay	206	-	124	330	13	Proposed
Applegarth/ ML-3 Zone (POCD-AR-AH Zone)	-	164	-	164	11	Proposed
ML-4 Zone – Route 33 North Section 1, 2, 3	171		51	222	26	Proposed

New HD-R-AH Zone: Monroe 33 Developers	56		56	112	4	Completed
PRD – AH – AR Zone: Countryside	-	53	-	53	4	Under Construction
Total	379	454	350	1,183	78	

Toll Brothers/Monroe Chase Sarlo Conversion Inclusionary Development

This development consists of Block 14, Lots 12.01 and 13. The Toll Brother/Monroe Chase project is the result of the Sarlo Act that permitted the conversion of an approved, but not built, age-restricted housing developments. In this case the project was originally known as Southfield Grand. This original project that was converted was the result of a use variance for permitting 130 age-restricted units in the R60 Residential zone. The conversion development consists of a total of 130 dwelling units of which 26 are affordable family rental units and 104 are market-rate non-age-restricted units. This site is seeking 26 bonus credits for a total of **52 credits**.

K. Hovnanian Sarlo Conversion Municipally Sponsored/100% Affordable Housing Development

This development consists of Block 25, Lots 1 and 25, Block 41, Lot 14 and Block 40, Lots 2.02, 3, 4.01 and 5.01. The K. Hovnanian at Monroe NJ project was originally a housing development approved for 348 age-restricted dwelling units. The project was approved for a Sarlo conversion to yield 278 non-age-restricted units (146 units restricted to no more than two-bedrooms per unit and 132 unrestricted units) and the dedication of about 25 acres of land for a municipally sponsored 100% affordable housing development and a park. K. Hovnanian agreed to extend public water and sanitary sewers to the affordable housing site, make earthwork improvements to ready the site for future affordable housing development and make certain improvements to create a park. The 100% municipally sponsored family rental project will result in 37 units and 37 bonus credits for a total of **74 credits**.

Existing VC-2 Village Center 2 Overlay Zone Shared Properties I Inclusionary Development

The VC-2 Overlay Zone was created for a portion of the HD Highway Development Zone that is located along the eastern side of Applegarth Road and the northern side of Route 33 to the Millstone River to the north. This development consists of Block 4, Lots 9, 13.08, 13.09 and 13.10. A use variance and preliminary and final site plan and subdivision approval was granted for a total of 186 dwelling units of which 47 are affordable family rental units and 139 market-rate units. The use variance was required because the property did not meet the 75-acre minimum required for the overlay zone. This zoning is seeking to take 47 bonus credits for a total of **94 credits**.

Monroe Parke, All Sections

The purpose for the ML-1/ML-2 (Monroe Parke Districts) is to promote a range of commercial, office and residential land uses within a newly created pedestrian-friendly, mixed-use environment that will serve local and community-wide needs and create new

business and employment opportunities while providing and opportunity for low- and moderate-income households. ML-1 shall consist of Block 54, Lots 3 & 4, Block 53, Lot 24, Block 31, Lot 1; ML-2 shall consist of Block 36, Lots 13, 14, 15 & 16.01; Block 53, Lot 21.05. ML-1 Monroe Parke Section 1/2/3 this zoning provides for a total of 522 units; 499 market rate units and 7 low- and moderate-income family units and 66 age-restricted affordable units. ML-2 Monroe Parke Section 4/5 provides for a total of 1,000 units of which 444 will be market rate, 206 units will be family rental units and 350 senior market rate units. This zoning is seeking 133 bonus credits resulting in **412 credits** toward the Township's Round 3 Plan.

Applegarth/ML-3 Zone

The Applegarth/ML-3 Zoning District allows for a maximum number of age-restricted market rate units of 109 a multi-family age-restricted affordable units shall not exceed 164. The VC-1 Overlay Zone was created to provide for mixed-use residential and commercial development with affordable housing. This development consists of Block 35, Lot 1, Block 53, Lot 24 and Block 54, Lots 3 and 4. The JSM Mounts Mills Celebrations project received preliminary and final approval following a court settlement to provide for a total of 522 dwelling units of which 66 are affordable age-restricted rental units and 456 are non-age-restricted market-rate units. As the result of further negotiations with JSM, this inclusionary development will become part of a "global" inclusionary development that includes all JSM projects.

ML-4 Mount Laurel 4 Zoning District

The ML-4 shall consist of: (a) Block 6, Lot 13.03; (b) Block 6, Lot 27.01; and (c) Block 12.06, Lots 15.01 and 23.01. The proposed zoning ordinance provides for the following: A maximum of 618 family market rate units with 171 of them being available as family rentals and 69 age-restricted affordable units. The Township in Round 3 has sought to take credit for 171 units and 51 bonus credits for a total of **222 credits**.

New HD-R-AH Highway Commercial-Residential-Affordable Housing Zone to be created: Monroe 33 Developers Inclusionary Development

This development consists of Block 1.14, Lot 13.02. This overlay contains about 32.9 acres, from HD Highway Development to one that permits an inclusionary multi-family development. This zone is proposed to provide 56 family rental units and 56 bonus credits for a total of **112 credits**.

Portion of Existing PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District to be changed to R-ARAF Residential-Age-Restricted Affordable Housing Zone: Countryside Inclusionary Development

This development consists of Block 36, Lots 1.09, 3, 6, 9.01, 9.02 and 11.01. Of the 53 affordable age-restricted multi-family rental units, 7 (13%) will be provided to very low-income households. The market-rate units will be restricted to no more than two bedrooms

per unit with recreational amenities such a bocce ball and pickle ball. This project is under construction and will result in **53 credits**.

Fourth Round Obligation

The Township’s Fourth Round obligation is 460 units. Monroe proposes to address this obligation through the following compliance mechanisms:

TABLE 2626: FOURTH ROUND COMPLIANCE SUMMARY

Affordable Housing Mechanism	Affordable Units	Bonus Credits	Total Credits
<i>Existing Units</i>			
Monroe Township - Valor Pointe	43	43	86
Group Homes	37	37	74
Roclene Manor	44		44
Jamesburg Manor	43		43
Waterside Villas	13		13
<i>New Development</i>			
Monroe Township	30	30	60
JSM	65		65
CT07/1099 Route 33 West	37		
133 Old Beekman (Block 33.03, Lots 3.01 & 3.02)	20		
Zarrach Developers (Block 36, Lots 5 & 10; Block 36.02, Lot 1)	22		
Total	354	110	464

Existing Units

Valor Pointe

Valor Pointe is veterans housing, located at Block 41, Lot 14 on approximately 1.5 acres. The project is located on the westbound side of Cranbury-Half Acre Road. During Round Three, there were an additional 43 units the Township did not seek credit for. The Township is now seeking to take credit for those 43 rental units, as well as an additional 43 bonus credits for a 100% affordable project, resulting in a total of **86 credits**.

Group Homes

Monroe seeks to take credit for 37 group homes in the Fourth Round, as well as 37 bonus credits for special needs or permanent supportive housing for a total of **74 credits**.

Roclene Manor

Rocone Manor

Rocone is a residential health facility, located at Block 60, Lot 15.01 on approximately 1.41 acres. The project is located on the southbound side of Buckelew Avenue. The Township seeks to take credit for **44 rental units**.

Jamesburg Manor

Jamesburg Manor is a residential health facility, located at Block 76, Lot 23.04 on approximately 1 acre. The project is located on the southbound side of Spotswood Englishtown Road. The Township seeks to take credit for **43 rental units**.

Waterside Villas

Waterside Villas is located at Block 27, Lot 9.04 on approximately 6.7 acres. The project is located on Waterside Boulevard. The Township seeks to take credit for **13 senior rental units**.

New Construction

Two (2) new construction sites will provide additional affordable housing credits for the Township of Monroe:

Monroe Township

The project is a municipally sponsored 100% affordable housing project located at the former Meadowview Care Center on Spotswood Gravel Hill Road, consisting of Block 62, Lot 3.05. This project will be developed by Project Freedom to construct 30 rentals for seniors with disabilities, with a 25% set aside for wheelchair users. The site is available and developable. The site is located within the sewer service area and has access to public water. The site is available and developable. The Township will also seek an additional 30 bonus credits for a 100% affordable project, resulting in **60 credits**.

JSM

This project will consist of a total of 223 units. The **65 affordable units** will be located Block 25, Lot 2.16, on the southbound side of Applegarth Road. The site is available and developable. The site is located within the sewer service area and has access to public water. The 158 market rate units will be located off-site, in another location.

CT07/1099 Route 33 West

The subject site is located at Block 4, Lot 14.01 and is approximately 50 acres in size, located along westbound Route 33. The site is currently in the VC-2 overlay zone, however the Township has adjusted the bulk standards to facilitate a family rental project which would result in the development of 37 family rental units, therefore resulting in **37 Credits**.

113 Old Beekman (Block 33.03, Lots 3.01 and 3.02)

This site is located on Buckelew Avenue and is approximately 8.0 acres in size. The Township is seeking to take credit for an age-restricted rental project of which 20 units would be available to low- and moderate-income age-restricted units resulting in **20 credits**.

Zarrach Developers (Block 36, Lots 5 & 10; Block 36.02, Lot 1)

This site is located along McBride Road and is approximately 43 acres. The Township is seeking credit for a family for-sale project on this site, of which 22 would be available to low- and moderate-income families. Therefore, this site provides **22 credits**.

Bonus Credits

In the Fourth Round, one for one bonus credits are available for Special Needs/Permanent Supportive Housing. The Township is seeking bonus credits for the Valor Point, Cranbury Care Center, existing Group Homes, and the new Project Freedom project.

Bonus credits can be used for a maximum of 25% of the total obligation, allowing Monroe Township to take credit for 115 bonus credits, however Monroe is seeking 110 bonus credits in the Round 4 Fair Share Plan.

Age-Restricted Cap

The Township is entitled to utilizing 30 percent of the overall Fourth Round Obligation as age-restricted units, exclusive of and bonus credits.

Round 4 Prospective Need: 460
 $460 * .3 = 138$ units

The Township is permitted to meet the Round 4 Prospective Need with 138 age-restricted units. The Township's 2026 Fair Share Plan illustrates that only 33 credits and zero bonus credits are age-restricted, therefore the Township meets this obligation.

Family Units

Pursuant to NJSA 52:27D-211(l), the Township shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need.

The Township's Round 4 plan includes 354 actual units. Compliance with this micro-requirement would require the Township's plan to provide a minimum of 177 family units. The Township's Round 4 Fair Share Plan provides 321 family units; therefore, the Township is in compliance with this micro-requirement.

Rental and Family Rental Units

Pursuant to NJSA NJSA 52:27D-211(l), at least 25 percent of the actual units, exclusive of any bonus credits, shall be addressed through rental housing. Twenty-five percent of the 354 units created results in a minimum of 89 rental units. The Township has provided for 299 family rental units, therefore complying with this requirement.

Very Low-Income Units

Pursuant to 52:27D-329.1, 13 percent of all affordable units referenced in the executed Settlement Agreement with Fair Share Housing Center, shall be available to very low-income units being available to families. The Township has agreed to comply with this requirement.

APPENDICES

Appendix A. Spending Plan

Monroe Township
Affordable Housing Trust Fund Spending Plan
February 2026

INTRODUCTION

Monroe Township, Middlesex County, has a history of compliance with its Mount Laurel affordable housing obligation and has previously implemented all necessary ordinances for establishing an affordable housing trust fund financed through the collection of mandatory development fees to assist in accomplishing the provision of affordable housing.

The Township has prepared a Fourth Round Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and in accordance with the procedural and substantive requirements of NJAC 5:93-1 et. seq. The Township has actively participated in the Fourth-Round compliance process.

The Township's existing development fee ordinance, codified as Chapter 131A of the Township's General Legislation, most recently revised in 2017, will be updated and continue to require and regulate the collection of residential and non-residential development fees as revenue for the Township's affordable housing trust fund. The sections below outline the Township's plan for administration and use of collected development fee revenues as per the requirements of NJAC 5:93-5.1(c).

1. PROJECTED REVENUES 2025 THROUGH 2035

A projection of anticipated revenues to be collected during the tenure of the Fourth Round has been calculated based on historical annualized trends in the amount of development fees collected to date.

As of December 31, 2024, the Township had collected \$8,777,885.91 in development fees for the year 2024. The Township of Monroe projects a total of \$7,910,217.89 in revenue and interested to be collected from January 1, 2025 to December 31, 2035. This projected amount, when added to the trust fund balance from December 31, 2024, results in an anticipated total

Monroe Township
Affordable Housing Trust Fund Spending Plan

revenue of \$16, 688,103.80 available to fund and administer the Township's affordable housing plan and programs. All interest earned on the account shall accrue to the account to the account and be used only for the purposes of affordable housing. See the Projected Revenues Table, appended to the end of the Spending Plan.

II. ADMINISTRATIVE MECHANISMS FOR COLLECTING AND DISTRIBUTING REVENUES

The Township's Development Fee Ordinance is recorded in Chapter 131A, Subsections 1 through 10 of the Monroe General Ordinance. Procedures for collection, administration and distribution of development fees as affordable housing trust fund revenues are fully established in this section. The Township's ordinance complies with P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-residential Development Fee Act (C. 40:44D-8.1 through 8.7).

The Development Fee Ordinance covers the following general topics:

1. Determination of residential development fee;
2. Determination of non-residential development fee;
3. Fee collection procedures;
4. Operation of the affordable housing trust fund;
5. Permitted uses of funds;
6. Monitoring; and
- 7 Ongoing collection of fees as related to affordable housing compliance.

All development fees are deposited in a separate affordable housing trust fund. Per stipulations in the Development Fee Ordinance the account and the record of distribution of funds is maintained by the Township's Chief Financial Officer.

III. ANTICIPATED USE OF DEVELOPMENT FEES

Monroe Township
Affordable Housing Trust Fund Spending Plan

As per the Township's ordinance, development fees shall be used for the sole purpose of providing low- and moderate-income housing. Funding mechanisms can be set up as a grant or revolving loan program to cover costs associated with activities included, but not limited to, the following:

1. Preservation or purchase of housing for maintaining or implementing affordability controls;
2. Rehabilitation grants;
3. New construction of affordable housing units and related costs;
4. Implementing accessory apartment, market to affordable, or regional housing partnership programs;
5. Conversion of existing non-residential buildings to create new affordable units;
6. Green building strategies designed to be cost saving and in accordance with accepted national or State standards;
7. Purchase of land or improvement of land to be used for affordable housing;
8. Extension or improvement of roads and infrastructure to affordable housing sites;
9. Financial assistance designed to increase affordability; and
10. Administration necessary for implementation of the Housing Element and Fair Share Plan.

(A) Anticipated Rehabilitation and New Projects

Rehabilitation

The Township anticipates dedicating \$7,600,000 to its rehabilitation program. As discussed in the Housing Element and Fair Share Plan, Monroe has a rehabilitation present need obligation of 76 units. To address this need, the Township plans to provide eligible households with an equivalent grant funding to meet this obligation at an estimated cost of \$100,000 per grant. The Township anticipates rehabilitating an average of 7 units per year for the first ten (10) years of the Fourth Round, and six (6) units in 2035 to satisfy its

**Monroe Township
Affordable Housing Trust Fund Spending Plan**

rehabilitation obligation. See the Project Expenditures table appended to the end of this spending plan for a yearly breakdown of rehabilitation program expenditures.

(B) Affordability Assistance Requirement

The Township anticipates dedicating \$5,390,000.00 to its affordability assistance program.

As per the requirements of NJAC 5:93-8.16, at least thirty (30%) percent of all development fees and interest earned shall be used to provide low- and moderate-income households in affordable units with affordability assistance. One-third of the required affordability assistance shall specifically be used to provide affordability assistance to very low-income households (i.e. those households earning thirty percent or less of regional median income).

The projected minimum affordability assistance requirement through 2035 is calculated as follows:

Table 1. Minimum Affordability Assistance

Trust Fund Balance as of 12/31/24	\$8,777,885.91
Projected development fees plus interest, 2025-2035	\$7,910,217.89
Projected Total	\$16,688,103.80
Projected minimum affordability assistance requirement (30%)	\$5,006,431.14
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$1,668,810.38

Affordability assistance programs may include down payment assistance; security deposit allowance; low interest loans; rental assistance; assistance with homeowner’s association or condominium fees and special assessments; and assistance with emergency repairs.

**Monroe Township
Affordable Housing Trust Fund Spending Plan**

Affordability assistance to households earning thirty (30%) percent or less of median income may further include buying down the cost of low- and moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income.

(C) Administrative Expenses

Monroe Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan. Also in accordance with NJAC 5:93-8.16, the Township can use up to twenty (20%) percent of all revenues collected from development fees on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, rehabilitation program, a Housing Element and Fair Share Plan, an affirmative marketing program, income qualification of households, monitoring the turnover of sale and rental units, and/or compliance with monitoring requirements.

The projected maximum administrative expenditures through 2035 is calculated as follows:

Table 2. Maximum Administrative Expenses

Trust Fund balance as of 12/31/24	\$8777,885.91
Projected development fees plus interest, 2025-2035	\$7,910,217.89
Projected Total	\$16,668,103.80
Projected maximum administrative expenditures (20%)	\$3,337,620.76

IV. SCHEDULE FOR NEW AND REHABILITATED HOUSING UNITS

The schedule for new or rehabilitated housing units is documented by year in the Projected Expenditures table attached to the Spending Plan.

**Monroe Township
Affordable Housing Trust Fund Spending Plan**

V. EXPENDITURE SCHEDULE

The schedule for expenditures by year can be found in Table 3 attached to this Spending Plan.

VI. EXCESS OF FUNDS

In the event that more funds than anticipated are collected, these excess funds will be used to fund additional rehabilitation and/or affordability assistance program.

VII. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Township's Affordable Housing Ordinance in accordance with NJAC 5:97-8.5. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to NJAC 5:97-8.5 is detailed within the Affordable Housing Ordinance.

VIII. IN SUM

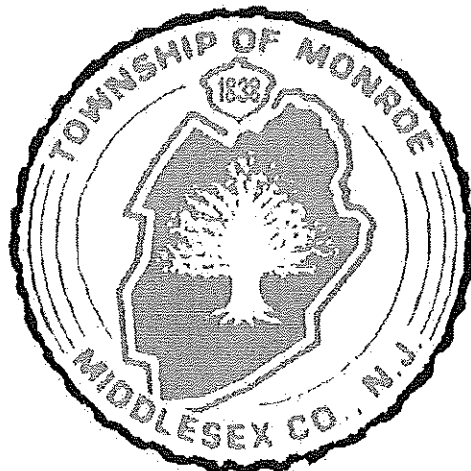
Monroe has prepared this Spending Plan in support of the implementation of its Fourth Round Housing Element and Fair Share Plan, and in accordance with the administrative requirements of NJAC 5:93-1 et. seq. The Township has a balance of \$8,777,885.91 as of December 31, 2024 and anticipates an additional \$7,910,217.89 in revenues, including interest by December 31, 2035 for a total of \$16,688,103.80. The Spending Plan represents the Township's intended use of development fee revenues that are collected in the Housing Trust Fund, illustrating how the Township will use these funds to provide for its fair share of the regional affordable housing need. This will leave a balance of 327,257.55 which the Township will reserve in the event that an additional affordable housing project becomes necessary.

Table 3: Affordable Housing Trust Fund Fourth Round Spending Plan
 Montred Township, New Jersey

Funding Source	Projected Revenues for 2025 - 2035											Total	
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035		
AHTF Balance as of 8/18/2025	\$ 8,777,885.91												\$ 8,777,885.91
Projected Development Fees	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 282,844.98	\$ 3,111,294.78
Payments in lieu of construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest on total account balance (0.4%)	\$ 323,598.29	\$ 346,072.09	\$ 368,545.89	\$ 391,019.89	\$ 413,493.50	\$ 435,967.30	\$ 458,441.10	\$ 480,914.90	\$ 503,388.70	\$ 525,862.50	\$ 548,336.30	\$ 570,810.10	\$ 4,798,923.11
Total	\$ 9,384,329.18	\$ 628,917.07	\$ 651,390.87	\$ 673,864.87	\$ 696,338.48	\$ 718,812.28	\$ 741,286.08	\$ 763,800.84	\$ 786,285.64	\$ 808,769.52	\$ 831,254.32	\$ 854,149.10	\$ 16,688,103.80
Projected Expenditures for 2025 - 2035													
Type	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total	
Rehabilitation Program	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 700,000.00	\$ 7,600,000.00	
Affordability Assistance	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 455,130.11	\$ 5,006,431.21	
Prospective 100% Municipally Sponsored Supportive Needs Housing	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 750,000.00	\$ 8,250,000.00	
Additional Set-Aside (Block 3, Lots 31 & 32)*	\$ 2,000,000.00											\$ 2,000,000.00	
Administrative Costs	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 23,128.64	\$ 254,415.04	
Total	\$ 3,178,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 1,928,258.75	\$ 22,100,846.25	
Projected Balance available for Future Projects and Programs												\$ 327,257.55	

Appendix B. Rehab Operating Manual

Monroe Township Operating Manual



For the Administration of
Rehabilitation Units



Prepared by Center State Engineering

CENTER  STATE
ENGINEERING

481 Spotswood Englishtown Road, Monaca Township, New Jersey 08831
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Table of Contents

Introduction

- A. Fair Housing and Equal Housing Opportunities

Section I. Eligible Participants

- A. Categories of Participants
- B. Income Limits for Participation
- C. Target Neighborhood
- D. Certification of Substandard

Section II. Available Benefits

- A. Program Financing
- B. Owner-occupied Units
- C. Renter-occupied Units
- D. Program Affordability Controls
- E. Owner-occupied Affordability Controls
- F. Renter-occupied Affordability Controls

Section III. Eligible Property Improvements

- A. Eligible Improvements
- B. Ineligible Improvements
- C. Rehabilitation Standards
- D. Certification of Standard

Section IV. Overview of Administrative Procedures

- A. Application/Interview
- B. Income Eligibility and Program Certification
- C. Housing Inspection/Substandard Certification
- D. Cost Estimate
- E. Contractor Bidding Negotiations
- F. Contract Signing/Pre-Construction Conference
- G. Progress Inspections
- H. Change Orders
- I. Payment Schedule
- J. Appeal Process – Property Improvements
- K. Final Inspection
- L. Record Mortgage Documentation and Restricted Covenant
- M. File Closing

Section V. Procedure for Income-Eligibility Certification

- A. Complete a Household Eligibility Determination Form
- B. Certify the Household Income Eligibility
- C. Records Documenting Household Composition and Circumstances
- D. Appeal Process – Income Eligibility





Section VI. Contractor Related Procedures

- A. Contractor Selection
- B. Number of Proposals Required
- C. Contractor Requirements

Section VII. Maintenance of Records and Client Files

- A. Files To Be Maintained on Every Applicant
- B. Rehabilitation Log
- C. Monitoring Information

Section VIII. Program Marketing



INTRODUCTION

This Rehabilitation Program Operating Manual has been prepared to assist in the administration of the Monroe Township Rehabilitation Program. It will serve as a guide to the program staff and applicants.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rehabilitation process. It describes the eligibility requirements for participation in the program, program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall program administration.

The following represents the procedures developed to offer an applicant the opportunity to apply to the program.

A. Fair Housing and Equal Housing Opportunities



It is unlawful to discriminate against any person making application to participate in the rehabilitation program or rent a unit with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental

payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or

<http://www.state.nj.us/lps/dcr/index.html>.

SECTION I. ELIGIBLE PARTICIPANTS

A. Categories of Participants

Both owner-occupied and renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard. Owners of rental properties do not have to be low- or moderate-income households. If a structure contains two or more units and an owner, who is not income eligible, occupies one unit funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Rents must be affordable to low- or moderate-income households.



B. Income Limits for Participation

The occupants of the units must have incomes that fall within the income guidelines established for Middlesex County by the Council on Affordable Housing (COAH). These limits are revised annually as COAH figures become available and can be found in Appendix A.

For owner-occupied units, the carrying costs of the unit (taxes, mortgage, insurance, *[including the rehabilitation repayment mortgage]*) should meet COAH criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

C. Program Area

This is a municipal-wide program. The rehabilitation property must be located in Monroe Township.

D. Certification of Substandard

The purpose of the program is to bring substandard housing up to code. Substandard units are those units requiring repair or replacement of at least one major system. A major system is any one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating
4. Electrical
5. Sanitary plumbing (including septic systems)
6. Load bearing structural systems
7. Lead paint abatement
8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

Code violations will be determined by an inspection conducted by a licensed inspector.

SECTION II. AVAILABLE BENEFITS

A. Program Financing

Up to \$100,000.00 per unit may be available for improvements to eligible owner-occupied and renter-occupied units.

B. Program Affordability Controls

Ten-year controls on affordability on both owner-occupied units and rental units are required.



C. Owner-occupied Affordability Controls

On owner-occupied units, the controls on affordability may be in the form of a lien.

D. Renter-occupied Affordability Controls

For rental units, the controls on affordability shall be in the form of a deed restriction and may also include a lien. If a unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate- income household at an affordable price and affirmatively marketed pursuant to the N.J.A.C. 5:94-7. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:94-7.

SECTION III. ELIGIBLE PROPERTY IMPROVEMENTS

A. Eligible Improvements

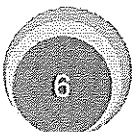
Housing rehabilitation funds may be used only for repairs or system replacements necessary to bring a substandard unit into compliance with municipal health, safety and building codes, applicable code violations, as well as any other cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

At least one major system must be replaced or included in the repairs, which include one of the following:

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Lead paint abatement
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

The related work may include, but not be limited to the following:

- Interior trim work,
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair





- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

B. Ineligible Improvements

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are strictly cosmetic), additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners shall not be funded under this program.

C. Rehabilitation Standards

Upon rehabilitation, housing deficiencies shall be corrected and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

D. Certification of Standard

All code deficiencies noted in the inspection report must be corrected and rehabilitated units must be in compliance with the standards proscribed in sub-section C above upon issuance of a certificate of completion or occupancy. The licensed inspector must certify any structure repaired in whole or in part with rehabilitation funds to be free of any code violations.

E. Emergency Repairs

A situation relating to a safety and/or health hazard for the occupants would constitute an emergency. A municipal inspector will confirm the need for such work. In emergency cases, the formal solicitation process will not be followed. A minimum of three (3) estimates will be obtained when possible for the "emergency" work. However, eligibility, as stated in Section I, subsection B, must be determined prior to soliciting estimates. Application for additional non-emergency work may be made in accordance with the procedures outlined in this Operating Manual. The funding for the emergency work and any additional rehabilitation may not exceed the program financing provisions in Section II, sub-section A.





SECTION IV. OVERVIEW OF ADMINISTRATIVE PROCEDURES

A. Application/Interview

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the program staff. Preliminary applications are available at the following locations:

*Monroe Township Municipal Building
1 Municipal Plaza
Monroe Township, NJ 08831
732-521-4400
Attn: Helga Stoessler*

Upon request, the program staff will mail a preliminary application to an interested property owner.

If after the program staff reviews a preliminary application an owner-occupant appears to be income eligible, an interview will be arranged with the applicant for a formal application to the program. At the time of the interview, the applicant must present required documentation. Applicants for rental rehabilitation funding must provide a list of tenants and the rents paid by each. The program staff will contact the tenants to provide evidence of income eligibility of the occupants of the units.

Applications will be processed in the order of receipt. Only emergency situations shall be handled out of the order of receipt.

B. Income Eligibility and Program Certification

For the households seeking a determination of income eligibility, both owner-occupants and renter-occupants, all wage earners 18 years of age or older in the household must submit appropriate documentation to document the household income, as further described below.

Property owners of both owner-occupied and renter-occupied units must submit the following documentation:

- Copy of the deed to the property.
- Proof that property taxes and water and sewer bills are current.
- Proof of property insurance, including liability, fire and flood insurance where necessary.

If after review of the income documentation submitted an applicant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if the applicant's or each tenants' income exceeds COAH income limits or, for owner occupied units, if the



carrying costs of the unit (taxes, mortgage, insurance [*including the rehabilitation repayment mortgage*]) exceed COAH's criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

The program staff will arrange for a title search of all properties entering the program.

After the initial interview and the program staff has substantiated that the occupant is income-eligible, and the title search is favorable, the Eligible Certification Form will be completed and signed.

Upon confirmation of income eligibility of the applicant or the applicant's tenants, the program staff will send a letter, including the Eligible Certification Form, to the applicant certifying the applicant's and or tenant's eligibility. Eligibility will remain valid for six months. If the applicant has not signed a contract for rehabilitation within six months of the date of the letter of certifying eligibility, the applicant will be required to reapply for certification.

C. Housing Inspection/Substandard Certification

Once determined eligible, the program staff will arrange for a qualified, licensed, housing/building code inspector to inspect the entire residential property.

The licensed inspector will inspect the house, take photographs, and certify that at least one major system is substandard. All required repairs would be identified.

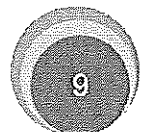
D. Ineligible Properties

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be ineligible, the program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined ineligible for any one of the following reasons:

- Title search is unfavorable.
- Property does not need sufficient repairs to meet eligibility requirements.
- Real estate taxes are in arrears.
- Proof of property insurance not submitted.
- Property is listed for sale.
- Property is in foreclosure.
- Total debt on the property will exceed the value of the property.

The municipality may disqualify properties requiring excessive repairs to meet municipal housing standards. The estimated or bid cost of repairs must exceed [*insert amount, at least 50*] percent of the estimated after-rehabilitation value of the property for the municipality to exclude the property

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be eligible, the inspector will then





certify that the dwelling is substandard by completing and signing the Certificate of Substandard Form and submitting this to the program staff.

E. Cost Estimate

The program staff will prepare or cause to be prepared a Work Write-up and Cost Estimate. This estimate will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specifics on the materials to be used. A Cost Estimate will be computed and included within the program documentation. The program staff will review the Preliminary Work Write-up with the property owner.

Only required repairs to units occupied by income eligible households will be funded through the housing rehabilitation program. If the property owner desires work not fundable through the program, including work on an owner-occupied unit of a rental rehabilitation project, work on a non-eligible rental unit in a multi-unit building or improvements not covered by the program, such work may be added to the work write-up if the property owner provides funds to be deposited in the municipality's Housing Trust Fund prior to the commencement of the rehabilitation of the property equivalent to *(110 percent or a higher percentage)* of the estimated cost of the elective work. Such deposited funds not expended at the time of the issuance of a certificate of completion/occupancy will be returned to the property owner with accrued interest.

F. Contractor Bidding Negotiations

After the unit and the unit occupant have been certified as eligible, the program staff will provide a list of approved, pre-qualified trade contractors for bidding. The property owner reviews this list and selects a minimum of three and a maximum of five contractors from whom to obtain bids. The program staff and property owner will then review these bids. The lowest responsible trade contractor shall then be selected. If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

G. Contract Signing/Pre-Construction Conference

Program staff will meet with the property owner to review all bids by the various trades. This review will include a Final Work Write-up and Cost Estimate. The Contractor Agreement will be prepared by the program staff, as well as the Property Rehabilitation Agreement covering all the required terms and conditions.

The program staff will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include: Contractors Agreement(s), Right of Entry Document, a Restricted Covenant, Mortgage and Mortgage Note. The property owner, program staff representative, contractor and bank representative will execute the appropriate documents and copies will be provided as appropriate. A staff member will outline project procedures to which property owner must adhere. A Proceed to Work





Order, guaranteeing that the work will commence within fifteen (15) calendar days of the date of the conference and be totally completed within ninety (90) days from the start of work, will be issued to each contractor at this Conference.

H. Progress Inspections

The program staff will make periodic inspections to monitor the progress of property improvements. This is necessary to ensure that the ongoing improvements are in accordance with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Building Inspector before closing up walls on plumbing and electrical improvements.

I. Change Orders

If it becomes apparent during the course of construction that additional repairs are necessary or the described repair needs to be amended, the program staff will have the qualified professional(s) inspect the areas in need of repair and prepare a change order describing the work to be done. The applicant and the contractor will review the change order with the program staff and agree on a price. Once all parties approve of the change order and agree on the price, they will sign documents amending the contract agreement to include the change order. Additionally, if the applicant is not funding the additional cost, new financing documents will be executed reflecting the increase.

J. Payment Schedule

The contract will permit three progress payments if the project costs less than \$20,000 or four progress payments if the project costs more than \$20,000. For example: \$24,000 project has four payments, with the first payment of \$10,000 and the remaining payments are divided equally. First payment is made when the project is one-quarter completed. Second payment is made when the project is one-half completed. Third at three quarters completed. Fourth and final payment upon completion.

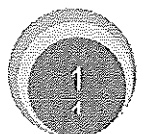
The contractor will submit a payment request. The applicant will sign a payment approval if both the applicant and housing/building inspector are satisfied with the work performed. The municipality will then release the payment.

Final payment will be released once all final inspections are made, a Certificate of Occupancy is issued (if applicable) and the program staff receives a Property Owner Sign-off letter.

The contractor's performance bond will be released within three (3) months after the final payment is made to the contractor.

K. Appeal Process

If an applicant does not approve a payment that the housing/building inspector has approved, the disputed payment will be appealed to the municipality's Affordable





Housing Board for a hearing. The municipality's Affordable Housing Board will decide if the payment shall be released to the contractor or the contractor must complete additional work or correct work completed before the release of the payment. The municipality's Affordable Housing Board decision will be binding on both the applicant and the contractor

L. Final Inspection

Upon notification by the contractor that all work is complete and where required a Certificate of Occupancy has been issued, a final inspection shall be conducted and photographs taken. The program staff (or a representative), the property owner, and the necessary contractors shall be present at the final inspection to respond to any final punch list items.

M. Record Restricted Covenant and Mortgage Documentation

Program staff will file the executed Restricted Covenant and Mortgage with the County Clerk.

N. File Closing

After the final payment is made, the applicant's file will be closed by the program staff [*Insert if applicable: and submitted to the municipality upon termination of the program*].

SECTION V. PROCEDURE FOR INCOME-ELIGIBILITY CERTIFICATION

A. Complete a Household Eligibility Determination Form

The program staff shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income, pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq. (except for the asset test).¹ Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs [including both the check and the stub], including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be

¹ Asset Test – N.J.A.C. 5:80-26.16(b)3 which provides that if an applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by COAH, a certificate of eligibility shall be denied by the administrative agent, unless the applicant's existing monthly housing costs ...exceed 38 percent of the household's eligible monthly income.



requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.

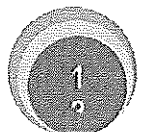
- A letter or appropriate reporting form verifying monthly benefits such as
 - Social Security or SSI – Current award letter or computer print out letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF² current award letter
 - Disability - Worker's compensation letter or
 - Pension income (monthly or annually) – a pension letter
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court or education scholarship/stipends – current award letter.
- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

Income

1. Wages, salaries, tips, commissions

²TANF – Temporary Assistance for Needy Families





2. Alimony
3. Regularly scheduled overtime
4. Pensions
5. Social security
6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
13. Rent from real estate is considered income
14. Any other forms of regular income reported to the Internal Revenue Service

Not Income

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements





10. Part-time income of dependents enrolled as full-time students

11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current money market rates, interest will be imputed on the determined value of the real estate.

B. Records Documenting Household Composition and Circumstances

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income tax return
- Birth Certificate or Passport
- Alien Registration Card





C. Certify the income eligibility of low- and moderate-income households by completing the application form. Provide the household with the original and keep a copy in the project files.

D. Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Executive Director of the Council on Affordable Housing (COAH), 101 South Broad Street, P.O. Box 813, Trenton, New Jersey 08615. The Executive Director's written decision, which shall be made within 15 days of receipt of an appeal, shall be a final administrative action of COAH.

SECTION VI. CONTRACTOR RELATED PROCEDURES

A. Contractor Selection

Contractors must apply to the program staff to be placed on the pre-approved contractors list. Contractors seeking inclusion on the list must submit references from at least three recent general contracting jobs. Contractors also must submit documentation proving financial stability and the ability to obtain performance bonds, as performance bonds will be required on every rehabilitation project. If it is ever necessary for the municipality or *[insert name of administrative agent]* to access the performance bond in order to complete a project, the contractor will be removed from the pre-approved contractors list. Contractors must carry workmen's compensation coverage and liability insurance of at least \$100,000/\$300,000 for bodily injury or death and \$50,000 for property damage. Only licensed tradesmen will be permitted to perform specialty work such as plumbing, heating and electrical.

B. Number of Proposals Required

The property owner will select a minimum of three general contractors from a list of pre-approved contractors. Property owners may not select contractors who do not appear on the list.³ The approved work write-up will be submitted to the selected contractors by the program staff. Contractors must visit the property and submit bids within *[insert number of days, minimum 14]* days. The contract will be awarded to the lowest bidder⁴, provided that the housing/building inspector or the professional who drafted the work write-up certify that the work can be completed at the price bid and that the bid is reasonably close to the cost estimate. Bids must fall within *[insert percent, maximum of 10]* percent of the cost estimate.

³ The program may permit a property owner to seek proposals from non-program participating contractors. However, the municipality must pre-approve the contractor prior to submitting a bid.

⁴ If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.





C. Contractor Requirements

Upon notification of selection, the contractor shall submit all required insurance certification to the program staff. A contract signing conference will be called by the program staff to be attended by the property owner and contractor. At the time of Agreement execution, the contractor shall sign a Certification of Work Schedule prepared by the program staff.

SECTION VII. MAINTENANCE OF RECORDS

A. Files To Be Maintained on Every Applicant

The program staff will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

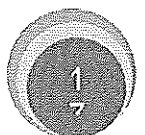
- Application Form
- Tenant Information Form (Rental Units Only)
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

B. Files of applicants approved for the program will also contain the following additional documentation:

- Housing Inspection Report
- Photographs - Before
- Certification of Property Eligibility or Determination of Ineligibility
- Proof of Homeowners Insurance
- Copy of Deed to Property

C. For properties determined eligible for the program where the applicants choose to continue in the program, the files shall contain the following:

- Work Write-Up/Cost Estimate
- Copies of Bids
- Applicant/Contractor Contract Agreement
- Recorded Mortgage/Lien Documents
- Copies of All Required Permits
- Contractor Requests for Progress Payments
- Progress Payment Inspection Reports
- Progress Payment Vouchers
- Change Orders (If needed)
- Final Inspection Report
- Photographs - After
- Certification of Completion
- Certification of Release of Contractor's Bond





Individual files will be maintained throughout the process [insert if applicable: and submitted to the municipality upon termination of the program].

D. Rehabilitation Log

A rehabilitation log will be maintained by the program staff that depicts the status of all applications in progress.

E. Monitoring

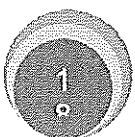
For each unit the following information must be retained to be reported annually:

- Street Address
- Block/Lot/Unit Number
- Owner/Renter
- Income: Very Low/Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Development Fees expended
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of Affordability Controls (yrs)
- Date Affordability Controls removed
- Reason for removal of Affordability Controls

SECTION VIII. PROGRAM MARKETING

The municipality will conduct a public meeting announcing the implementation of the housing rehabilitation program. For the term of the program, the municipality will include flyers once a year with the *Township Newsletter* and on the *Township Web Site*. Program information will be available at the municipal building, library, and senior center and on the municipal website. Posters regarding the program will be placed in retail businesses throughout the municipality.

Prior to commencement of the program and periodically thereafter, the municipality will hold informational meetings on the program to all interested contractors. Each contractor will have the opportunity to apply for inclusion of the municipal contractor list.



Appendix C. Affordable Housing Ordinance/Development Fee Ordinance

AFFORDABLE HOUSING ORDINANCE

Township of Monroe

County of Monmouth

A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Monroe consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Township of Monroe Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
 - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
 - c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year

compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

B. Definitions

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional 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 which 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.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive

of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

"Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

"Random selection process" means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

"RCA administrator" means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

"RCA project plan" means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

"Receiving municipality" means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Recreational facilities and community centers" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality’s affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

“Rehabilitation” means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit

Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

C. Monitoring and Reporting Requirements

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 - b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 - c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

D. Municipality-wide Mandatory Set-Aside

1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20%.
2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
3. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.

5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
7. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
 - a. The developer may round the set-aside upward to construct a whole additional affordable unit; or
 - b. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro formas for 100% affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

- E. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.
 1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
 2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
- a. Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.

- vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - vii. Each bedroom in each restricted unit must have at least one window; and
 - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.

- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.
- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units. The municipality has chosen to allow rounding.
 - c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down or rounded up, of the total number of low- and moderate-income units. The municipality has chosen to allow rounding.
 - iv. At least 30% of all low- and moderate-income units, rounded up or down shall be two-bedroom units. The municipality has chosen to allow rounding.
 - v. At least 20% of all low- and moderate-income units, rounded up or down shall be three-bedroom units. The municipality has chosen to allow rounding.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
 - e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable

housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

6. Accessibility requirements.

- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
- b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

- (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
- (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

F. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at 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, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
 - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 - b. Both ownership and rental units shall be eligible for rehabilitation funds.
 - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.

- e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L. 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
 - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
 - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
3. Accessory Apartment program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).
- a. An accessory apartment program shall provide low- and moderate-income units or may be limited to only low- or only moderate-income units .
 - b. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.
 - c. Rents of accessory apartments shall be established for moderate-income units to be affordable to households earning no more 60 percent of median income.
 - d. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.
 - e. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 - f. Per N.J.A.C. 5:97-6.8(b)2, the municipality shall provide a minimum of \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
4. Market to Affordable program (per N.J.A.C. 5:97-6.9).

- a. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
 - b. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 - c. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - d. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
 - e. The units shall comply with UHAC with the following exceptions:
 - i. Bedroom distribution (N.J.A.C. 5:80-26.4).
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.4).
 - f. Affordability average (N.J.A.C. 5:80-26.4); however:
 - i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
 - ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
5. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
- a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.

- v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
6. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
- a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - e. Low- and moderate-income residents cannot be charged any upfront fees.
 - f. The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
7. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

- ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
- iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
- iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
- v. Occupancy shall not be restricted to youth under 18 years of age.
- vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (a) An Affirmative Marketing Plan in accordance with D1 above; and
 - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.

G. Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

H. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income.
4. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.
5. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
6. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
7. The master deeds and declarations of covenants and restrictions for affordable developments

may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and

moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

8. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
9. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
10. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
11. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid

utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.

12. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

I. Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 3 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b. There shall be a regional preference for all households that live and/or work in Housing Region 3 comprising Middlesex, Somerset, and Hunterdon Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the

marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
 6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
 10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.
- J. Selection of Occupants of Affordable Housing Units.
1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
 2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.
- K. Occupancy Standards.
1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;

- c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
- d. Avoid placing a one-person household into a unit with more than one bedroom.

L. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C. 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 - c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the

Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

N. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
- b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
- c. The household is currently in substandard or overcrowded living conditions;
- d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

P. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The

deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.

7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit;
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Q. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may

continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

R. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

S. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:

- a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
- b. The oversight of the Affirmative Marketing Plan and affordability controls.
- c. When applicable, overseeing and monitoring any contracting Administrative Agent.
- d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
- e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
- f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
- g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
- h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
- i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
- j. Listing on the municipal website contact information for the MHL and Administrative Agents.

T. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.

4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
 - d. Affordability controls.
 - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

- e. Records retention.
 - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
 - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
 - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and

- v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

U. Responsibilities of The Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.
 - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e. A projected construction schedule.
 - f. The location of any common areas and elevators.
 - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
 - a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - b. Provide to the administrative agent a description of any applicable fees.
 - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.

- d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - e. Provide to the administrative agent a proposed form of lease for any rental units.
 - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- a. Proposed pricing for all units, including any purchaser options and add-on items.
 - b. Condominium or homeowner association fees and any other applicable fees.
 - c. Estimated real property taxes.
 - d. Sewer, water, trash disposal, and any other utility assessments.
 - e. Flood insurance requirement, if applicable.
 - f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

V. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

- ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
 - c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the

regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 - e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals
 - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

W. Development Fees.

1. Purpose
 - a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.
2. Basic Requirements
 - a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
 - b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
3. Residential Development Fees
 - a. Imposed fees
 - i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.0% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
 - ii. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b. Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
 - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - iv. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.
 - v. Developers of existing one and two-family dwelling units shall be exempt from paying a development fee.

4. Non-Residential Development Fees

- a. Imposition of fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
 - b. Eligible exactions, ineligible exactions and exemptions for non-residential development
 - i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
 - ii. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
 - d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - e. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.
5. Collection Procedures
- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
 - b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-

RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- h. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

6. Appeal of development fees

- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- b. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund

- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - iii. Rental income from municipally operated units;
 - iv. Repayments from affordable housing program loans;
 - v. Recapture funds;
 - vi. Proceeds from the sale of affordable units; and
 - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
 - i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - vi. Revocation of compliance certification or a judgment of compliance and repose;
 - vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;

- viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

8. Use of Funds

- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program

and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

9. Monitoring

- a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

10. Ongoing Collection of Fees

- a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

11. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

Appendix E. Draft Ordinance 1

Appendix F. Draft Ordinance 2

Appendix D. Draft Ordinances

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 108, ARTICLE VI, "ZONING DISTRICT REGULATIONS
(REZONING OF HIGHWAY DEVELOPMENT DISTRICT ALONG BUTCHERS ROAD)**

BE IT ORDAINED, by the Township Council of the Township of Monroe, Middlesex County, New Jersey that Chapter 108, Article VI of the Code of the Township of Monroe is hereby amended and supplemented as follows:

SECTION 1

Section 108-6.18 is hereby amended to read as follows:

§ 108-6.18. H-D Highway Development District.

The following regulations shall apply in the H-D Highway Development District.

A. Permitted uses.

- (1) Business and professional offices, corporate centers including facilities used for business, professional and corporate training, education or other similar services.
 - (2) Theaters and other fully enclosed commercial entertainment establishments.
 - (3) Regional shopping centers, subject to yard, bulk and buffer requirements contained in Article VII of this chapter.
 - (4) New auto sales and showroom establishments, but not including used car lots or auto body repair shops exclusively as principal uses.
 - (5) Fully enclosed establishments for the sale and repair of machinery and equipment.
 - ~~(6) Wholesale, distributive and storage establishments.~~
 - ~~(7)~~(6) Data processing and computer centers.
 - ~~(8)~~(7) Fully enclosed restaurants.
 - ~~(9)~~(8) Medical offices and clinical laboratories.
 - ~~(10)~~(9) Banks and other "fiduciary institutions."
 - ~~(11)~~(10) Law and accounting offices.
 - ~~(12)~~(11) Hotels, motels, convention centers.
- ~~1 Highway development parks:~~
- ~~1 Planned park development may be permitted in the H-D Zone, provided that the site to be developed shall contain a minimum of forty (40) acres.~~
- ~~1 All uses permitted in the L-1 Light Industrial District.~~
- ~~2 Area, yard and building requirements shall be as follows:~~
- A. ~~Minimum lot size: five (5) acres.~~
 - A. ~~Minimum lot width: two hundred (200) feet. [3] Minimum lot depth: two hundred (200) feet.~~
 - ~~[4] Minimum side and rear yard setbacks. Minimum rear and side yard setbacks may be reduced proportionately to the individual reductions in lot area.~~
 - ~~(d) Other provisions. All other requirements for industrial development shall conform to those established under § 108-6.19 of this Article.~~

B. Permitted accessory uses.

- (1) Parking and loading facilities for principal uses.
- (2) Customary accessory uses and buildings which are clearly incidental to the main use.

C. The area, yard and building requirements are as specified for this zone in the schedule of requirements in § 108-6.4 of this Article and the applicable subsections of this chapter.

D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this chapter.

- (1) Funeral homes.
- (2) Public transportation terminal facilities.
- (3) Car washes.
- (4) Hospitals, clinics and medical centers.
- (5) Shopping centers.
- (6) Commercial recreation facilities.
- (7) Automotive gasoline stations, automotive repair garages, automotive service stations, automotive sales and service facilities.
- (8) Satellite antennas.
- (9) Wireless communication antennas and wireless communication towers in accordance with the conditions, standards and limitations specified in § 108-7.3 of this chapter.
- (10) Public utility installations.
- (11) Wholesale, distributive and storage establishments

Article VII: Conditional Uses

108-7.2 Standards of Approval

B-A. The following standards and conditions are required to be met in order to receive Approving Authority approval for specific conditional uses as indicated:

(22) Wholesale, distributive and storage establishments in the Highway Development zone must have frontage and direct driveway access to Route 33 for ingress and egress of all vehicles.

SECTION 2

The following new section of the Code is hereby adopted:

§.108-xx. RA 2 Residential-Affordable Housing District 2.

- A. The purpose of this section is to establish the standards and requirements for developments that include market-priced housing and housing affordable to low- and moderate-income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low- and moderate- income housing.
- B. The following shall be the requirements of the RA 2 District, in addition to other provisions, not inconsistent with this article. In case of conflict with the provisions of other ordinances, this section shall govern.
- C. The RA-2 District shall consist of Block 3, Lot 31 and 32 and the official map of the Township of Monroe shall be amended to reflect same.
- D. Permitted uses:
 - (1) Inclusionary housing development consisting of affordable housing as defined by this article and UHAC and market-rate housing. All housing shall be developed beyond 400 feet from the right-of-way line of New Jersey State Highway Route 33 and shall comply with the provisions set forth herein this section. Permitted residential dwellings include:
 - (a) Market-rate multifamily townhouse and apartment dwelling units that are deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multifamily townhouse and apartment dwelling units shall not exceed 158.
 - (b) The minimum number of affordable multifamily family rental apartment dwelling units provided shall be 65, with 13% of the total affordable dwelling units to be affordable to very low-income households.

- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.
- (3) The developer may exercise an option to develop the affordable housing at an off site location provided same is located within Monroe Township and further that the number of affordable units provided shall not be less than the minimum required 65 units and subject to the bulk criteria in this Section.

E. Permitted accessory uses:

- (1) Private swimming pools and clubhouses for use by the residents on the premises as per the requirements of Article XII of this chapter. Open space and recreational facilities for use by the residents on the premises.
- (2) Decks and patios for use by the residents on the premises located in the rear yard within the building envelope, except for decks and patios facing Butcher Road when compliant landscape buffer and berm are provided to create an effective screen from said road. No deck shall be larger than 10 feet by 20 feet.
- (3) Off-street parking areas and loading areas.
- (4) Signs.
- (5) Fences and walls.
- (6) Satellite antennas.
- (7) Public utility installations.

F. Development, area, yard and building requirements. The following development requirements shall apply to the RA 2 Residential-Affordable Housing 2 District:

- (1) Inclusionary housing development shall comply with the following development, area, yard and building requirements:
 - (a) Minimum site area. The minimum site area for an inclusionary development in the RA 2 Residential-Affordable Housing District 2 shall be at least 24 acres contained in one parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted nonresidential uses.
 - (b) Gross residential density. The gross residential density of the entire tract shall not exceed seven dwelling units per acre, and the maximum number of residential units shall not exceed 158 dwelling units, of which 65 dwelling units shall be affordable dwelling units which may be located off-site. In the event that the 65 affordable units are built off site, the number of units shall not exceed 158
 - (c) Residential sections may be subdivided into separate lots. Regardless of whether a residential section has been subdivided into a separate lot, a townhouse residential section shall not exceed a net residential density of eight dwelling units per acre and an apartment residential section shall not exceed a net residential density of 15 dwelling units per acre.
 - (d) Bulk requirements for subdivided lots containing a residential section:
 - [1] Minimum lot area shall be three acres.
 - [2] Minimum lot frontage shall be 200 feet.
 - [3] Minimum lot width shall be 200 feet.
 - [4] Minimum lot depth shall be 400 feet.
 - (e) Yard and setback requirements:

Description	Tract Boundary	Internal Lots	To Curb Line of Internal Road, Townhouses	To Curb Line of Internal Road, Apartments
Minimum Front Yard	50 Feet		25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with driveway and garage
Minimum Sideyard SF	50 Feet	10 Feet		
Minimum Sideyard TH	50 Feet	0 Feet		

Minimum Rear Yard	50 Feet	20 Feet		
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- (f) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

Description	Requirement
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	35 feet

- (g) Lot coverage by buildings. Not more than 30% of the gross area of each residential section shall be covered by buildings.
- (h) Maximum building height.
- [1] Townhouses shall not exceed three stories or 45 feet.
 - [2] Apartment flats shall not exceed three stories or 45 feet.
- (i) Sidewalks and walkways shall comply with § 108-6.21I of this article. Curbs and Sidewalks shall be provided along Butcher Road and North Disbrow Hill Road property frontages.
- (j) Buffers and landscaping, shade trees and tree preservation shall be provided along the perimeter in the form of a thirty foot landscaped perimeter buffer.
- (2) All residential, including market-rate housing sections and affordable housing sections, and non-residential sections shall be interconnected with free flowing, non-barricaded roads and sidewalks. Cross access easements shall be provided on all subdivided residential and nonresidential lots to ensure the free flow of pedestrian, bicycle and vehicular traffic.

G. Affordable housing.

- (1) The number of affordable family rental dwelling units to be built on or off-site shall be 65 with at least 13% of these units to be affordable to very low-income households. If all of the 65 affordable family rental dwelling units are built on-site, then an additional 93 market-rate dwelling units may also be built on-site for a maximum of 158 units on-site. In the alternative, if all of the 65 affordable family rental units are built off-site at a separate location within the Township of Monroe, then all of the units on-site may be market-rate dwelling units for a maximum total of 158 units on-site.
- (2) Required bedroom distribution for affordable family rental dwelling units.
 - (a) At a minimum, 30% of all low- and moderate-income units shall have two bedrooms.
 - (b) At a minimum, 20% of all low- and moderate-income units shall have three bedrooms.
 - (c) The combination of efficiency and one-bedroom units shall be at least 10% and no greater than 20% of the total low- and moderate-income units.
- (3) Low- and moderate-income split. At least 50% of all units designated for low- and moderate-income households shall be affordable to low- income households. 13% of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.
- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials.
 - (6) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (7) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (8) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (9) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.
 - (10) Application procedures for Inclusionary housing development shall comply with §108-6.21M of this article.
- H. Signage as permitted in Article X of this chapter.
- I. Parking and loading as required in Article IX of this chapter.
- J. Landscaping and buffering as required by the following standards and in Article VIII of this chapter:
 - (1) Permitted nonresidential uses shall comply with the buffer requirements of the HD District as set forth in § 108-6.18H.
 - (2) Inclusionary housing development shall comply with the following buffering requirements:
 - (a) Minimum width of buffer area along Butcher Road and North Disbrow Hill Road and the property lines of the tract shall be 50 feet.
 - (b) Buildings shall be set back a minimum of 50 feet from the property lines of the tract. At least 30 feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property. Minimum width of buffer area between the permitted nonresidential uses and inclusionary development shall be 20 feet. The buffer may include a berm of at least two in height as is feasible given good engineering practices.
 - (c) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
- K. Fences are permitted in accordance with Article VIII of this chapter. Except that a six-foot privacy fence for a townhouse shall be permitted in the front yard.

BE FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause so adjudicated, and the remainder of the Ordinance shall be deemed valid and in effect; and,


BE IT FURTHER ORDAINED that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.


 MYRIAM COHEN, Council President

RECORDED VOTE – INTRODUCTION – August 4, 2025						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro			X			
Councilman Markel			X			
Councilwoman Siegel	X		X			
Council V. President Van Dzura		X	X			
Council President Cohen			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Monroe Township Council held on August 4, 2025 and was to be considered for final passage after a Public Hearing during a Council meeting to be held on September 3, 2025 at 6:30 p.m. however was TABLED to meet additional notification requirements. This Ordinance will again be considered for final passage after a Public Hearing which will be held on October 6, 2025 in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831. At said time and place, all persons will be granted the opportunity to be heard concerning this Ordinance prior to its consideration for adoption by Council.


 CHRISTINE ROBBINS, Township Clerk

RECORDED VOTE – TABLED – September 3, 2025						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro		X	X			
Councilman Markel			X			
Councilwoman Siegel			X			
Council V. President Van Dzura	X		X			
Council President Cohen			X			


RECORDED VOTE – SECOND READING & FINAL ADOPTION – October 6, 2025						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro				X		
Councilman Markel		X	X			
Councilwoman Siegel			X			
Council V. President Van Dzura	X		X			
Council President Cohen			X			

MONROE TOWNSHIP, MIDDLESEX COUNTY
 ORDINANCE NO.: O-8-2025-021

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
 AMENDING CHAPTER 108, ARTICLE VI, "ZONING DISTRICT REGULATIONS (REZONING
 OF HIGHWAY DEVELOPMENT DISTRICT ALONG BUTCHERS ROAD)

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.


 STEPHEN DALINA, Mayor

Date signed: 10/7/2025



Township of Monroe

County of Middlesex

CHRISTINE ROBBINS
Township Clerk

Municipal Complex
1 Municipal Plaza
Monroe Township, NJ
08831-1900
Phone (732) 656-4573
Fax (732) 521-3190

Affidavit of Publication

I, Tanya Pannucci, Deputy Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on October 10, 2025.

Tanya Pannucci

Tanya Pannucci, Deputy Township Clerk

Friday, October 10, 2025

Notice Content

MONROE TOWNSHIP, MIDDLESEX COUNTY NOTICE OF FINAL ADOPTION Notice is hereby given that the following entitled Ordinance was introduced and passed on First Reading at the regular meeting of the Monroe Township Council held on August 4, 2025. Furthermore, this Ordinance was adopted after a Public Hearing was held at the October 6, 2025 meeting of the Monroe Township Council which was held in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831 and was thereafter approved and signed by the Mayor on October 7, 2025. MONROE TOWNSHIP, MIDDLESEX COUNTY ORDINANCE NO.: O-8-2025-021 "ORDINANCE AMENDING CHAPTER 108, ARTICLE VI, "ZONING DISTRICT REGULATIONS (REZONING OF HIGHWAY DEVELOPMENT DISTRICT ALONG BUTCHERS ROAD)." CHRISTINE ROBBINS, R.M.C Township Clerk 10/10/25 (\$16.38)



Township of Monroe

County of Middlesex

CHRISTINE ROBBINS
Township Clerk

Municipal Complex
1 Municipal Plaza
Monroe Township, NJ
08831-1900
Phone (732) 656-4573
Fax (732) 521-3190

Affidavit of Publication

I, Tanya Pannucci, Deputy Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on September 9, 2025.

Tanya M. Pannucci, Deputy EMC

Tanya Pannucci, Deputy Township Clerk

Tuesday, September 09, 2025

Notice Content

MONROE TOWNSHIP NOTICE OF TABLED ORDINANCE ORDINANCE NO.: O-8-2025-021 NOTICE IS HEREBY GIVEN THAT AN ORDINANCE ENTITLED: "ORDINANCE OF THE MONROE TOWNSHIP COUNCIL AMENDING CHAPTER 108, ARTICLE VI, "ZONING DISTRICT REGULATIONS (REZONING OF HIGHWAY DEVELOPMENT DISTRICT ALONG BUTCHERS ROAD)", has been introduced and passed on first reading at the regular meeting of the Monroe Township Council held on August 4, 2025 and was to be considered after a Public Hearing during a Council meeting to be held on September 3, 2025 at 6:30 p.m. however was TABLED to meet additional notification requirements. This Ordinance will again be considered for final passage after a Public Hearing which will be held on October 6, 2025 in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831. At said time and place, all persons will be granted the opportunity to be heard concerning this Ordinance prior to its consideration for adoption by Council. The purpose of this Ordinance is to amend Chapter 108, Article VI, "Zoning District Regulations (Rezoning of Highway Development District along Butcher Road)" of the Code of the Township of Monroe. The proposed Ordinance in its entirety can be viewed on the Township website, www.monroetwp.com and is on file in the Municipal Clerk's Office. Copies may be obtained without charge between the hours of 8:30am and 4:30pm. Monday through Friday. Christine Robbins, Municipal Clerk (\$29.64)



Township of Monroe

County of Middlesex

CHRISTINE ROBBINS
Township Clerk

Municipal Complex
1 Municipal Plaza
Monroe Township, NJ
08831-1900
Phone (732) 656-4573
Fax (732) 521-3190

Affidavit of Publication

I, Tanya Pannucci, Deputy Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on August 8, 2025.

Tanya M. Pannucci, Deputy Clerk

Tanya Pannucci, Deputy Township Clerk

Friday, August 08, 2025

Notice Content

MONROE TOWNSHIP NOTICE OF PENDING ORDINANCE ORDINANCE NO.: O-8-2025-021 NOTICE IS HEREBY GIVEN THAT AN ORDINANCE ENTITLED: "ORDINANCE OF THE MONROE TOWNSHIP COUNCIL AMENDING CHAPTER 108, ARTICLE VI, "ZONING DISTRICT REGULATIONS (REZONING OF HIGHWAY DEVELOPMENT DISTRICT ALONG BUTCHERS ROAD)", has been introduced and passed on first reading at the regular meeting of the Monroe Township Council held on August 4, 2025 and will be further considered for final passage after a Public Hearing during a Council meeting to be held on September 3, 2025 at 6:30 p.m. in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831. At said time and place, all persons will be granted the opportunity to be heard concerning this Ordinance prior to its consideration for adoption by Council. The purpose of this Ordinance is to amend Chapter 108, Article VI, "Zoning District Regulations (Rezoning of Highway Development District along Butcher Road)" of the Code of the Township of Monroe. The proposed Ordinance in its entirety can be viewed on the Township website, www.monroetwp.com and is on file in the Municipal Clerk's Office. Copies may be obtained without charge between the hours of 8:30am and 4:30pm, Monday through Friday. Christine Robbins, Municipal Clerk 8/8/25 (\$23.01)

ORDINANCE NO.: O-11-2025-027

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 108, ZONING, OF THE CODE OF THE TOWNSHIP OF
MONROE TO REDUCE THE NUMBER OF MARKET RATE UNITS REQUIRED
PURSUANT TO THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING
OBLIGATION AND TO PROVIDE FOR AFFORDABLE UNITS TO BE APPLIED TO
THE TOWNSHIP'S FOURTH ROUND OBLIGATION

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, being the governing body thereof, that Chapter 108 of the Code of the Township of Monroe is hereby amended and supplemented as follows: (All new language is depicted in **bold and underline**. All language deletions are depicted in ~~strikethrough~~. Language that remains unchanged is not highlighted in anyway)

NOW, THEREFORE, BE IT ORDAINED,

SECTION 1

Chapter 108. Land Development Article VI. Zoning District Regulations
§ 108- 6.34 H-D-1 Highway Development District 1

1 The official map of the Township of Monroe is hereby amended to create an HD-1 Highway Development District 1. The HD-1 District shall consist of Block 3, Lots 12.01, 13, 14, 26 and 27 and the official map of the Township of Monroe shall be amended to reflect the same.

2 The Following shall be the requirements of the HD-1 District, in addition to other provisions, not inconsistne with this article. In the case of conflict with the provisions of other ordinances, this section shall govern.

A. Permitted uses. All permitted uses in H-D Highway Development District (§108-6.18A)

B. Permitted accessory uses. All permitted accessory uses in H-D Highway Development District (§108-6.18A).

C. Bulk Standards. The area, yard and building requirements specified herein are applicable to the HD-1 District.

- Min. Lot Area 7 Acres
- Min. Lot Frontage 300 feet
- Min. Lot Width 300 feet
- Principal Buildings
- Min. Front Yard 50 feet
- Min. Each Side Yard 50 feet
- Min. Rear Yard 50 feet
- Accessory Buildings
- Min. Side Yard 50 feet
- Min. Rear Yard 50 feet
- Building Height-Principal and Accessory
- Principal Building Maximum: 50 feet
- Accessory Building Maximum: 45 feet
- Maximum Percent of Lot Coverage by Building(s) and Structure(s): 40%

- Maximum Square Footage: 1.9 million sq. ft.
- Maximum Percent of Impervious Lot Coverage: 70%

D. Conditional uses. All conditional uses in HD-1 Highway Development District (§108-6.18A)

E. Signs. Signage as permitted in Article X of this chapter.

F. Parking Requirements. Parking is required in accordance with the following standards.

(1) Minimum of one automobile parking space for each 4,000 s.f. of gross floor area.

(2) Minimum of one tractor trailer parking space shall be provided for each 10,000 s.f. of gross floor area.

(3) Parking areas may be located in any front yard provided a 50-foot setback is maintained and any rear or side yard provided a 20-foot setback is maintained.

(4) Each off-street parking space shall, measure not less than 9 x 18 feet.

(5) Loading spaces shall be a minimum of 12 feet wide by 50 feet long

(6) Parking areas shall be so arranged as to provide adequate access to all buildings in case of fire or other emergency.

(7) Driveway width shall be no less than 35 feet. The number of driveways and widths thereof however shall conform to and be subject to NJDOT and/or County regulations and requirements (if any).

(8) Each drive aisles shall be no less than 24 feet.

G. Fences. Fencing as permitted in accordance with Article VII of this chapter.

H. Landscape buffer requirements.

(1) A buffer area 50 feet in width shall be provided along any road frontage, and along any front, side or rear lot line that abuts a residential zone. The buffer shall consist of a minimum six foot high sculptured, undulating berm that has a top of berm width ranging from 10 to 20 feet. The top of the berm will be planted with a mass of evergreen trees with an average height of eight feet. This evergreen stand shall be planted in a natural pattern which achieves a full screening effect. The Planning Board or Board of Adjustment shall have the right to require a continuous six foot berm as a particular case may warrant. The sides of the berm shall be established with shrubs and ground cover. The landscaping and plant material shall conform to § 108-8.1J. The landscaped berm shall be installed and established prior to the commencement of construction. No structures, fences, walls or accessory buildings shall be located within the buffer area. If the frontage contains woodland, the Planning Board or Board of Adjustment shall determine the extent of any supplemental planting.

(2) All side and rear yards shall be suitably landscaped with shrubs and ground cover in accordance with Article VIII of this chapter.

SECTION 2

§ 108-6.18(J). H-D Highway Development District is hereby amended to read as follows.

J. AHMUD/HD Affordable Housing Mixed Use Development/Highway Development Zone.

(1) The purpose of this subsection is to establish the standards and requirements for

mixed use development that includes a mix of market-rate housing and housing that is affordable to low and moderate-income households and nonresidential commercial and office facilities. The affordable housing will assist Monroe Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate-income housing.

(2) The AHMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone shall apply to the following parcels of land only: Block 6, Lots 12.05, 12.06, ~~13.01~~, 13.02, 13.03, ~~14.01~~, 15.01, 16.01, ~~17.01~~, 17.02, ~~18.01~~, 19.03, 19.04, 20.01, ~~21.03~~, ~~21.04~~, ~~22.01~~, 21.05, 22.02, 23.01, 24.01, 25.01, 26.01, 27.01 28.01 and 29.02 [Amended 9-3-14 by Ord. No. O-9-2014-020]

(3) The minimum tract size for development in the AHMUD/HD Affordable Housing Mixed Use Development/Highway Development Zone shall be ~~three hundred (300) acres~~; at least 275 acres.

(4) Permitted uses. All conditional or permitted uses in HD Highway Development District (§108-6.18A) as well as:

a. All principal uses permitted in the VC-1 Village Center District Zone (§108-6.7.J). ~~All principal uses permitted in the HD Highway Development District § 108-6.18A except for the following uses: new auto sales and showroom establishments; fully enclosed establishments for the sale and repair of machinery and equipment; wholesale, distributive and storage establishments; and highway development parks.~~

b. Inclusionary housing development consisting of affordable housing as defined by the current rules of the New Jersey Council of Affordable Housing and market rate housing. All housing shall comply with the provisions set forth in this section.

c. Regional shopping centers provided they comply with the following requirements:

[1] A minimum lot area of 25 acres.

[2] All the area, yard and building requirements of § 108-6.4.

[3] Not more than 20% of the required parking shall be permitted in a front yard.

[4] All buildings shall have a break in façade at least every 40 feet.

[5] Landscaping and buffering shall be provided in accordance with the requirements of this chapter.

[6] Storm drainage and utilities shall be provided in accordance with the requirements of this chapter.

[7] Signage shall be provided in accordance with the requirements of this chapter.

[8] Lighting shall be provided in accordance with the requirements of this chapter.

(5) Permitted accessory uses as set forth in § 108-6.18B as well as:

a. Water Tanks

(6) The area, yard and building requirements shall be applied in the following manner:

a. All nonresidential development shall comply with § 108-6.4 of this article,

except as follows:

1. ~~Maximum building height for hotels and offices shall be four stories and 60 feet.~~
 2. ~~Maximum floor area ratio for hotels and offices shall be 0.45.~~
- b. ~~Inclusionary housing development shall comply with § 108-6.4 of this article and the applicable subsections of this chapter.~~

1. Minimum lot area: Lots along Route 33 shall be at least three acres. Internal lots within tract shall be at least 20,000 square feet.

2. Minimum lot dimensions:

<u>Description</u>	<u>Lots along Route 33</u>	<u>Internal Lots</u>
<u>Frontage</u>	<u>300 feet</u>	<u>100 feet</u>
<u>Width</u>	<u>300 feet</u>	<u>100 feet</u>
<u>Depth</u>	<u>300 feet</u>	<u>200 feet</u>

3. Yard requirements for principal buildings and structures for lots along Route 33:

<u>Description</u>	<u>Requirement</u>
<u>Minimum front yard</u>	<u>50 feet</u>
<u>Minimum side yard</u>	<u>15 feet</u>
<u>Minimum rear yard</u>	<u>50 feet</u>

4. Yard requirements for principal buildings and structures for internal lots within tract (not including canopies and/or awnings):

<u>Description</u>	<u>To Internal Lot Property Line</u>	<u>To Curb Line of Internal Road</u>
<u>Front yard minimum</u>	<u>0 feet</u>	<u>10 feet</u>
<u>Front yard maximum</u>	<u>10 feet</u>	<u>20 feet</u>
<u>Side yard minimum</u>	<u>15 feet</u>	
<u>Rear yard minimum</u>	<u>40 feet</u>	

5. Maximum building height:

<u>Description</u>	<u>Requirement</u>
<u>Principal building, including 100 percent nonresidential and mixed nonresidential and residential</u>	<u>3 stories 50 feet</u>
<u>Accessory building</u>	<u>1 story 25 feet</u>

6. Minimum separation between buildings on lot with multiple buildings:

<u>Description</u>	<u>Requirement</u>
<u>Side of building to side of building</u>	<u>30 feet</u>
<u>Rear of building to rear of building</u>	<u>80 feet</u>
<u>Rear of building to side of building</u>	<u>55 feet</u>

c. Inclusionary housing development shall comply with § 108-6.4 of this article and the applicable subsections of this chapter.

1. Minimum lot area: 5 acres
2. Minimum lot dimensions:

<u>Description</u>	<u>Requirement</u>
<u>Frontage</u>	<u>400 feet</u>
<u>Width</u>	<u>400 feet</u>
<u>Depth</u>	<u>500 feet</u>

3. Yard requirements for principal buildings and structures:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>
<u>Minimum front yard</u>	<u>50 feet</u>	<u>20 feet</u>
<u>Minimum side yard</u>	<u>40 feet</u>	<u>10 feet</u>
<u>Minimum rear yard</u>	<u>50 feet</u>	<u>20 feet</u>

4. Maximum building height:

<u>Description</u>	<u>Requirement</u>
<u>Principal building, townhouse and multifamily</u>	<u>3 stories</u> <u>45 feet</u>
<u>100 percent affordable multifamily</u>	<u>3 stories</u> <u>50 feet</u>
<u>Accessory building</u>	<u>1 story</u> <u>25 feet</u>

5. Minimum separation between buildings on lot with multiple

buildings:

<u>Description</u>	<u>Requirement</u>
	<u>nt</u>
<u>Side of building to side of building</u>	<u>20 feet</u>
<u>Rear of building to rear of building</u>	<u>20 feet</u>
<u>Rear of building to side of building</u>	<u>20 feet</u>

d. Industrial Uses applicable to Block 6, Lot 27

1. Minimum lot area: 3 Acres
2. Minimum lot dimensions:
 - a. Min. Frontage: 200 feet
 - b. Min. Width: 200 feet
3. Yard requirements for principal buildings and structures:

<u>Description</u>	<u>Requirement</u>
	<u>nt</u>
<u>Minimum front yard</u>	<u>50 feet</u>
<u>Minimum side yard</u>	<u>50 feet</u>
<u>Minimum rear yard</u>	<u>50 feet</u>

4. Yard requirements for accessory uses:
 - a. Side Yard: 50 feet
 - b. Rear Yard: 50 feet

5. Maximum Principle Building Height: 50 feet

6. Maximum lot coverage by building(s) and structure(s): 40%

7. Maximum percent of impervious coverage: 70%

(7) Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this chapter.

a. Wireless communications antennas and wireless communications towers in accordance with the conditions, standards and limitations specified in § 108-7.3.

b. Public utility installations.

(8) Signs. Signage as permitted in § 108-10.1

(9) Parking as required in §108-9.1, except as follows:

a. Warehouse

1. Minimum of one automobile parking space for each 4,000 s.f. of gross floor area.

2. Minimum of one tractor trailer parking space shall be provided for each 10,000 s.f. of gross floor area.

3. Each off-street parking space shall, measure not less than 9 x 18 feet.

4. Loading spaces shall be a minimum of 12 feet wide by 50 feet long

5. Parking areas shall be so arranged as to provide adequate access to all buildings in case of fire or other emergency.

6. Driveway width shall be no less than 35 feet. The number of driveways and widths thereof however shall conform to and be subject to NJDOT and/or County regulations and requirements (if any).

7. Each drive aisles shall be no less than 24 feet.

b. Residential:

1. Multifamily residential in accordance with R.S.I.S.

(10) Landscaping and buffering as required in §108-6.18 and §108-8.1

(11) Fences as permitted in § 108-8.2.

(12) Design requirements as required in § 108-6.18.

(13) Inclusionary housing development.

a. The following residential dwellings shall be provided:

1. Market rate condominium flats and townhouses.

2. Affordable age restricted rental flats, which may be developed as multifamily dwellings family affordable units and/or over commercial and office uses that are on the first floor on the condition that separate entrances to the affordable housing dwelling units are provided.

b. The following number of market rate and affordable housing dwelling units permitted in this zone shall be:

Description	Number of Dwelling	
	Units	Percentage (%)
Market Rate Units	<u>618</u>	82.5
Family Affordable Units	431 <u>236</u>	17.5
Total	749 <u>854</u>	100.00

c. Market rate and affordable housing dwelling units shall be developed on at least 25 acres of contiguous developable land exclusive of freshwater wetlands, one-hundred-year floodplains, steep slopes and other environmental constraints within the tract of land.

~~d. Given the fact that the overlay zone provides for a greater degree of flexibility for a mix of uses on the tract that improve the economic viability of the development of the tract, a lot that contains at least 10 acres of land that is not encumbered by freshwater wetlands, one-hundred-year floodplains, steep slopes and other environmental constraints shall be deeded to Monroe Township for the purpose of developing it as municipally-sponsored, 100% affordable housing. Title of the lot shall be transferred to Monroe Township within 30 days of filing the final subdivision plat with the Middlesex County Clerk. The low and moderate income split for affordable housing shall comply UHAC~~

e. The construction phasing of market-priced and low and moderate-income units being developed on-site shall comply with N.J.A.C. 5:93-5.6(d), except that 65 family affordable units shall be phased in with the market rate units on Block 3, Lot 31 & 32, also referred to as the Disbrow parcel.

f. An open space organization shall be established pursuant to § 108-6.13F.

g. Sidewalks and walkways shall be provided pursuant to § 108-6.13H.

- h. Buffers shall be provided pursuant to § 108-6.13I.
- i. Landscaping, shade trees and tree preservation shall comply with § 108-6.13J.
- j. (Reserved) [Deleted 9-3-14 by Ord. No. O-9-2014-020]
- k. The low and moderate income split for affordable housing shall comply with § 108-6.13K(3).
- l. The location and design of affordable housing shall comply with § 108-6.13K(6).
- m. Affordable housing shall comply with § 108-6.13K(7), the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
- n. Application procedures for inclusionary housing development shall comply with § 108-6.13L.

SECTION 3

Article VI. Zoning District Regulations

§ 108-6.7K VC-3 Village Center.

The official zoning map, as established by §108-6.2 is hereby amended to designate the following lot and blocks as VC-3 Village Center: Block 36 Lots 13, 14, 15 & 16.01 and Block 53 Lot 21.05.

(1) Purpose. The purpose for the VC-3 Zone is to promote a range of commercial, office and residential land uses within a newly created, pedestrian-friendly, mixed-use environment that will serve local and community-wide needs and create new business and employment opportunities while meeting Monroe Township's constitutionally mandated obligation to provide affordable housing. A five (5) acre parcel shall be subdivided off to accommodate retail / commercial development in accordance with the standards set forth herein. The following shall be requirements of the zone area in addition to other provisions, not inconsistent with this Article. In no event shall Article VII, Conditional Uses, apply to this zone. In case of a conflict with the provisions of other ordinances, this section shall govern.

(2) Permitted principal uses.

- (b) Nonresidential uses located along Spotswood-Englishtown Road and Mounts Mills Road, that are permitted in the VC-1 Village Center Zone.**
- (c) Residential dwellings including the following:**
 - [1] Age Restricted and Family Market Rate and Affordable Units of up to 1,000 units including but not limited to condominium and apartment style units and townhomes, as follows:**
 - Family Market 444**
 - Family Affordable 206**
 - Senior Market 350**
- (d) Parks, recreational facilities, and playgrounds;**
- (e) Open space; and**
- (f) Multiple residential and nonresidential uses and buildings on one lot, with nonresidential uses as restricted above in this section.**

(2) Permitted accessory uses.

- (a) Customary and accessory uses and buildings which are clearly incidental to permitted principal nonresidential uses and buildings.**

(3) Permitted intensities of development.

- (a) Maximum building coverage for residential and nonresidential uses of 30% shall be permitted.
- (b) Maximum impervious coverage for residential uses of 60% shall be permitted.
- (c) Maximum impervious coverage for nonresidential uses of 80% shall be permitted.

(4) Bulk standards.

(a) Minimum lot area:

Perimeter lots along existing public roads shall be at least 30,000 square feet.

Internal lots shall be at least 20,000 square feet.

1. Minimum lot dimensions:

<u>Description</u>	<u>Perimeter Lots</u>	<u>Internal Lots</u>
<u>Frontage</u>	<u>150 feet</u>	<u>100 feet</u>
<u>Width</u>	<u>150 feet</u>	<u>100 feet</u>
<u>Depth</u>	<u>200 feet</u>	<u>200 feet</u>

2. Yard requirements for principal buildings and structures for lots along perimeter of tract along existing public roads:

<u>Description</u>	<u>Requirement</u>
<u>Minimum front yard</u>	<u>25 feet</u>
<u>Minimum side yard</u>	<u>15 feet</u>
<u>Minimum rear yard</u>	<u>40 feet</u>

3. Yard requirements for principal buildings and structures for internal lots within tract:

<u>Description</u>	<u>To Internal Lot Property Line</u>	<u>To Curb Line of Internal Road</u>
<u>Front yard minimum</u>	<u>0 feet</u>	<u>10 feet</u>
<u>Side yard minimum for nonresi- dential use to residential use</u>	<u>15 feet</u>	
<u>Rear yard minimum</u>	<u>40 feet</u>	

Note: Internal road applies to either a road dedicated to the municipality or a private road.

4. Maximum building height:

<u>Description</u>	<u>Requirement</u>
<u>Principal building, including 100 percent non-residential and mixed nonresidential and residential</u>	<u>3 stories</u> <u>50 feet</u>
<u>Accessory building</u>	<u>1 story</u> <u>25 feet</u>

5. Minimum separation between buildings on lot with multiple buildings:

<u>Description</u>	<u>Requirement</u>
<u>Side of building to side of building</u>	<u>30 feet</u>
<u>Rear of building to rear of building</u>	<u>50 feet</u>
<u>Rear of building to side of building</u>	<u>35 feet</u>

(b) Residential uses:

1. Minimum lot area: 5 acres
2. Minimum lot dimensions:

<u>Description</u>	<u>Requirement</u>
<u>Frontage</u>	<u>200 feet</u>
<u>Width</u>	<u>200 feet</u>
<u>Depth</u>	<u>300 feet</u>

3. Yard requirements for principal buildings and structures:

<u>Description</u>	<u>District Boundary</u>	<u>Internal Lots</u>
<u>Minimum front yard</u>	<u>40 feet</u>	<u>20 feet (25 feet if driveway)</u>
<u>Minimum side yard</u>	<u>40 feet</u>	<u>0 feet</u>
<u>Minimum rear yard</u>	<u>50 feet</u>	<u>10 feet</u>

4. Maximum building height:

<u>Description</u>	<u>Requirement</u>
<u>Principal Building, Townhouse</u>	<u>3 stories, 40 feet</u>
<u>100 percent affordable and Multifamily</u>	<u>3 stories, 50 feet</u>

5. Minimum separation between buildings on lot with multiple buildings:

<u>Description</u>	<u>Requirement</u>
<u>Side of building to side of building</u>	<u>20 feet</u>
<u>Rear of building to rear of building</u>	<u>50 feet</u>
<u>Rear of building to side of building</u>	<u>40 feet</u>

(5) Landscape buffer requirements:

(a) Nonresidential uses:

1. Minimum width of buffer area along existing public roads shall be 20 feet. A six-foot wide concrete sidewalk that is parallel to existing public roads and offset three feet from the curblines of the existing roads shall be provided. Street trees shall be provided within the landscape buffer area along the sidewalks. Street furniture, such as benches, trash receptacles and other amenities, may be required along the sidewalks by

the approving Board. Fencing, masonry walls and/or hedges, all of which shall not exceed three feet in height, may be required within the landscape buffer area along the street right-of-way line by the approving Board.

2. Minimum width of buffer area along tract boundary other than along roadways shall be 40 feet.

3. Minimum width of buffer area for side and rear yards when nonresidential uses abut nonresidential uses shall be 10 feet.

4. Minimum width of buffer area for side yards when nonresidential uses abut residential uses within development shall be 20 feet.

(b) Residential uses:

1. Minimum width of buffer area along existing public roads and tract boundary shall be 50 feet.

2. Landscape buffer areas shall include a mix of evergreen trees, shrubs and ground cover, and comply with § 108-8.1J.

(6) Traffic and circulation.

(a) A detailed traffic study analyzing the development's impact on the existing road system including, but not limited to, Mounts Mills Road, Spotswood-Englishtown Road, the full intersection of the two aforementioned roads, and proposed road intersections with any of the surrounding roads shall be filed with the development application.

(b) No curb cuts for residential driveways shall be permitted along Mounts Mills Road and Spotswood-Englishtown Road. In order to create an internal road system with limited access to existing public roads, all access from the two aforementioned roads shall be achieved by a primary access road with driveways and roads intersecting the primary access road within the internal areas of the development, and from secondary access roads that intersect Mounts Mills Road, Spotswood-Englishtown Road and the primary access road with driveways and roads intersecting the secondary roads within the internal areas of the development.

(c) Street trees shall be provided in accordance with the provisions of this chapter.

(7) Open space.

(a) Conservation areas that include wetlands, wetland buffers and one-hundred-year floodplains should be preserved and monumented.

(b) Walking trails through open space areas may be provided, where there is no conflict with other agency approvals.

(8) Signage. Signage as permitted in Article X of this chapter.

(9) Parking and loading.

(a) All provisions of this chapter regarding parking and loading shall apply to this zone.

1. Minimum of 1 space for every 400 sf of gross leasable area of ground floor area.

2. Loading shall comply with the VC-1 Village Center zone.

3. Residential parking per R.S.I.S. standards.

(10) Design Standards:

(a) General

1. Street furniture such as benches, street lamps, bicycle racks, trash receptacles, tree grates, bus stops, landscape planters and other amenities may be provided.

2. Internal buffering between residential and nonresidential uses, particularly for screening parking lots, loading areas and refuse enclosures may be provided, where practical.

3. All utilities shall be installed underground, unless such structures are pre-existing and/or subject to utility company requirements.

(b) Nonresidential uses:

1. The location of nonresidential and mixed-use building entrances and orientation of buildings shall minimize distance to walk from one building to another. Buildings with more than one facade facing a public street, internal road, parking lot or open space shall be required to provide multiple front facade treatments.

2. All uses shall be conducted within completely enclosed buildings unless otherwise specified herein.

3. Street-level store fronts and building entrances shall be open and inviting to pedestrians.

4. Air-conditioning units, heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes or stacks, satellite dishes and other telecommunication receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public view and adjacent properties.

(c) Residential uses:

1. Townhouse buildings shall consist of no more than eight townhouse dwelling units per building in order to prevent the development of long and monotonous buildings. No more than two adjacent townhouse units shall have the same building offset, which shall vary by at least four feet.

2. The front facade of a townhouse unit shall reflect a traditional village character. Awnings, open and usable porches, stoops, bay windows and/or balconies and other decorative entries may encroach into building setback lines.

3. Garages for townhouse buildings may be front-, side- or rear-entry types. Sufficient storage area to accommodate automobiles, automotive accessories, tools, trash/recycle materials and other items typically found in garages shall be provided.

4. Townhouse dwelling units shall have private outdoor space, which may include a deck, patio and/or terrace. Such outdoor space shall be screened with landscaping and/or fencing that shall not exceed five feet in height.

5. Multifamily dwelling units shall have access provided by an outside entrance or stairway serving the residential units exclusively.

(11) Technical Subdivision: Area, yard, and building requirements: For the purpose of allowing for the development of the site as one overall property, even if various portions

are under the legal control of disparate owners, the Plan allows for technical/economic subdivisions, provided the following:

- a. The minimum tract area for development shall be 5 acres.
- b. The maximum impervious coverage for the entire tract shall be 50%.
- c. The maximum building coverage for the entire tract shall be 25%.

The intent of this provision is to permit individual buildings to exist as separate lots. However, each subdivided lot and any proposed improvement on that lot shall be subject to and may only be improved in accordance with this Zoning District and shall not cause the overall development to exceed the standards set forth herein.

(14) Affordable Housing

- a. Affordable housing shall comply with UHAC.

SECTION 4

§ 108-6.32. POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District.

The official zoning map, as established by §108-6.32 is hereby amended to designate the following lot and blocks as POCD-AR-AH: Block 25, Lots 2.09, 2.10, 2.11, ~~2.12, 2.13,~~ 2.14, 2.15, and 2.16.

A. The purpose of this section is to establish the standards and requirements for developments that include a mix of office and commercial uses, market-priced age-restricted housing and affordable (to low- and moderate-income households) age-restricted housing. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low- and moderate-income housing.

B. The following shall be requirements of the POCD-AR-AH District, in addition to other provisions, not inconsistent with this article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Required uses:

Mixed-use building that consists of nonresidential uses as permitted in this section and residential uses as required in this section. Nonresidential uses shall be required to be provided on the first floor of the mixed-use building, ~~that faces Applegarth Road.~~ Inclusionary housing development consisting of affordable housing as defined by this article and the current rules of the UHAC and market-rate housing shall be required to be provided within the mixed-use building. All housing shall comply with the provisions set forth in this section. Permitted residential dwellings include:

(1) Market-rate multifamily age-restricted apartment dwelling units that are deed restricted to permit only senior citizen residents as regulated in this chapter and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum number of market-rate multifamily age-restricted apartment dwelling units shall not exceed 109.

(2) The minimum number of affordable multifamily age-restricted rental apartment dwelling units provided shall be 164 units. Of the affordable units, 13% shall be affordable to very low-income households. The affordable rental apartments shall be deed

~~restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom(s). Affordable multifamily age-restricted rental apartment dwelling units that are provided at a minimum set-aside rate of 23.24% of the total number of dwelling units constructed. Of the affordable units, 13% shall be affordable to very low-income households. The minimum number of affordable multifamily age-restricted rental apartment dwelling units provided shall be 33. The affordable rental apartments shall be deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom(s).~~

D. Permitted uses:

(1) All nonresidential uses permitted in the PO/CD District as provided in § 108-6.16A and the NC Neighborhood Commercial District as provided in § 108-6.17A;

~~(2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.~~

(2) Childcare Facilities

(3) Multi-Family Age Restricted Apartments

E. Permitted accessory uses:

(1) Off-street parking areas and loading areas.

(2) Signs.

(3) Fences and walls.

(4) Satellite antennas.

(5) Public utility installations.

(6) Leasing offices and model units which shall not count as a housing unit

(7) Customary and accessory uses and buildings which are clearly incidental to permitted principal nonresidential uses and buildings.

F. Development, area, yard and building requirements. ~~The following development requirements shall apply to the POCD-AR-AH Planned Office Commercial Development Age Restricted Affordable Housing District:~~ For the purpose of allowing for the development of the site as one overall property, even if various portions are under the legal control of disparate owners, the zone allows for technical/economic subdivisions, provided that the tract complies with the following:

(1) Minimum tract area for mixed-use inclusionary housing and nonresidential development in the POCD-AR-AH District shall be 17 acres.

(2) Permitted nonresidential uses shall comply with the development, area, yard and building requirements of the PO/CD District as set forth in § 108-6.4 of this chapter.

(3) Maximum lot coverage by buildings shall be no more than 30% of tract area.

(4) Inclusionary housing development shall comply with the following development, area, yard and building requirements:

(a) Gross residential density. The gross residential density of the entire tract shall not exceed 16 dwelling units per acre, and the maximum number of residential

units shall not exceed 273 units of which 109 may be market-rate age-restricted dwelling units and 164 dwelling units shall be affordable age-restricted dwelling units.

(b) Bulk and yard requirements:

- (1) Minimum frontage shall be ~~300~~ 200 feet.
- (2) Minimum width shall be ~~300~~ 200 feet.
- (3) Minimum depth shall be 300 feet.
- (4) Minimum front yard setback shall be 50 feet.
- (5) Minimum side yard setback to the tract boundary setback shall be ~~50-feet~~ 15 feet.
- (6) Minimum side yard setback shall be ~~twenty [20]~~ 15 feet.
- (7) Minimum rear yard setback shall be ~~100~~ 40 feet.
- (d) Maximum building height. ~~Mixed-use building shall not exceed four stories or 58~~

feet.

[a] Mixed-use buildings and residential buildings shall not exceed four stories or 58 feet.

[b] Non-residential buildings shall not exceed three stories and 45 feet.

(e) Building Separation Requirement:

Description	Requirement
Side of building to side of building	40 <u>30</u> feet
Rear of building to rear of building	50 feet
Rear of building to side of building	50 <u>40</u> feet

(f) Lot coverage by buildings. Not more than 30% of the gross area of each residential section shall be covered by buildings.

(g) Sidewalks and walkways shall comply with § 108-6.21I of this article.

(h) ~~Buffers, landscaping, shade trees and tree preservation shall comply with §108-6.32I of this article.~~

(G) Landscape buffer requirements:

1. Minimum width of buffer area along existing public roads shall be 50 feet. A six-foot wide concrete sidewalk that is parallel to existing public roads and offset three feet from the curbline of the existing roads shall be provided. Street trees shall be provided within the landscape buffer area along the sidewalks. Street furniture, such as benches, trash receptacles and other amenities, may be required along the sidewalks by the approving Board. Fencing, masonry walls and/or hedges, all of which shall not exceed three feet in height, may be required within the landscape buffer area along the street right-of-way line by the approving Board.
2. Minimum width of buffer area for side and rear yards when nonresidential uses abut nonresidential uses shall be 10 feet.

3. Minimum width of buffer area for side yards when nonresidential uses abut residential uses within development shall be 20 feet.

H. Affordable housing.

~~(1) Required percentage of affordable family rental dwelling units built on-site. The developer shall designate a set aside of 23.24% of the dwelling units constructed on site to be affordable to low and moderate income households, with at least 13% of these units to be affordable to very low income households.~~

(1) Required affordable rental dwelling units built on site. The developer shall designate 164 dwelling units on site to be age-restricted and affordable to low- and moderate-income households, with at least 13% of these units to be affordable to very low-income households.

(2) Required bedroom distribution for age-restricted affordable dwelling units. Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low- and moderate-income units within the Inclusionary development. The standard can be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

(3) Low- and moderate-income split. At least 50% of all units designated for low- and moderate-income households shall be affordable to low-income households. 13% of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.

~~(2) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:~~

(4) The construction phasing of market-priced and low- and moderate-income units being developed on-site shall comply with following table in accordance with N.J.A.C. 5:93-5.6(d), except that 62 of the 164 age-restricted affordable units shall be phased in with the market rate units in the §108-6.18J. Block 6, Lots 12.05, 12.06, 13.02, 13.03, 15.01, 16.01, 17.02, 19.03, 19.04, 20.01, 21.05, 22.02, 23.01, 24.01, 25.01, 26.01, 27.01 28.01 and 29.02:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

(5) Age restrictions shall be placed on the occupants of the designated affordable housing dwelling units in accordance with applicable law.

(6) The location and design of affordable housing shall comply with the following requirements:

(a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.

(b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.

(7) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.

(8) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.

(9) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.

(10) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and UHAC.

(11) Application procedures for Inclusionary housing development shall comply with

§ 108-6.21M of this article.

H. Signage as permitted in Article X of this chapter.

I. Parking and loading: as required in Article IX of this chapter.

J. ~~Landscaping and buffering as required by the following standards and in Article VIII of this chapter:~~

~~(1) Permitted nonresidential uses shall comply with the buffer requirements of the PO/CD District as set forth in § 108-6.16H.~~

~~(2) Inclusionary housing development shall comply with the following buffering requirements:~~

~~(a) Minimum width of buffer area 50 feet.~~

~~(b) Buildings shall be set back a minimum of 50 feet from the property lines of the tract. At least 30 feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.~~

~~(c) Minimum width of buffer area between the permitted nonresidential uses and inclusionary development shall be 30 feet.~~

~~(d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.~~

~~(e) Buffering shall consist of a six foot high, sculptured, undulating, landscaped berm that has a top width of at least 10 feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.~~

K. J. Fences are permitted in accordance with Article VIII of this chapter.

SECTION 5

Article VI. Zoning District Regulations

§ 108-6.7.J -- VC-1 Village Center.

(1) **Purpose.** The purpose for the VC-1 Zone is to promote a range of commercial, office and residential land uses within a newly created, pedestrian-friendly, mixed-use environment that will serve local and community-wide needs and create new business and employment opportunities while meeting Monroe Township's constitutionally mandated obligation to provide affordable housing. Pedestrian movement is encouraged to flow throughout the zone area by generally permitting stores and shops and personal service establishments on the ground floor of buildings and promoting the use of upper floors for office and, in certain circumstances, residential dwelling units. Land uses within the zone should be arranged to provide for commercial and office uses with and without residential uses on upper floors in the vicinity of the crossroads. The balance of the residential uses should be developed in areas extending outward in a grid-like pattern from the commercial and office uses. The following shall be requirements of the zone area in addition to other provisions not inconsistent with the regulations herein. In case of conflict with the provisions of other ordinances, this section shall govern.

(2) **General goals.**

(a) Proper screening and buffering around the perimeter of the area and along surrounding roads;

(b) Adequate building setbacks from surrounding roads;

(c) Well-landscaped interior spaces for residential and nonresidential land uses;

(d) Open space for active and passive recreational amenities for residential land uses;

(e) Public amenities including, but not limited to, pedestrian plazas and sitting areas;

(f) Opportunities for shared off-street parking and stormwater management facilities;

(g) Off-street parking that is well screened from public view;

(h) Controlled and coordinated internal circulation system for pedestrians and vehicles;

and

(i) Coordinated design themes, i.e., buildings, streetscapes, parking areas, landscaping, lighting and signage.

(3) **Minimum tract size. ~~50 acres.~~ 45 acres inclusionary of any land dedicated for open land or recreational purposes.**

(4) **Permitted principal uses.**

(a) Nonresidential uses located along Spotswood-Englishtown Road and Mounts Mills Road beginning at the intersection of these two roads and extending away from the intersection:

[1] Retail stores and shops that are permitted in the NC Neighborhood Commercial zone;

[2] Personal service establishments permitted in the NC Neighborhood Commercial zone;

[3] General and administrative offices;

[4] Professional offices;

[5] Restaurants, cafes, luncheonettes and delicatessens, excluding curb service and drive-through facilities for all eating and drinking establishments;

[6] Instructional studios and fitness centers;

[7] Banks and similar financial institutions, excluding check-cashing

businesses, and drive-through facilities should be permitted only in locations where such a facility is not a dominant visual element and not located adjacent to residential dwellings;

[8] Retail dry cleaning and laundry services;

[9] Art galleries and similar facilities;

[10] Childcare centers.

[11] **Convenience Store with or without a gas station.**

[12] **Fast Food Restaurant with or without a drive-thru.**

(b) Residential dwellings. Townhouse and multifamily dwellings in individual complexes; affordable housing units over nonresidential uses that are on the ground floor within mixed-use buildings located in the "downtown" area; and affordable housing units in 100% affordable housing buildings. A set aside of at least twelve and one-half percent (12.5%) of all residential dwellings shall be provided as affordable housing as defined by the State of New Jersey in order for residential dwellings to be part of any development;

(c) Parks, open space, and playgrounds; and

(d) Multiple residential and nonresidential uses and buildings on one lot, with nonresidential uses as restricted above in this section.

(5) Permitted accessory uses.

(a) Off-street parking areas and loading spaces;

(b) Signs;

(c) Fences and walls;

(d) Seasonal outdoor dining associated with a permitted restaurant, cafe, luncheonette or delicatessen utilized and operated from May to October in accordance with a plan submitted to the Township Planning Administrator for review and approval by the Township Zoning Officer, Township Fire Code Official and Township Engineer to protect the health, safety and general welfare of the public. The plan shall clearly depict the layout and arrangement of dining areas, including, but not limited to, tables with and without umbrellas, chairs, furniture, appurtenances, canopies, if any, which must be removed in the off-season, and landscaping in planters and pots;

(e) Outdoor swimming pools and active recreational facilities and community centers that are part of permitted residential complex and buildings;

(f) **Leasing offices and model units which shall not count as a housing unit.**

(g) **Satellite antennas.**

(h) **Customary and accessory uses and buildings which are clearly incidental to permitted principal uses and buildings.**

(6) Permitted intensities of development.

(a) Maximum residential density of four dwelling units per acre, with a requirement of at least a twelve and one-half percent (12.5%) set aside for affordable housing as defined by New Jersey State law. [Amended 9-3-14 by Ord. No. O-9-2014-020]

(b) 100% affordable housing with at least 100 affordable dwelling units shall be on a lot containing at least five acres.

(c) Maximum nonresidential gross floor area ratio of 0.025 and a maximum net floor area ratio of 0.35 shall be permitted.

- (d) Maximum building coverage for residential and nonresidential uses of 30% shall be permitted.
- (e) Maximum impervious coverage for residential uses of 60% shall be permitted.
- (f) Maximum impervious coverage for nonresidential uses of 80% shall be permitted.
- (g) At least 35% of the tract shall be set aside as open space.
- (h) Construction phasing for maximum market rate residential dwelling units completed and minimum total square footage of nonresidential space completed shall be provided as follows:

Maximum Market Rate Dwelling Units Completed	Minimum Total Square Footage of Nonresidential Space Completed
200	25,000
142 additional/	15,000 additional/
342 cumulative	40,000 cumulative

Completed dwelling units and completed nonresidential space mean certificates of occupancy (COs) have been issued for the dwelling units and nonresidential space. Building permits and COs shall be issued for the first two hundred market rate dwelling units, but no additional COs shall be issued for market rate dwelling units until a CO has been issued for 25,000 square feet of nonresidential space (shell only, fit-out when tenants are identified). Upon receipt of a CO for the first 25,000 square feet of nonresidential space, the applicant shall be permitted to apply for COs for up to an additional 142 market rate dwelling unit. Upon receipt of the CO for the one hundred forty second (142nd) market rate dwelling unit, the applicant shall not obtain further COs for additional market rate dwelling units until it has received a CO for an additional 15,000 square feet of nonresidential space (shell only, fit-out when tenants are identified). After receipt of COs for a total of 40,000 square feet of nonresidential space there shall be no further restriction on the completion of market rate dwelling units related to the completion of nonresidential space. [Added 9-3-14 by Ord. No. O-9-2014-020]

(7) Bulk standards.

(a) Nonresidential uses:

[1] Minimum lot area: Perimeter lots along existing public roads shall be at least 30,000 square feet. Internal lots shall be at least 20,000 square feet.

[2] Minimum lot dimensions:

Description	Perimeter Lots	Internal Lots
Frontage	150 feet	100 feet
Width	150 feet	100 feet
Depth	200 feet	200 feet

[3] Yard requirements for principal buildings and structures for lots along perimeter of tract along existing public roads:

Description	Requirement
Minimum front yard	25 feet
Minimum side yard	15 feet
Minimum rear yard	40 feet

[4] Yard requirements for principal buildings and structures for internal lots within

tract:

Description	To Internal Lot Property Line	To Curb Line of Internal Road
Front yard minimum	0 feet	10 feet
Front yard maximum	10 feet	20 feet
Side yard minimum for nonresidential use to residential use	15 feet	
Side yard minimum for nonresidential use to residential use within development	25 feet	
Rear yard minimum	40 feet	

Note: Internal road applies to either a road dedicated to the municipality or a private road.

[5] Maximum building height:

Description	Requirement
Principal building, including 100 percent nonresidential and mixed nonresidential and residential	3 stories of occupied space 50 feet
Accessory building	1 story 25 feet

[6] Minimum separation between buildings on lot with multiple buildings:

Description	Requirement
Side of building to side of building	30 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	35 feet

(b) Residential uses:

- [1] Minimum lot area: 5 acres
- [2] Minimum lot dimensions:

Description	Requirement
Frontage	300 feet
Width	300 feet
Depth	300 feet

[3] Yard requirements for principal buildings and structures:

Description	Tract Boundary	Internal Lots	To Curb Line of Internal Road
Minimum front yard	50 feet	20 feet	25 feet for front yard with driveway to front of dwelling unit
Minimum side yard	50 feet	10 feet	

Description	Tract Boundary	Internal Lots	To Curb Line of Internal Road
Minimum rear yard	50 feet	20 feet	

[4] Maximum building height:

Description	Requirement
Principal Building, Townhouse	3 stories, 36 feet
100 percent affordable and Multifamily	3 stories of occupied space, 45 feet

[5] Minimum separation between buildings on lot with multiple buildings:

Description	Requirement
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(8) Landscape buffer requirements for nonresidential uses.

(a) Minimum width of buffer area along existing public roads shall be 20 feet, except for any existing condition, such as the 8-foot buffer area due to a county right of way dedication. A six-foot wide meandering path is permitted in the buffer areas and along existing public roads. Street trees may be provided within the landscape buffer area along the paths. Fencing, masonry walls and/or hedges, all of which shall not exceed six feet in height, may be required within the landscape buffer area along the street right-of-way line by the approving Board.

(b) Minimum width of buffer area along tract boundary other than along roadways shall be 40 feet.

(c) Minimum width of buffer area for side and rear yards when nonresidential uses abut nonresidential uses shall be 10 feet.

(d) Minimum width of buffer area for side yards when nonresidential uses abut residential uses within development shall be 20 feet.

(9) Landscape buffer requirements for residential uses.

(a) Minimum width of buffer area along existing public roads and tract boundary shall be 50 feet.

(b) Landscape buffer areas shall comply with § 108-6.71, except for minimum width requirements as indicated in previous paragraphs of this subsection, and with § 108-8.1J and any other sections of this chapter. Brick walls for enhancement are encouraged.

(c) An all-purpose meandering path having a width of six feet shall be provided within the landscape buffer along Mounts Mills Road and Spotswood-Englishtown Road, and shall transition in width and location to join the path along the nonresidential uses. The specification of material and design of the path shall be determined by the Township Engineer.

(10) Traffic and circulation.

(a) A detailed traffic study analyzing the development's impact on the existing road system including, but not limited to, Mounts Mills Road, Spotswood-Englishtown Road, the full

intersection of the two aforementioned roads, and proposed road intersections with any of the surrounding roads shall be filed with the development application.

(b) No curb cuts for residential driveways shall be permitted along Mounts Mills Road and Spotswood-Englishtown Road. In order to create an internal road system with limited access to existing public roads, all access from the two aforementioned roads shall be achieved by a primary access road with driveways and roads intersecting the primary access road within the internal areas of the development, and from secondary access roads that intersect Mounts Mills Road, Spotswood-Englishtown Road and the primary access road with driveways and roads intersecting the secondary roads within the internal areas of the development.

(c) Street trees shall be provided in accordance with the provisions of this chapter.

(e) Multipurpose paths linking all sections of development within the overlay zone shall be provided.

(11) Open space.

(a) Conservation areas that include wetlands, wetland buffers and one-hundred-year floodplains should be preserved and monumented.

(b) Walking trails through open space areas shall be provided, where there is no conflict with other agency approvals.

(12) Signage.

~~(a) All signage shall comply with the provisions of this chapter except as set forth below.~~

~~(b) Freestanding identification signs shall be monument signs restricted to a size and scale that are appropriate for the type of road from which the signs are viewed as set forth below:~~

~~[1] Signage along Mounts Mills Road and Spotswood-Englishtown Road:~~

~~[a] One monument sign shall be permitted at each intersection of the primary access road and Mounts Mills Road and Spotswood-Englishtown Road into each nonresidential section of the development.~~

~~[b] The monument sign shall be set back at least 10 feet from the right-of-way line for existing municipal roads and 20 feet from the curbline of the main access road into the site.~~

~~[c] The maximum height of the monument sign shall be 20 feet.~~

~~[d] The maximum area of each face of the monument sign shall be 100 square feet.~~

~~[2] Façade signage for nonresidential buildings facing Mounts Mills Road and Spotswood-Englishtown Road shall comply with the provisions for NC Neighborhood Commercial Zone set forth in this chapter. No individual freestanding signs for individual nonresidential uses are permitted.~~

~~[3] Signage within the development along internal roads shall comply with the provisions for NC Neighborhood Commercial Zone set forth in this chapter.~~

(12) Parking and loading.

(a) All provisions of this chapter regarding parking and loading shall apply to the VC-1 Village Center Overlay Zone.

(13) Lighting. Site and streetlighting shall comply with the provisions of this chapter.

(14) Fences and walls. Fences and walls shall comply with the provisions of this chapter.

(15) Design standards.

(a) General standards:

[1] A planned village center development shall be conceived, designed, subdivided, site planned and approved by the Township Board having jurisdiction as a single development with a comprehensive site development plan. The developer shall establish site landscaping, building design and common area maintenance guidelines and control standards.

[2] The entirety of a planned village center development shall be developed with a common architectural theme which shall be subject to site plan approval by the Township Board having jurisdiction. The architectural theme shall include buildings, signing, fencing, lighting, curbing, landscaping and other similar and related physical features and improvements.

[3] Building design:

[a] The treatment of side and rear walls of any building in terms of building materials and colors shall be similar to the treatment of the front façade.

[b] All buildings shall be designed to convey a small-scale village character. Buildings included in the VC-1 Village Center Zone shall contain the following design elements:

(i) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.

(ii) The exterior of all buildings in the development, including any permitted accessory buildings, shall be architecturally compatible and be constructed of complementary materials. Design guidelines for future building improvements shall be prepared by the applicant to ensure the ongoing design integrity of the development.

(iii) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center neighborhood.

(iv) Provide for an orderly relationship among windows, doors, porches and roof forms.

[4] The scale and massing of buildings on any given street shall be harmonious.

[5] The design of all internal streets shall comply with State of New Jersey Residential Site Improvement Standards. Main streets through developments shall be designed to have divided landscape medians so as to create a boulevard that has street trees, sidewalks, curbing and ornamental streetlighting along both sides of the boulevard, pedestrian crosswalks constructed of material differing from the street pavement, street signage that announces sharing the street with bicyclists, and street furniture such as benches and trash receptacles.

[6] Special ground texture treatment shall be required for pedestrian crossings in streets and elsewhere to include bricks, stone, cobbles and/or other suitable material.

[7] Street furniture such as benches, street lamps, bicycle racks, trash receptacles, tree grates, bus stops, landscape planters and other amenities shall be provided.

[8] All streets, sidewalks and pathways shall connect to other streets within the village center development and connect to existing streets outside the village center development, as appropriate. Dead-end streets are generally not permitted within the village center developments unless such condition is unavoidable, as determined by the Board having jurisdiction.

[9] Adequate internal buffering between residential and nonresidential uses, particularly for screening parking lots, loading areas and refuse enclosures shall be provided.

[10] All utilities shall be installed underground.

[11] To the extent practical and reasonable "green" building and site design techniques and technology, i.e., solar panels on roofs and in parking areas, "green" roofs for lowering energy consumption and improving stormwater management, rain gardens for improving water quality and reducing quantity from stormwater runoff, and other innovations shall be incorporated in the development plan.

(b) Nonresidential uses:

[1] The location of nonresidential and mixed-use building entrances and orientation of buildings shall minimize distance to walk from one building to another. Buildings with more than one façade facing a public street, internal road, parking lot or open space shall be required to provide multiple front façade treatments.

[2] All uses shall be conducted within completely enclosed buildings unless otherwise specified herein.

[3] Nonresidential and mixed-use buildings shall be provided with off-street loading and service areas separate from parking spaces and shall be situated as much as possible to the rear of the building and out of the general traffic flow.

[4] Street-level store fronts and building entrances shall be open and inviting to pedestrians.

[5] Air-conditioning units, heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes or stacks, satellite dishes and other telecommunication receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public view and adjacent properties.

(c) Residential uses.

[1] Townhouse buildings shall consist of no more than eight townhouse dwelling units in order to prevent the development of long and monotonous buildings. No more than two adjacent townhouse units shall have the same building offset, which shall vary by at least four feet.

[2] The front façade of a townhouse unit shall reflect a traditional village character. Awnings, open and usable porches, stoops, bay windows and/or balconies and other decorative entries may encroach into building setback lines.

[3] Garages for townhouse buildings may be front-, side- or rear-entry types. Sufficient storage area to accommodate automobiles, automotive accessories, tools, trash/recycle materials and other items typically found in garages shall be provided.

[4] Townhouse dwelling units shall have private outdoor space, which may include a deck, patio and/or terrace. Such outdoor space shall be screened with landscaping and/or fencing that shall not exceed five feet in height.

[5] Multifamily dwelling units shall have access provided by an outside entrance or stairway serving the residential units exclusively.

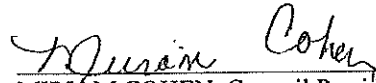
(16) Technical Subdivision: Area, yard, and building requirements: For the purpose of allowing for the development of the site as one overall property, even if various portions are under the legal control of disparate owners, the Plan allows for technical/economic subdivisions, provided the following:

- a. **The minimum tract area for development shall be 5 acres.**
- b. **The maximum impervious coverage for the entire tract shall be 50%.**
- c. **The maximum building coverage for the entire tract shall be 25%.**

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection or clause so adjudicated, and the remainder of the Ordinance shall be deemed valid and in effect; and,

BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.


SO, ORDAINED as aforesaid.


 MIRIAM COHEN, Council President

RECORDED VOTE – INTRODUCTION – November 5, 2025						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro			X			
Councilman Markel		X	X			
Councilwoman Siegel	X		X			
Council V. President Van Dzura						X
Council President Cohen			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on November 5, 2025. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on December 1, 2025 at 6:30 p.m. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.


 CHRISTINE ROBBINS, Township Clerk

RECORDED VOTE – SECOND READING & FINAL ADOPTION – December 1, 2025						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Dipierro						X
Councilman Markel			X			
Councilwoman Siegel		X	X			
Council V. President Van Dzura	X		X			
Council President Cohen			X			

ORDINANCE NO.: O-11-2025-027

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
 AMENDING CHAPTER 108, ZONING, OF THE CODE OF THE TOWNSHIP OF
 MONROE TO REDUCE THE NUMBER OF MARKET RATE UNITS REQUIRED
 PURSUANT TO THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING
 OBLIGATION AND TO PROVIDE FOR AFFORDABLE UNITS TO BE APPLIED TO
 THE TOWNSHIP'S FOURTH ROUND OBLIGATION
MAYORAL APPROVAL**

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.


 STEPHEN DALINA, Mayor

Dated signed: 12/2/2025

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP
OF MONROE, MIDDLESEX COUNTY, NEW JERSEY
RECOMMENDING AMENDMENT TO
TOWNSHIP LAND DEVELOPMENT ORDINANCE
TO CREATE SECTION 108-6.34, H-D-1 HIGHWAY DEVELOPMENT DISTRICT 1
AND AMEND THE OFFICIAL MAP TO IDENTIFY THE LOCATION OF SAME;
TO AMEND SECTION 108-6.18(J), H-D HIGHWAY DEVELOPMENT DISTRICT,
INCLUDING THOSE PROPERTIES TO WHICH IT APPLIES;
TO CREATE SECTION 108-6.18L, VC-3 VILLAGE CENTER AND AMEND THE
OFFICIAL MAP TO IDENTIFY THE LOCATION OF SAME;
TO AMEND SECTION 108-6.32, POCD-AR-AH PLANNED OFFICE COMMERCIAL
DEVELOPMENT – AGE RESTRICTED – AFFORDABLE HOUSING DISTRICT,
INCLUDING THOSE PROPERTIES TO WHICH IT APPLIES; AND
TO AMENDED SECTION 108-6.7.J, VC-1 VILLAGE CENTER DISTRICT.**

WHEREAS, the Monroe Township Council has requested that the Planning Board of the Township of Monroe (hereinafter the “Board”) review proposed revision to the Township’s Land Development Ordinance, to create Section 108-6.34, H-D-1 Highway Development District 1 and amend the Official Map of the Township to identify the location of same; to amend Section 108-6.18(J), H-D Highway Development District, including those properties to which it applies; to create Section 108-6.18L, VC-3 Village Center and amend the Official Map of the Township to identify the location of same; to amend Section 108-6.32, POCD-AR-AH Planned Office Commercial Development – Age Restricted – Affordable Housing District, including those properties to which it applies; and to amend Section 108-6.7.J, VC-1 Village Center District (hereinafter the “Amendment”); and

WHEREAS, the purpose of the Amendment is to reduce the number of Market Rate Units required pursuant to the Township of Monroe’s Third Round Affordable Housing obligation and to provide for Affordable Units to be applied to the Township of Monroe’s Fourth Round Affordable Housing obligation; and

WHEREAS, at its meeting November 13, 2025, the Board heard a presentation regarding the Amendment from Kevin McGowan, Business Administrator of the Township of Monroe; and

WHEREAS, at its meeting November 13, 2025, the Board reviewed a memorandum dated November 12, 2025 from Ronald Reinertsen, P.P., A.I.C.P., the Board’s Professional

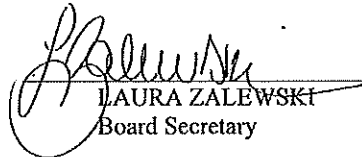
Planner concerning the consistency of the Amendment with the Master Plan of the Township of Monroe; and

WHEREAS, the Board has determined that it is in the best interest of the Township of Monroe to adopt the Amendment; and that the Amendment is consistent with the Master Plan of the Township of Monroe; and

WHEREAS, the Board, upon reviewing the Amendment and adopting same by Resolution, proposes to send this supplement to the governing body of the Township of Monroe for adoption;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Monroe that the Amendment to the Township of Monroe Land Development Ordinance, be made and forwarded to the governing body of the Township of Monroe, with the notation that same are consistent with the Master Plan of the Township of Monroe.

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Planning Board of the Township of Monroe on November 13, 2025.


LAURA ZALEWSKI
Board Secretary



Township of Monroe

County of Middlesex

CHRISTINE ROBBINS
Township Clerk

Municipal Complex
1 Municipal Plaza
Monroe Township, NJ
08831-1900
Phone (732) 656-4573
Fax (732) 521-3190

Affidavit of Publication

I, Tanya Pannucci, Deputy Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on November 11, 2025.

Tanya Pannucci, Deputy Clerk
Tanya Pannucci, Deputy Township Clerk

Tuesday, November 11, 2025

Notice Content

MONROE TOWNSHIP NOTICE OF PENDING ORDINANCE ORDINANCE NO.: O-11-2025-027 NOTICE IS HEREBY GIVEN THAT AN ORDINANCE ENTITLED: "ORDINANCE OF THE MONROE TOWNSHIP COUNCIL AMENDING CHAPTER 108, ZONING, OF THE CODE OF THE TOWNSHIP OF MONROE TO REDUCE THE NUMBER OF MARKET RATE UNITS REQUIRED PURSUANT TO THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATION AND TO PROVIDE FOR AFFORDABLE UNITS TO BE APPLIED TO THE TOWNSHIP'S FOURTH ROUND OBLIGATION", has been introduced and passed on first reading at the regular meeting of the Monroe Township Council held on November 5, 2025 and will be further considered for final passage after a Public Hearing during a Council meeting to be held on December 1, 2025 at 6:30 p.m. in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831. At said time and place, all persons will be granted the opportunity to be heard concerning this Ordinance prior to its consideration for adoption by Council. The purpose of this Ordinance is to amend Chapter 108, 'Zoning', of the Code of the Township of Monroe to reduce the number of market rate units required pursuant to the Township's third round affordable housing obligation and to provide for affordable units to be applied to the Township's fourth round obligation. The proposed Ordinance in its entirety can be viewed on the Township website, www.monroetwp.com and is on file in the Municipal Clerk's Office. Copies may be obtained without charge between the hours of 8:30am and 4:30pm. Monday through Friday. Christine Robbins, Municipal Clerk (\$31.20)



Township of Monroe

County of Middlesex

CHRISTINE ROBBINS
Township Clerk

Municipal Complex
1 Municipal Plaza
Monroe Township, NJ
08831-1900
Phone (732) 656-4573
Fax (732) 521-3190

Affidavit of Publication

I, Tanya Pannucci, Deputy Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on December 5, 2025.

Tanya Pannucci, Deputy RMC
Tanya Pannucci, Deputy Township Clerk

Friday, December 05, 2025

Notice Content

MONROE TOWNSHIP, MIDDLESEX COUNTY NOTICE OF FINAL ADOPTION Notice is hereby given that the following entitled Ordinance was introduced and passed on First Reading at the regular meeting of the Monroe Township Council held on November 5, 2025. Furthermore, this Ordinance was adopted after a Public Hearing was held at the December 1, 2025 meeting of the Monroe Township Council which was held in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831 and was thereafter approved and signed by the Mayor on December 2, 2025. MONROE TOWNSHIP, MIDDLESEX COUNTY ORDINANCE NO.: O-11-2025-027 "ORDINANCE OF THE MONROE TOWNSHIP COUNCIL AMENDING CHAPTER 108, ZONING, OF THE CODE OF THE TOWNSHIP OF MONROE TO REDUCE THE NUMBER OF MARKET RATE UNITS REQUIRED PURSUANT TO THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATION AND TO PROVIDE FOR AFFORDABLE UNITS TO BE APPLIED TO THE TOWNSHIP'S FOURTH ROUND OBLIGATION" CHRISTINE ROBBINS, R.M.C Township Clerk 12/5/25 (\$20.28)

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL,
AMENDING CHAPTER 108 OF THE MONROE TOWNSHIP CODE,
REZONING OF PARCELS INCLUDED IN MONROE TOWNSHIP'S
ROUND FOUR AFFORDABLE HOUSING PLAN

BE IT ORDAINED, by the Township Council of the Township of Monroe, Middlesex County, New Jersey that Chapter 108 of the Code of the Township of Monroe is hereby amended and supplemented as follows:

Section 1.

The following new section of the Code is hereby adopted:

§108-6.35 R-ARAF-2 Residential Age Restricted Affordable Housing District 2

Lots 3.01 and 3.02 in Block 33.03, which were formerly zoned R3A Residential-Agricultural District, are changed to R-ARAF-2 Residential-Age-Restricted Affordable Housing-2 District.

A. The purpose of this section is to establish the standards and requirements for developments that include a mix of market-priced housing and housing affordable to low- and moderate-income age-restricted households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low- and moderate-income housing.

B. The following requirements, in addition to other provisions not inconsistent with this article, shall apply to the R-ARAF-2 District. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Permitted principal uses:

(1) Inclusionary housing development consisting of age-restricted market-rate housing and affordable housing as defined by this article and N.J.A.C. 5:80-26.1, et seq., Uniform Housing Affordability Controls (UHAC) and the Monroe Township Affordable Housing Ordinance (Chapter 131 of the Township Code). The permitted maximum gross density for the inclusionary housing development shall be eight and five tenths (8.5) dwelling units per acre. All housing shall comply with the provisions set forth in this section. Permitted residential dwellings include:

(a) Market-rate age-restricted multifamily townhouse dwelling units (townhouses) that are deed restricted to limit the number of bedrooms to a maximum of three (3) per dwelling unit and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum number of market-rate age-restricted multifamily townhouse dwelling units provided shall not exceed thirty-eight (38). All market-rate age-restricted multifamily townhouse dwellings units shall be for sale.

(b) Market-rate age-restricted multifamily apartment dwelling units (apartments) that are deed restricted to limit the number bedrooms to a maximum of two (2) per dwelling units and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum number of market-rate age-restricted multifamily apartment dwelling units provided shall not exceed nine (9). Market-rate age-restricted multifamily apartment dwellings units may be for sale or rent.

(c) In addition to the nine (9) permitted market-rate age-restricted multifamily apartment dwelling units (apartments), one (1) non-age-restricted multifamily apartment dwelling unit (property manager apartment) for an onsite property

manager that is deed restricted to limit its number of bedrooms to one (1), to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom, and to limit the number of inhabitants to two (2) adults one of which shall be the onsite property manager and the other the manager's spouse and/or partner.

(d) Affordable multifamily age-restricted rental apartment dwelling units (affordable apartments) that are provided at a minimum set-aside rate of twenty-nine and fourth tenths percent (29.4%) of the total number of dwelling units constructed in the development including the dwelling unit for the on-site property manager, with thirteen percent (13%) of the affordable dwelling units to be affordable to very low-income households. The minimum number of affordable multifamily age-restricted rental apartment dwelling units provided, consisting of one (1)- and two (2)-bedroom units according to this section, shall be twenty (20).

(e) One (1) multi-purpose room having at least one thousand (1,000) square feet of floor area shall be provided within an apartment building.

(f) One (1) management office may be provided in an apartment building.

(2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable age-restricted and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

D. Permitted accessory uses.

(1) Decks and patios for use by the residents on the premises.

(a) Decks and patios for townhouse buildings shall be no larger than ten (10) feet deep by twenty (20) feet wide, shall be located in the side and rear yards, and shall be permitted to extend beyond the building envelope into the side and rear yards by no more than ten (10) feet.

(b) Patios for apartment buildings shall be no larger than fifteen (15) feet deep by thirty (30) feet wide, shall be located in the side and rear yards, and shall be set back at least fifteen (15) feet from side and rear property lines.

(2) Storage areas for residents in the basement of apartment buildings.

(3) Open space and recreational facilities for use by the residents on the premises.

(4) Fences and walls as regulated pursuant to this section and Section 108-8.2.

(5) Trash and recyclables enclosures, which shall not be permitted in the front yard.

(6) Off-street parking as regulated pursuant to this section and Article IX Parking.

(7) Signage as regulated pursuant to this section and Article X Signs.

(8) Satellite antennas.

(9) Public utility installations.

E. Development, area, yard and building requirements.

(1) Minimum tract area shall be eight (8) acres.

(2) Minimum tract frontage shall be six hundred (600) feet.

(3) Minimum tract width shall be six hundred (600) feet.

(4) Minimum tract depth shall be six hundred (600) feet.

(5) Yard and setback requirements for principal buildings.

Description	Tract Boundary	To Right-of-Way Line/Curb Line of Internal Road for Townhouses	To Right-of-Way/Curb Line of Internal Road for Apartments
Minimum Front Yard	50 feet	15 feet/25 feet to front façade 20 feet/30 feet to front façade with driveway	40 feet/50 feet to front façade
Minimum Side Yard	30 feet	N/A	N/A
Minimum Rear Yard	30 feet	N/A	N/A

(6) Minimum separation between facades of residential buildings.

Description	Minimum Requirement	
	Townhouse to Townhouse	Townhouse to Apartment
Side of Building to Side of Building	15 feet	30 feet
Side of Building to Rear of Building	20 feet	30 feet
Rear of Building to Rear of Building	30 feet	30 feet

(7) Maximum building coverage of tract shall be thirty percent (30%).

(8) Maximum impervious coverage of tract shall be fifty-five percent (55%).

(9) Maximum building height.

(a) Townhouse buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

(b) Apartment buildings shall not exceed three (3) stories or forty-eight (48) feet.

(10) Maximum building length.

(a) Townhouse building length shall not exceed one hundred seventy-five (175) feet.

(b) Apartment building length shall not exceed two hundred (200) feet.

F. Age-restricted housing.

(1) Housing where one hundred (100%) of the dwellings are occupied by at least one (1) person aged fifty-five (55) or over and no other permanent occupants are under the age of forty-eight (48), except that if a legal occupant over forty-eight (48) but under fifty-five (55) is widowed, legally separated or divorced from an over fifty-five (55) legal occupant, prior to attaining age fifty-five (55), and any son or daughter or any step-son or step-daughter of aforesaid fifty-five (55)-year old and/or forty-eight (48)-year old occupants is aged nineteen (19) or over, his or her occupancy status of the 48-year old or over and the 19-year old or over shall be protected, provided such entity, corporation or association for the housing is established in accordance with the laws of the State of New Jersey and qualifies for a Housing for Older Persons ("HOPA") exemption under the Fair Housing Act, 42 U.S.C. 3601, et seq.

G. Affordable housing.

(1) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC, including, but not limited to, the following requirements:

(a) Establishing rents of all affordable units;

(b) Affordability controls for all affordable units; and

- (c) General provisions concerning uniform deed restrictions liens and enforcement through certificates of occupancy or re-occupancy of sold units.
- (2) Required percentage of affordable age-restricted rental dwelling built in the apartment building(s) on the tract. A minimum set-aside rate of twenty-nine and fourth tenths percent (29.4%) of the total number of dwelling units constructed in the development, which includes the dwelling unit for the on-site property manager, shall be provided. The total number of affordable units shall be twenty (20) exclusive of the on-site property manager. At least thirteen percent (13%) of the affordable dwelling units shall be affordable to very low-income households.
- (3) Required bedroom distribution for affordable age-restricted rental dwelling units.
 - (a) Nine (9) units (45% of the total affordable units) shall have one (1) bedroom.
 - (b) Eleven (11) units (55% of the total affordable units) shall have two (2) bedrooms.
- (4) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low- income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.
- (5) The construction phasing of market-priced and low- and moderate-income units shall comply with the table below. A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

Minimum Percentage of Low- and Moderate-Units Completed	Percentage of Market-Rate Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

- (6) Application procedures for inclusionary housing development shall comply with Section 108-6.21M.

H. Fences.

- (1) Fences and walls shall comply with Section 108-8.2 with the following exceptions:
 - (a) Solid or board-on-board wooden and/or vinyl fences shall be permitted in the following manner:
 - [1] Six (6)-foot high fences erected along the side and rear tract boundaries, with such fences along the side tract boundaries set back at least fifty (50) from the right-of-way line of Buckelew Avenue.
 - [2] Six (6)-foot high fences enclosing trash and recyclables storage areas.
 - [3] Six (6)-foot high fences erected between and perpendicular to townhouse dwelling units at the point where the units share a common party wall, and at the corners of end townhouse dwelling units in the direction toward the rear of the townhouse buildings, extending no more than ten (10) feet from the façade of the townhouse buildings.

I. Parking.

- (1) Parking for townhouse dwelling units shall be regulated by the New Jersey Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21-1.1 et seq. and Article IX; when

provisions of Article IX conflict with the requirements of RSIS, the provisions of RSIS shall supersede the conflicting ones of Article IX.

- (2) Parking for apartment dwelling units shall be regulated by the New Jersey Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21-1.1 et seq. and Article IX; when provisions of Article IX conflict with the requirements of RSIS, the provisions of RSIS shall supersede the conflicting ones of Article IX. Notwithstanding the RSIS parking requirements for age-restricted apartment dwelling units, the parking ratio required for the age-restricted apartments developed on the tract shall be one (1) parking space per age-restricted apartment dwelling unit including the apartment unit for the onsite property manager.
 - (a) Minimum setbacks for parking areas to internal road rights-of-way shall be five (5) feet and internal road curb lines shall be fifteen (15) feet.
 - (b) Minimum setback for parking areas to the Buckelew Avenue right-of-way shall be fifty (50) feet.
 - (c) Minimum setback for parking areas to adjacent townhouse buildings shall be twenty (20) feet.
 - (d) Minimum setback for parking areas to apartment buildings shall be ten (10) feet.
 - (e) Drive aisles of and driveways to parking areas shall be at least twenty-four (24) feet wide.
 - (f) Non-ADA parking spaces shall be nine (9) feet wide by eighteen (18) feet long. ADA parking spaces shall comply with current state and federal regulations.

J. Signage.

- (1) Signage for the development of the tract shall be regulated by Article X.

K. Design standards.

- (1) Design standards shall comply with Article XII with the following exceptions:

- (a) Buffer area and landscaping.

[1] Buffer areas and landscaping for the development of the tract shall be regulated by Article VIII with the following exceptions

[a] Buildings shall be set back a minimum of fifty (50) feet from the right-of-way of Buckelew Avenue. At least thirty (30) feet of this setback area shall be either preserved with its natural vegetation or landscaped to provide a visual buffer from the road.

{1} Buffering along Buckelew Avenue shall consist of three (3)- to four (4)-foot high, sculptured, undulating, landscaped berms that have tops at least six (6) feet wide.

{2} The top and side slopes of the berms shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves aesthetic, effective screening. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics according to the provisions of this section. Natural woodlands may be retained in the buffer area. Such

natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

{3} Identification and directional signage shall be permitted within the buffer area.

[b] Buildings shall be set back a minimum of thirty (30) feet from side and rear tract boundaries. At least fifteen (15) of this setback area shall be either preserved with its natural vegetation or landscaped to provide a visual buffer from adjacent property.

{1} Buffering along the side and rear tract boundaries shall consist of massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves aesthetic, effective screening. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

{2} A six (6)-foot high solid or board-on-board fence may be erected along the side and rear tract boundaries in accordance with this section to supplement the visual buffer from adjacent property.

{3} Stormwater management basins and infrastructure shall be permitted within the buffer area provided planting areas at least fifteen (15) feet wide are located along the side of the basins closest to the tract boundary.

[c] After three (3) growing seasons from time of planting, buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.

[2] Landscaping.

[a] Landscaping between parking areas for apartment buildings and internal roads for the development of the tract shall achieve a mature height of at least three (3) feet to partially screen the view of parking areas. Such landscaping shall consist of evergreen shrubs.

[b] Landscaping around trash and recyclables enclosures shall achieve a mature height of at least five (5) feet. Such landscaping shall consist of a mix of at least seventy-five percent (75%) evergreen shrubs and/or trees and no more than twenty-five percent (25%) deciduous shrubs.

[c] Landscaping around the foundations of townhouse and apartment buildings shall be provided to achieve a mature height of at least three (3) feet. Such landscaping may consist of a mix of at least fifty percent (50%) evergreen shrubs.

[d] Street trees along public and private roads and driveways shall be provided on average fifty (50) feet on center and not exceeding sixty (60) on center.

(b) Internal roads.

[1] Internal roads within the development of the tract shall have a cartway width of twenty-eight (28) feet and a right-of-way width of fifty (50) feet.

Section 2.

The following new section of the Code is hereby adopted:

§108-6.36 PRD-AH 2 Planned Residential Development Affordable Housing District 2

Lots 5 and 10 in Block 36 and Lot 1 in Block 36.02, which were formerly zoned R-3A Residential-Agricultural District, are changed to a PRD-AH-2 Residential Affordable Housing District 2.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of market-priced housing and housing affordable to low- and moderate-income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low- and moderate-income housing.
- B. The following shall be requirements of the PRD-AH-2 District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Permitted Uses:

- (1) Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:
 - (a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to limit the number of bedrooms to three (3) per dwelling units and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom.
 - (b) Affordable multi-family dwelling units that are provided at a minimum twenty-two percent (22%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family dwelling units shall be twenty-two percent (22%) of the total dwelling units.
- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

D. Permitted Accessory Uses:

- (1) Decks and patios for use by the residents on the premises, located in the rear yard within the building envelope. No deck shall be larger than ten (10) feet by twenty (20) feet.
- (2) Open space and recreational facilities for use by the residents on the premises.

- E. Development, area, yard and building requirements. No building permit shall be issued for construction or other improvement in an PRD-AH-2 Residential Affordable Housing District 2 development except in accordance with an engineering and improvement plan for each section that has been approved by the Planning Board. The following development requirements shall apply to the PRD-AH-2 Residential Affordable Housing District 2:

- (1) Minimum site area. The minimum site area for an inclusionary development in the PRD-AH-2 shall be at least forty (40) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads.
- (2) Gross residential density. The gross residential density shall not exceed two and one half (2.5) dwelling units per acre.
- (3) Site bulk requirements:
 - (a) Minimum site frontage shall be six hundred (600) feet.
 - (b) Minimum site width shall be two hundred fifty (250) feet.
 - (c) Minimum site depth shall be four hundred (400) feet.
- (4) Yard and setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road Townhouses</u>	<u>To Curb Line of Internal Road, Apartments</u>
Minimum Front Yard	50 feet	---	25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with parking lot
Minimum Side Yard	50 feet	10 feet	----	-----
Minimum Rear Yard	50 feet	20 feet	----	-----

- (5) Minimum separation between facades of residential buildings on lot with multiple residential buildings, or on a fee simple lot:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet
Minimum front yard for townhomes	25 feet
Minimum rear yard for townhomes	20 feet
Minimum side yard for townhomes	0 feet
Minimum lot width for townhomes	22 feet
Minimum lot depth for townhomes	100 feet
Minimum lot area for townhomes	2,200 square feet

- (6) Building coverage. Not more than twenty percent (20%) of the gross area of the total property tract shall be covered by buildings.
- (7) Maximum building height.
 - (a) Townhouses shall not exceed three (3) stories or forty-five (45) feet.
 - (b) Apartment flats shall not exceed three (3) stories or forty-five (45) feet.
- (8) Sidewalks and walkways shall comply with § 108-6.21.1. of this Article.
- (9) Buffers and landscaping, shade trees and tree preservation shall comply with § 108-6.30.1. of this Article.

F. Affordable Housing.

- (1) Required percentage of affordable dwelling units built on-site. The developer shall designate and set aside twenty-two percent (22%) of the dwelling units to be built on-site to affordable to low- and moderate-income households and at least thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.
- (2) Required bedroom distribution for affordable dwelling units. Low- and moderate-income units may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the minimum number for low- and moderate- income units within the inclusionary development.
- (3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low-income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement
- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (6) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current Uniform Housing Affordability Controls (UHAC).
- (7) Establishing sales prices of units shall comply with the Monroe Township Affordable Housing Ordinance and the current UHAC.
- (8) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the current UHAC. .
- (9) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the current UHAC .
- (10) Application procedures for inclusionary housing development shall comply with § 108-6.21.M of this Article.

G. Signage as permitted in Article X of this Chapter.

H. Parking as required to meet RSIS standards.

I. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

- (1) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.
- (2) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
- (3) Buffering shall consist of evergreen trees with an average height of six (6) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

J. Fences are permitted in accordance with Article VIII of this Chapter.

Section 3.

The following new section of the Code is hereby adopted:

§108-6.37 R-MAH Residential-Municipally Sponsored Affordable Housing District.

Lot 3.05 in Block 62, which was formerly zoned R20 Residential District, is changed to R-MAH Residential-Age-Municipally Sponsored Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include housing affordable to low- and moderate-income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low- and moderate-income housing.
- B. The following requirements, in addition to other provisions not inconsistent with this article, shall apply to the R-MAH District. In case of conflict with the provisions of other ordinances, this section shall govern.
- C. Permitted principal uses:
 - (1) Residential housing development consisting of affordable housing as defined by this article and N.J.A.C. 5:80-26.1, et seq., Uniform Housing Affordability Controls (UHAC) and the Monroe Township Affordable Housing Ordinance (Chapter 131 of the Township Code). The permitted maximum gross density for the affordable housing development shall be six (6) dwelling units per acre. All housing shall comply with the provisions set forth in this section. Permitted residential dwellings include:
 - (a) Affordable multifamily rental apartment dwelling units (affordable apartments) that comprise 100% of the total number of dwelling units constructed in the development, with thirteen percent (13%) of the affordable dwelling units to be affordable to very low-income households. The minimum number of affordable multifamily rental apartment dwelling units provided, consisting of one (1), two (2), and three (3)-bedroom units according to this section, shall be thirty (30).
 - (b) One (1) multi-purpose room having at least five hundred (500) square feet of floor area shall be provided within an apartment building.
 - (c) One (1) management office may be provided in an apartment building.

- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable housing to be used by the residents housing development, their guests or other authorized users.

D. Permitted accessory uses.

- (1) Storage areas for residents in the basement of apartment buildings.
- (2) Open space and recreational facilities for use by the residents on the premises.
- (3) Fences and walls as regulated pursuant to this section and Section 108-8.2.
- (4) Trash and recyclables enclosures, which shall not be permitted in the front yard
- (5) Off-street parking as regulated pursuant to this section and Article IX Parking.
- (6) Signage as regulated pursuant to this section and Article X Signs.
- (7) Satellite antennas.
- (8) Public utility installations.

E. Development, area, yard and building requirements.

- (1) Minimum tract area shall be five (5) acres.
- (2) Minimum tract frontage shall be two hundred and fifty (250) feet.
- (3) Minimum tract width shall be three hundred (300) feet.
- (4) Minimum tract depth shall be six hundred (600) feet.
- (5) Yard and setback requirements for principal buildings.

Description	Tract Boundary
Minimum Front Yard	50 feet
Minimum Side Yard	30 feet
Minimum Rear Yard	30 feet

- (6) Maximum building coverage of tract shall be fifty percent (50%).
- (7) Maximum impervious coverage of tract shall be sixty-five percent (65%).
- (8) Maximum building height.
 - (a) Apartment buildings shall not exceed three (3) stories or forty-five (45) feet.
- (9) Maximum building length.
 - (a) Apartment building length shall not exceed two hundred and fifty (250) feet.
- (10) Yard and setback requirements for apartment building trash and recyclables enclosures.

Description	Tract Boundary
Minimum Front Yard	50 feet
Minimum Side Yard	30 feet
Minimum Rear Yard	30 feet
Separation from Building	N/A

F. Affordable housing.

- (1) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC, including, but not limited to, the following requirements:
 - (a) Establishing rents of all affordable units;
 - (b) Affordability controls for all affordable units; and
 - (c) General provisions concerning uniform deed restrictions liens and enforcement through certificates of occupancy or re-occupancy of sold units.

- (2) Required bedroom distribution for affordable rental dwelling units.
 - (a) 20% of the total affordable units shall have one (1) bedroom.
 - (b) 60% of the total affordable units shall have two (2) bedrooms.
 - (c) 20% of the total affordable units shall have three (3) bedrooms.

- (3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low- income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.

G. Fences and walls shall comply with Section 108-8.2.

H. Parking.

- (1) Parking for apartment dwelling units shall be regulated by the New Jersey Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21-1.1 et seq. and Article IX; when provisions of Article IX conflict with the requirements of RSIS, the provisions of RSIS shall supersede the conflicting ones of Article IX.
 - (a) Minimum setback for parking areas to the Spotswood Gravel Hill Road right-of-way shall be fifty (50) feet.
 - (b) Minimum setback for parking areas to apartment buildings shall be ten (10) feet.
 - (c) Drive aisles of and driveways to parking areas shall be at least twenty-four (24) feet wide.
 - (d) Non-ADA parking spaces shall be nine (9) feet wide by eighteen (18) feet long. ADA parking spaces shall comply with current state and federal regulations.

I. Signage for the development of the tract shall be regulated by Article X

J. Design standards shall comply with Article XII

Section 4.

Section 108-6.18 is amended to read as follows:

§108-6.18 HD Highway Development District:

K. VC-2 Village Center Overlay

(3) Minimum Tract Size: ~~40~~⁷⁵ acres.

(7) Permitted intensities of development

(d) Maximum impervious coverage for residential uses of ~~50~~⁴⁰% shall be permitted.

(8) Bulk Standards

(b) Residential uses

[4] Maximum Building Height

Description	Requirement
Principal building, townhouse and multifamily	32 ³² -1/2 stories
	45 ⁴⁵ feet
100 percent affordable multifamily	3 stories of occupied space
	50 feet
Accessory building	1 story
	25 feet

Section 5.

Section 108-16.1 is amended to read as follows:

§108-16.1. Application Checklists

I. Requirements for All Applications

2. ~~40~~⁴⁰One (1) original and three (3) copies of the application form applicable to the type of approval requested, completely filled in. If any item is not applicable to the Applicant, it should be so indicated on the application form(s).

5. ~~Fourteen~~^{Four} (4) copies of any required plot plan, site plan or subdivision plan completed in conformance with the requirements of all applicable ordinances of Monroe Township and to be a maximum sheet size of twenty-four by thirty-six (24x36) inches.

6. If available prior to the hearing, ~~14~~^{four} (4) copies of any other supporting documentation which shall be presented to the Board in its consideration of the application.

21. An electronic copy of the entire application, including plans, specifications, and all supplemental reports be submitted to the Township on a CD-ROM or thumb drive, labeled for each report.

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

SO, ORDAINED as aforesaid.

ADOPTED ON FIRST READING
DATED: February 9, 2026

CHRISTINE ROBBINS, RMC, Clerk
Township of Monroe

RUPA P. SIEGEL, Council President
Township of Monroe

RECORDED VOTE: INTRODUCTION – February 9, 2026						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilwoman Cohen	X		X			
Councilman Dipierro			X			
Councilman VanDzura						X
Council V. President Markel		X	X			
Council President Siegel			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on February 9, 2026. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on March 2, 2026 at 6:30 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

ADOPTED ON SECOND READING
DATED: March 2, 2026

CHRISTINE ROBBINS, RMC, Clerk
Township of Monroe

RUPA P. SIEGEL, Council President
Township of Monroe

RECORDED VOTE: SECOND READING & FINAL ADOPTION – March 2, 2026						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilwoman Cohen						
Councilman Dipierro						
Councilman VanDzura						
Council V. President Markel						
Council President Siegel						

ORDINANCE NO.: O-2-2026-003

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 108 OF THE MONROE TOWNSHIP CODE,
REZONING OF PARCELS INCLUDED IN MONROE TOWNSHIP'S
ROUND FOUR AFFORDABLE HOUSING PLAN**

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

STEPHEN DALINA, Mayor

Dated signed: _____

ORDINANCE NO.: O-2-2026-004

AN ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 108, ARTICLE 6.18J(13), OF THE “H-D HIGHWAY
DEVELOPMENT DISTRICT”, AND ARTICLE 6.7K, OF THE
“R-3A RESIDENTIAL-AGRICULTURAL DISTRICT”

WHEREAS, the Monroe Township (hereinafter referred to as the “Township”) wants to amend the Chapter 108, Articles 6.18J and 6.7K in order to allow for the development of the lots and blocks included in the aforementioned Articles.

WHEREAS, the Township wants to amend Chapter 108, Articles 6.18J(13), The title sentence of 6.7K, and 6.7K(12) in order to refine the language in the article and correct clerical errors.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, being the governing body thereof, that Chapter 108, Articles 6.18J and 6.7K are hereby amended to read as follows:

All new language is depicted in bold and underline

All language deletions are depicted in ~~strikethrough~~

Language that remains unchanged is not highlighted in anyway

SECTION 1

§ 108-6.18(J)(13). H-D Highway Development District. Is hereby amended to read as follows.

(13) Inclusionary housing development.

a. The following residential dwellings shall be provided:

1. Market rate condominium flats and townhouses.

2. Affordable age restricted rental flats, which may be developed as family affordable units and/or over commercial and office uses that are on the first floor on the condition that separate entrances to the affordable housing dwelling units are provided.

b. The following number of market rate and affordable housing dwelling units permitted in this zone shall be:

Description	Number of Dwelling	
	Units	Percentage (%)
Market Rate Units	618	82.5
Family Affordable Units	236	47.5
Total	854	100.00

c. Market rate and affordable housing dwelling units shall be developed on at least 25 acres of contiguous developable land exclusive of freshwater wetlands, one- hundred-year floodplains, steep slopes and other environmental constraints within the tract of land.

d. The low and moderate income split for affordable housing shall comply UHAC. **In both the senior and family affordable housing, 13 percent of affordable units in each bedroom distribution shall be very low income units.**

e. The construction phasing of market-priced and low and moderate-income units being developed on-site shall comply with N.J.A.C. 5:93-5.6(d), except that 65 family affordable units shall be phased in with the market rate units on Block 3, Lot 31 & 32, also referred to as the Disbrow parcel.

f. An open space organization shall be established pursuant to § 108-6.13F.

g. Sidewalks and walkways shall be provided pursuant to § 108-6.13H.

h. Buffers shall be provided pursuant to § 108-6.13I.

i. Landscaping, shade trees and tree preservation shall comply with § 108-6.13J.

j. (Reserved) [Deleted 9-3-14 by Ord. No. O-9-2014-020]

k. The low and moderate income split for affordable housing shall comply with § 108-6.13K(3).

l. The location and design of affordable housing shall comply with § 108-6.13K(6).

m. Affordable housing shall comply with § 108-6.13K(7), the Monroe Township Affordable Housing Ordinance and current ~~New Jersey Council on Affordable Housing rules.~~ **Uniform Housing Affordability Controls.**

n. Application procedures for inclusionary housing development shall comply with § 108-6.13L.

SECTION 2

Article VI. Zoning District Regulations

~~§ 108-6.18L~~ **§108 6.7K** VC-3 Village Center.

The official zoning map, as established by §108-6.2 is hereby amended to designate the following lot and blocks as VC-3 Village Center: Block 36 Lots 13, 14, 15 & 16.01 and Block 53 Lot 21.05.

THE OMITTED SECTIONS OF THIS ARTICLE ARE NOT AMENDED.

(12) Affordable Housing

a. Affordable housing shall comply with UHAC. **13 percent of affordable units in each bedroom distribution shall be very low income units.**

SECTION 4

§ 108-6.32(H)(4). POCD-AR-AH Planned Office Commercial Development-Age Restricted Affordable Housing District. Is hereby amended to read as follows.

4. The construction phasing of market-priced and low- and moderate-income units being developed on-site shall comply with following table in accordance with N.J.A.C. 5:93-5.6(d), except that 62 of the 164 age-restricted affordable units shall be phased in with

the market rate units in the §108-6.18J (Block 6, Lots 12.05, 12.06, 13.02, 13.03, 15.01, 16.01, 17.02, 19.03, 19.04, 20.01, 21.05, 22.02, 23.01, 24.01, 25.01, 26.01, 27.01 28.01 and 29.02) and 55 units shall be phased in with the affordable units in §108-6.7K~~Block 6, Lots 12.05, 12.06, 13.02, 13.03, 15.01, 16.01, 17.02, 19.03, 19.04, 20.01, 21.05, 22.02, 23.01, 24.01, 25.01, 26.01, 27.01 28.01 and 29.02 (Block 36 Lots 13, 14, 15 & 16.01 and Block 53 Lot 21.05):~~

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

BE IT FURTHER ORDAINED, that this ordinance shall take effect in a time and manner prescribed by law

SO, ORDAINED as aforesaid.

ADOPTED ON FIRST READING
DATED: February 9, 2026

CHRISTINE ROBBINS, RMC, Clerk
 Township of Monroe

RUPA P. SIEGEL, Council President
 Township of Monroe

RECORDED VOTE: INTRODUCTION – February 9, 2026						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilwoman Cohen	X		X			
Councilman Dipierro			X			
Councilman VanDzura						X
Council V. President Markel		X	X			
Council President Siegel			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on February 9, 2026. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on March 2, 2026 at 6:30 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having

an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

ADOPTED ON SECOND READING
DATED: March 2, 2026

CHRISTINE ROBBINS, RMC, Clerk
Township of Monroe

RUPA P. SIEGEL, Council President
Township of Monroe

RECORDED VOTE: SECOND READING & FINAL ADOPTION – March 2, 2026						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilwoman Cohen						
Councilman Dipierro						
Councilman VanDzura						
Council V. President Markel						
Council President Siegel						

ORDINANCE NO.: O-2-2026-004

**AN ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 108, ARTICLE 6.18J(13), OF THE “H-D HIGHWAY
DEVELOPMENT DISTRICT”, AND ARTICLE 6.7K, OF THE
“R-3A RESIDENTIAL-AGRICULTURAL DISTRICT”**

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

STEPHEN DALINA, Mayor

Dated signed: _____

ORDINANCE NO.: O-2-2026-005

**AN ORDINANCE OF THE TOWNSHIP OF MONROE
TO REPEAL AND REPLACE §131 “AFFORDABLE HOUSING” AND §131A “AFFORDABLE
HOUSING DEVELOPMENT FEES”, WITH REVISED REGULATIONS IN CONFORMANCE
WITH THE AMENDED FAIR HOUSING ACT**

WHEREAS, the State of New Jersey has adopted an Amended Fair Housing Act at P.L. 2024, c. 2 (A4) which provides new Fourth Round affordable housing fair share requirements for each municipality; and

WHEREAS, the State has adopted new Fourth Round substantive affordable housing regulations at N.J.A.C. 5:99; and

WHEREAS, the New Jersey Department of Community Affairs (DCA) and the Housing and Mortgage Finance Agency (NJHMFA) have adopted new Uniform Housing and Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq; and

WHEREAS, in order to maintain compliance with said state regulations regarding affordable housing, the Township must amend certain sections of the Township Code; and

WHEREAS, Chapter 131 contains requirements for affordable housing provisions based on previous COAH regulations; and

WHEREAS, Chapter 131A contains regulations regarding affordable housing development fees; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that Chapter 131 and Chapter 131A, of the Township Code are hereby repealed and replaced as follows:

§131 AFFORDABLE HOUSING [to be replaced in its entirety with the following]

131-1. Introduction & Applicability

- A. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Monroe Township consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
- B. This Ordinance is intended to ensure that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
- C. The Township of Monroe Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- E. Applicability
 - i. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - ii. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
 - iii. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements

of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

131-2. Definitions

As used herein the following terms shall have the following meanings:

"Accessory apartments" means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as "accessory dwelling units".

"Act" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

"Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

"Administrative agent" means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

"Affirmative Marketing Plan" means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

"Affirmative Marketing Process" or "Program" means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

"Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

"Affordability average" means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

"Affordable" means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

"Affordable Housing Dispute Resolution Program" or "the Program" refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

"Affordable Housing Monitoring System" or "AHMS" means the Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

"Affordable Housing Trust Fund" or "AHTF" means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the "Neighborhood Preservation Nonlapsing Revolving Fund" and "Balanced Housing" mean the AHTF.

"Affordable unit" means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

"Age-restricted housing" means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

"Assisted living residence" means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available

when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

"Barrier-free escrow" means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

"Builder's remedy" means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

"Certified household" means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

"CHOICE" means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

"COAH" or the "Council" means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Compliance certification" means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a "judgment of compliance" or "judgment of repose." The term "compliance certification" shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

"Construction" means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

"County-level housing judge" means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

"DCA" and "Department" mean the State of New Jersey Department of Community Affairs.

"Deficient housing unit" means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

"Department" means the New Jersey Department of Community Affairs.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

"Development fee" means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

"Dispute Resolution Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

"Division" means the Division of Local Planning Services within the Department of Community Affairs.

"Emergent opportunity" means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

"Equalized assessed value" or "EAV" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

"Equity share amount" means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted

ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

"Exit sale" means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

"Exclusionary zoning litigation" means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder's remedy.

"Extension of expiring controls" means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

"Fair share obligation" means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

"Fair share plan" means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional 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 which 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.

"FHA" means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

"Green Building Strategies" means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

"HMFA" or "the Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

"Household income" means a household's gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

"Housing element" means the portion of a municipality's master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

"Housing region" means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

"Inclusionary development" means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

"Judgment of compliance" or "judgment for repose" means a determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

"Low-income household" means a household with a household income equal to 50 percent or less of the regional median income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

"Mixed use development" means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

"Moderate-income household" means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"MONI" means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

"Municipal housing liaison" or "MHL" means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

"Municipal affordable housing trust fund" means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

"Municipal development fee ordinance" means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

"New construction" means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

"New Jersey Affordable Housing Trust Fund" means an account established pursuant to N.J.S.A. 52:27D-320.

"New Jersey Housing Resource Center" or "Housing Resource Center" means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

"95/5 restriction" means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

"Non-exempt sale" means any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

"Nonprofit" means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

"Non-residential development" means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

"Non-residential development fee" means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

"Order for repose" means the protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

"Payment in lieu of constructing affordable units" means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

"Prospective need" means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology

set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

"Qualified Urban Aid Municipality" means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

"Person with a disability" means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

"Price differential" means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

"Prior round unit" means a housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

"Program" means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

"Random selection process" means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

"RCA administrator" means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

"RCA project plan" means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

"Receiving municipality" means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Recreational facilities and community centers" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

"Regional contribution agreement" or "RCA" means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

"Regional median income" means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

"Rehabilitation" means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

"Residential development fee" means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

"Spending plan" means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

"State Development and Redevelopment Plan" or "State Plan" means the plan prepared pursuant to sections 1 through 12 of the "State Planning Act," P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

"Supportive housing household" means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney-Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

"Supportive housing sponsoring program" means grant or loan program which provided financial assistance to the development of the unit.

"Supportive housing unit" means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project's Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

"Transitional housing" means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

"Treasurer" means the Treasurer of the State of New Jersey.

"UHAC" means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

"UHORP" means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

"Unit type" means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

"Very-low-income household" means a household with a household income less than or equal to 30 percent of the regional median income.

"Very-low-income housing" means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Very-low-income unit" means a restricted unit that is affordable to a very-low-income household.

"Veteran" means a veteran as defined at N.J.S.A. 54:4-8.10.

"Veterans' preference" means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

131-3. Affordable Housing Board Established

A. Membership

- i. There is hereby established a Monroe Township Affordable Housing Board, which shall be composed of five members and two alternate members appointed by the Mayor with the advice and consent of the Township Council. The five regular members shall consist of:

- (a) One municipal employee;
- (b) One member of the Township Council;
- (c) Three citizens of the Township.

The two alternate members shall be citizens of the Township.

Members and alternates shall serve for two year terms, with (2) of the initial appointments, as determined by the Mayor, to be for one year.

- B. The Mayor shall appoint the Chairperson of the Board from among its members. The Board shall organize and conduct its activities under the supervision of the Mayor.

- C. The Municipal Housing Manager and Municipal Housing Liaison appointed pursuant to § 131-13 shall serve as staff to the Board.

131-4. Municipal Housing Manager

- A. The Municipal Housing Manager shall be appointed by the Mayor.

131-5. Duties of the Affordable Housing Board

- A. The Board shall be the primary administrative mechanism responsible for assuring that low- and moderate-income housing units developed or rehabilitated in the Township remain affordable to low- and moderate-income households, as required by N.J.A.C. 5:93-1, et seq.
- B. The Board shall supervise the implementation of the Township's affirmative marketing program by the designated Administrative Agent for the purposes of marketing the designated low- and moderate-income units to eligible households in Housing Region 3, comprised of Middlesex, Somerset and Hunterdon Counties.
- C. The Board shall assist the Administrative Agent in screening and qualifying prospective purchasers and tenants of designated low- and moderate-income housing.
- D. The Board shall review and comment to the Planning Board on a developer's affordable housing plan submitted with an application for development in any of the Township zoning districts designated and promulgated for the creation of affordable housing.
- E. The Board shall enforce controls on resales and rentals of designated low- and moderate-income housing units.
- F. The Board shall provide an annual written report to the Mayor, Township Council and Planning Board on its activities and the progress and problems in providing affordable housing and

assuring the continued affordability of this housing, and on the success of its affirmative marketing efforts. The Board shall also assist in satisfying any monitoring requirements within N.J.S.A. 52:27D-301 et. seq., including those specified at 131-7 below and any midpoint realistic opportunity review undertaken in association with N.J.S.A. 52:27D-313.

- G. The Board shall meet quarterly and may meet more frequently as needed. The Chairperson of the Board may call special meetings of the Board.
- H. The Board may adopt its own rules and guidelines.

131-6. Screening and Qualification of Prospective Purchasers and Tenants

- A. The Township Affordable Housing Board shall screen and determine whether prospective purchasers and tenants qualify for the new designated low- and moderate-income units built within the Township. Qualification criteria shall include household income, place of residence and place of employment.
- B. The Board shall maintain a registry of income-eligible applicants for purchase or rental of low- and moderate-income housing.
- C. Residency and veteran's preference.
 - i. An occupancy preference shall be provided to low- and moderate-income households that reside or work in Housing Region 3, which includes Middlesex, Somerset and Hunterdon Counties, for new low- and moderate-housing units.
 - ii. An occupancy preference shall be provided to low and moderate households that reside within Monroe Township for low- and moderate-income units created as a result of the Township's rehabilitation program.
 - iii. An occupancy preference shall be provided to low- and moderate-income households headed by honorably discharged veterans for all units created under the Township's Affordable Housing Plan.
- D. The Board shall recommend eligible prospective purchasers and tenants to the developer(s) of low- and moderate-income housing,
- E. Occupancy standards. In referring certified households to specific restricted units, the Administrative Agent and/or Board shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 - i. Provide an occupant for each bedroom;
 - ii. Provide children of different sexes with separate bedrooms;
 - iii. Provide separate bedrooms for parents and children; and
 - iv. Prevent more than two persons from occupying a single bedroom.
- F. Municipally sponsored 100% affordable veterans housing. In accordance with the court-approved Housing Element and Fair Share Plan dated June 2016, Monroe Township will undertake a municipally sponsored 100% affordable housing development on Lot 14 in Block 41, consisting of 37 rental units exclusively for veterans and veterans' families, of which six units (15%) will be for very-low-income households.

131-7. Monitoring and Reporting Requirements

- A. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - i. The municipality shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 - ii. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 - iii. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

131-8. Mandatory Set-Aside

- A. Any property in the Township of Monroe that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside of 20% if the affordable units will be for rent and 20% if the affordable units will be for sale. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.
- B. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
- C. All such affordable units shall be governed by this ordinance, the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
- D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
- E. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
- F. This mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
- G. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:
 - i. The developer may round the set-aside upward to construct a whole additional affordable unit; or
 - ii. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro formas for 100% affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

131-9. Affordable Housing Programs

- A. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at 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, or binding court decisions."

All affordable housing programs and compliance mechanisms are noted in the Township's Housing Plan Element and Fair Share Plan, as adopted by the Planning Board.

131-10. New Construction Programs (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).

- A. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
- B. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50
75	75
90	100

C. Design. The following design requirements apply to affordable housing developments, excluding prior round units.

- i. Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
- ii. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- iii. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
 - i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to

municipal ordinance or, if not specified, shall be determined at the time of site plan approval.

- iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
- vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
- vii. Each bedroom in each restricted unit must have at least one window; and
- viii. Restricted units must include adequate air conditioning and heating.

D. Utilities.

- i. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
- ii. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C. 5:80-26.13(e).

E. Low/moderate split and bedroom distribution.

- i. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- ii. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up or rounded down to the nearest whole number shall be very low- or low-income units. The municipality has chosen to not allow rounding.
- iii. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
- iv. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units. A developer may seek a waiver of this requirement to authorize permission to round up upon demonstrating to the local approving authority that strict compliance would result in undue hardship or because of site feasibility.
 - iv. At least 30% of all low- and moderate-income units, rounded up, shall be two-bedroom units. The municipality has chosen to allow rounding. A developer may seek a waiver of this requirement to authorize permission to round down upon demonstrating to the local approving authority that strict compliance would result in undue hardship or because of site feasibility.
 - v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units. The municipality has chosen to allow rounding. A developer may seek a waiver of this requirement to authorize permission to round down upon demonstrating to the local approving authority that strict compliance would result in undue hardship or because of site feasibility.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
- v. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may

be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

F. Accessibility requirements.

- i. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
- ii. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
 - vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

G. Market to Affordable program (per N.J.A.C. 5:97-6.9).

- i. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
- ii. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
- iii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
- iv. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
- v. The units shall comply with UHAC with the following exceptions:
 - i. Bedroom distribution (N.J.A.C. 5:80-26.4).
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.4).

- vi. Affordability average (N.J.A.C. 5:80-26.4); however:
 - i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
 - ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
- H. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
- i. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
 - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
- I. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
- i. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - ii. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - iii. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - iv. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - v. Low- and moderate-income residents cannot be charged any upfront fees.
 - vi. The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - vii. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
- J. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- i. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - ii. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.

- iii. Occupancy shall not be restricted to youth under 18 years of age.
- iv. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- v. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- vi. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- vii. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- viii. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (a) An Affirmative Marketing Plan in accordance with D1 above; and
 - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- ix. The sponsor/owner shall complete annual monitoring as directed by the MHL.

131-11. Regional Income Limits.

- A. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
- B. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
- C. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

131-12. Maximum Initial Rents And Sales Prices.

- A. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
- B. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
- C. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.
- D. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
- E. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-

income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.

- F. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
- G. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - i. A studio or efficiency unit shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
- H. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - i. A studio or efficiency unit shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
- I. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
- J. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- K. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

131-13. Affirmative Marketing.

- A. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and is required to be followed throughout the period of deed restriction.
- C. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.

- i. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - ii. There shall be a regional preference for all households that live and/or work in Housing Region 3 comprising Middlesex, Somerset, and Hunterdon Counties.
 - iii. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - iv. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
- E. The Board shall supervise the implementation of the Township's Affirmative Marketing Program.
- F. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
- G. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
- H. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. Pursuant to the Township's Fourth Round Mediation Agreement with Fair Share Housing Center, the Administrative Agent shall also provide specific notice to Fair Share Housing Center; the Latino Action Network; the New Jersey State Conference of the NAACP, the Middlesex County NAACP; and the Supportive Housing Association.
- I. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- J. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- K. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

131-14. Selection of Occupants of Affordable Housing Units.

- A. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
- B. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

131-15. Occupancy Standards.

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - i. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - ii. Provide a bedroom for every two adult occupants;
 - iii. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - iv. Avoid placing a one-person household into a unit with more than one bedroom.

131-16. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the

controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.

- B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
- D. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
- E. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - i. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - ii. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
- F. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- G. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- H. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- I. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

131-17. Price Restrictions for Restricted Ownership Units and Resale Prices.

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - i. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - ii. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C. 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 - iii. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - iv. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

131-18. Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
- B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- i. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - ii. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - iii. The household is currently in substandard or overcrowded living conditions;
 - iv. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

131-19. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted

ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

131-20. Control Periods for Restricted Rental Units.

- A. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
- B. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
- C. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
- D. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
- E. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- F. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
- G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - i. Sublease or assignment of the lease of the unit;
 - ii. Sale or other voluntary transfer of the ownership of the unit;
 - iii. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - iv. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

131-21. Rent Restrictions for Rental Units; Leases and Fees.

- A. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
- B. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
- C. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - i. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
- D. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- E. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
- F. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
- G. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
- H. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue

until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

131-22. Tenant Income Eligibility.

- A. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
- i. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - ii. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - iii. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- i. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - ii. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - iii. The household is currently in substandard or overcrowded living conditions;
 - iv. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - v. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

131-23. Local housing rehabilitation program.

- A. The Township Housing Rehabilitation Program shall be administered by the Monroe Township Affordable Housing Board as follows:
- i. The Municipal Housing Officer shall be responsible for the Board's duties under the local housing rehabilitation program specified in the Township's adopted 1988 Housing Element and Fair Share Plan and subsequent revisions and amendments thereto.
 - ii. The Board shall identify homeowners and landlords willing to participate in a program of rehabilitating, up to code standard, existing housing affordable to low and moderate-income households.
 - iii. The Board shall provide funding for the program.
 - iv. The Board shall maintain affordability controls for rehabilitated units.
- B. Under the direction of the Monroe Township Affordable Housing Board, the Municipal Housing Officer and staff members shall:
- i. Screen the income eligibility of prospective participants in the local housing rehabilitation program.
 - ii. Estimate the cost of needed housing improvements.
 - iii. Obtain bids from contractors in a manner that provides choice to homeowners and landlords.
 - iv. Monitor the work of contractors.
 - v. Inspect and approve the completed rehabilitation work.
- C. Low and moderate income split. To the best extent feasible, at least 50% of all rehabilitated units shall be for low-income households.
- D. Lien requirement. A homeowner or investor-landlord participating in the local rehabilitation program shall execute a lien on the rehabilitated property in favor of the Township of Monroe in consideration for the funds granted for the cost of rehabilitation and for the period of controls on affordability. Prior to execution, the lien shall be reviewed as to form by the Township Attorney.
- i. Rehabilitated owner-occupied single family housing units that are improved to code standards shall be subjected to affordability controls for at least 10 years.
 - ii. Rehabilitated renter-occupied housing units that are improved to code standard shall be subject to affordability controls for at least 10 years.
- E. Fees.

- i. All local construction fees, plan review fees and inspection fees shall be exempt from the Rehabilitation Program.

131-24. Municipal Housing Liaison.

- A. The Municipal Housing Liaison shall be approved by municipal resolution.
- B. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in N.J.A.C. 5:99-1 et seq.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - i. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - ii. The oversight of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - iv. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - v. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - vi. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - viii. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 - ix. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
 - x. Listing on the municipal website contact information for the MHL and Administrative Agents.

131-25. Administrative Agent.

- A. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
- B. The fees for administrative agents shall be paid as follows:
 - i. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - ii. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - iii. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - iv. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
- C. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
- D. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - i. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - ii. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - iii. Household certification:
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.

- ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- iv. Affordability controls.
- i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- v. Records retention.
- i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- vi. Resales and re-rentals.
- i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- vii. Processing requests from unit owners.
- i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- viii. Enforcement.
- i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and

v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

ix. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

131-26. Responsibilities of The Owner of a development containing affordable units.

A. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

- i. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
- ii. The total number of units in the project and the number of affordable units.
- iii. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
- iv. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
- v. A projected construction schedule.
- vi. The location of any common areas and elevators.
- vii. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

B. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:

- i. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
- ii. Provide to the administrative agent a description of any applicable fees.
- iii. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
- iv. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
- v. Provide to the administrative agent a proposed form of lease for any rental units.
- vi. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
- vii. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

C. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:

- i. Proposed pricing for all units, including any purchaser options and add-on items.
- ii. Condominium or homeowner association fees and any other applicable fees.
- iii. Estimated real property taxes.
- iv. Sewer, water, trash disposal, and any other utility assessments.
- v. Flood insurance requirement, if applicable.
- vi. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

131-27. Enforcement of Affordable Housing Regulations

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- i. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- C. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
- D. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
- i. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - ii. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
 - iii. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - iv. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 - v. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified

purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.

- vi. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- E. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
 - F. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
 - G. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
 - H. Appeals
 - i. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

§131A (Affordable Housing Development Fees) [to be replaced in its entirety with the following]

A. Purpose

1. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

B. Basic Requirements

1. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
2. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

C. Residential Development Fees

1. Imposed fees

- a. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.0% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- b. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development

fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

2. Eligible exactions, ineligible exactions and exemptions for residential development
 - a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
 - b. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
 - c. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - d. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

D. Non-Residential Development Fees

1. Imposition of fees
 - a. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - b. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
2. Eligible exactions, ineligible exactions and exemptions for non-residential development
 - a. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
 - b. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
5. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

6. The following classes of development shall be exempt from these provisions:
 - a. Utility facilities.
 - b. Educational, cultural and outdoor recreational facilities.
 - c. Quasi-public uses, including clubs, lodges and similar uses.
 - d. Public uses.
 - e. Hospital uses.
- E. Collection Procedures
1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
 2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
 3. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
 4. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
 5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
 6. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 7. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
 8. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.
- F. Appeal of development fees
1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 2. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- G. Affordable Housing Trust Fund
1. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
 2. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - a. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;

- b. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - c. Rental income from municipally operated units;
 - d. Repayments from affordable housing program loans;
 - e. Recapture funds;
 - f. Proceeds from the sale of affordable units; and
 - g. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
3. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
 4. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
 - a. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - b. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
 - c. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - d. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - e. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - f. Revocation of compliance certification or a judgment of compliance and repose;
 - g. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 - h. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
 5. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

H. Use of Funds

1. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
2. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
3. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - a. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - b. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
4. Monroe Township has adopted the following specific affordability assistance programs:

- a. Rent subsidies for low- and moderate- income households based upon size of household and number of bedrooms in apartment.
 - i. One-bedroom, low-income unit — \$55.00 per month subsidy.
 - ii. One-bedroom, moderate-income unit — \$100.00 per month subsidy.
 - iii. Two-bedroom, low-income unit — \$100.00 per month subsidy.
 - iv. Two-bedroom, moderate-income unit — \$200.00 per month subsidy.
 - v. Three-bedroom, low-income unit -- \$150.00 per month subsidy.
 - vi. Three-bedroom, moderate-income units -- \$250.00 per month subsidy.
- b. The following additional assistance is offered to very low-income households:
 - i. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) per household.
 - ii. Rental security deposit — Deposits paid to landlord to be returned to the Township Affordable Housing Trust Fund upon termination of tenancy.
 - iii. Rent subsidies for very low-income households based upon number of bedrooms in apartment:
 - (a) One-bedroom — \$75.00 per month subsidy.
 - (b) Two-bedroom — \$125.00 per month subsidy.
 - (c) Three-bedroom -- \$175.00 per month subsidy.
 - c. Buyer assistance. The Township may pay the following from the Affordable Housing Trust Fund to, or on behalf of, low- and moderate-income households to assist with the purchase of an affordable unit in which the buyer's household will reside:
 - i. Payment of closing costs: i.e., title work and policy, reasonable attorney's fees for closing of title, preparation of survey, homeowners insurance, recording fees, and other necessary closing expenses to third parties, not to exceed \$1,500 per unit.
 - ii. Payment of lender fees: i.e., mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses, not to exceed \$1,500 per unit.
 - iii. The total buyer assistance per unit shall not exceed \$3,000 for the above referenced assistance grants.
 - iv. Down payment assistance in the form of a repayable loan, to be repaid to the Township of Monroe Affordable Housing Trust Fund upon the resale of the affordable housing unit (said assistance not to exceed 10% of the purchase price). Down payment assistance is subject to approval by the lender.
5. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

I. Monitoring

1. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

J. Ongoing Collection of Fees

1. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
2. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds

remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

- K. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Repealer

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date

This ordinance shall take effect upon its passage and publication, as required by law.

SO, ORDAINED as aforesaid.

ADOPTED ON FIRST READING

DATED: February 9, 2026

CHRISTINE ROBBINS, RMC, Clerk
 Township of Monroe

RUPA P. SIEGEL, Council President
 Township of Monroe

RECORDED VOTE: INTRODUCTION – February 9, 2026						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilwoman Cohen	X		X			
Councilman Dipierro		X	X			
Councilman VanDzura						X
Council V. President Markel			X			
Council President Siegel			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on February 9, 2026. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on March 2, 2026 at 6:30 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

CHRISTINE ROBBINS, RMC, Clerk
Township of Monroe

RUPA P. SIEGEL, Council President
Township of Monroe

RECORDED VOTE: SECOND READING & FINAL ADOPTION – March 2, 2026						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilwoman Cohen						
Councilman Dipierro						
Councilman VanDzura						
Council V. President Markel						
Council President Siegel						

ORDINANCE NO.: O-2-2026-005

**AN ORDINANCE OF THE TOWNSHIP OF MONROE
TO REPEAL AND REPLACE §131 “AFFORDABLE HOUSING” AND §131A “AFFORDABLE
HOUSING DEVELOPMENT FEES”, WITH REVISED REGULATIONS IN CONFORMANCE
WITH THE AMENDED FAIR HOUSING ACT**

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

STEPHEN DALINA, Mayor

Dated signed: _____