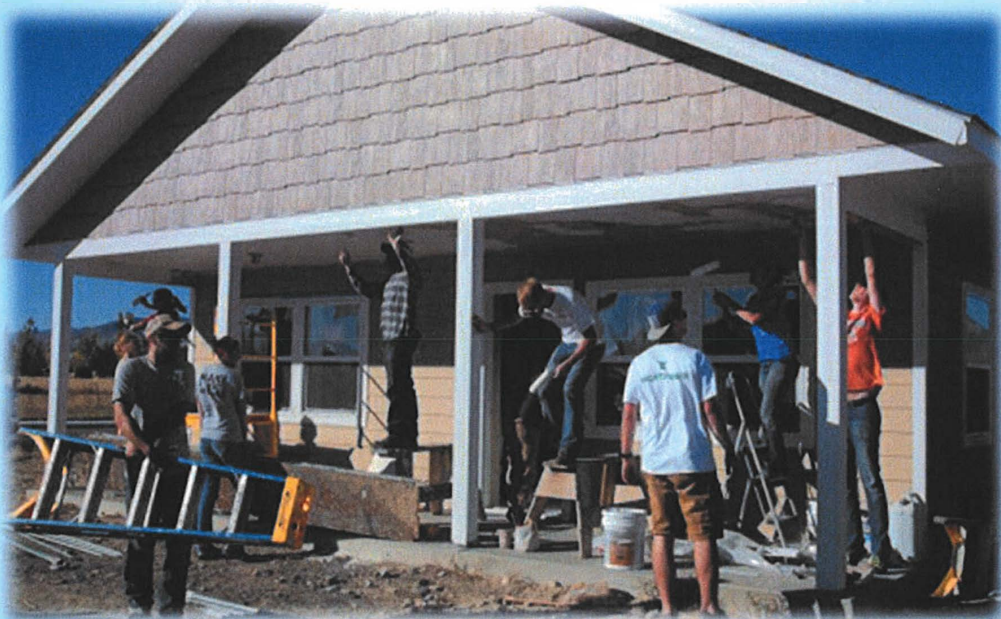




**Burlington Township
Master Plan
Amended Third Round Housing Element
&
Fair Share Plan**



December 8, 2022

**Prepared By:
Alaimo Group**



Burlington Township
Burlington County

Amended Third Round Housing Element &
Fair Share Plan
of the Municipal Master Plan

February 22, 2022
December 13, 2022

Adopted by Planning Board Resolution _____
On March 10, 2022 and December 8, 2022

Endorsed by the Governing Body Resolution _____
On March 22, 2022 and December 13, 2022

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Executive Summary

This Amended Third Round Housing Element and Fair Share Plan (“Amended HEFSP”) has been prepared for Burlington Township (the “Township”), Burlington County, in accordance with the New Jersey Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-310, and the rules of the New Jersey Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93, et seq. This Amended HEFSP will serve as the foundation for the Township’s submission to the Honorable Paula T. Dow, P.J.Ch., for a Third Round Judgment of Compliance and Repose through July 1 of 2025.

There are three (3) components to the Township’s affordable housing obligation: the Rehabilitation Share, the Prior Round obligation, and the Third Round obligation. As will be discussed in detail in this Amended HEFSP, the Township and Fair Share Housing Center (“FSHC”) entered into a Settlement Agreement, dated January 15, 2020 and executed January 17, 2020 (“Settlement Agreement”), whereby the parties established the Township’s Third Round affordable housing obligations. The Township’s Settlement Agreement with FSHC and the Township’s preliminary compliance efforts were approved by Judge Dow at a Fairness Hearing held on March 4, 2020. The Settlement Agreement identifies a 31-unit/credit rehabilitation (present need) obligation, 445-unit/credit Prior Round (1987-1999) obligation, and 608-unit/credit Third Round (gap and prospective need (1999-2025)) obligation.

The Township will address its Rehabilitation Share obligation through participation in local rehabilitation programs for both rental and for-sale housing, including the Burlington County Home Improvement Loan Program administered by the County's Department of Community Development and Housing and the Community Development Block Grant Program. The County's rehabilitation program is available to low- and moderate-income homeowners in Burlington. Since April of 2010, two (2) units have been completed in the Township, entitling the Township to receive two (2) rehabilitation credits. The Township will continue its long- standing inter-local services agreement with Burlington County to address the remaining 29-unit Rehabilitation Share. In addition, the Township will establish a local rehabilitation program that will be available to rental units occupied by low- and moderate-income households. The Township has agreed to reserve the requisite funds from its Affordable Housing Trust Fund to support these programs. Should these funds become insufficient to address the rental component of Burlington’s rehabilitation obligation, the Township will address the funding shortfall by revenue or bonding. Further, Burlington may seek modification of its rehabilitation share obligation by conducting a survey of the municipal housing stock, as provided for by N.J.A.C. 5:93-5.2.

Burlington has fully addressed its 445-unit/credit Prior Round obligation using credits from existing units. Credits from existing units include inclusionary developments, regional contribution agreements, a 100% affordable development, and support, special-needs and alternative living facilities. The Township is also claiming available Prior Round rental bonuses, pursuant to the applicable law and regulations.

The 608-unit/credit Third Round obligation will be satisfied with the remaining existing and proposed inclusionary developments, extensions of controls on existing affordable units, gut

rehabilitation and deed restriction of existing market-to-affordable units, Medicaid beds in existing assisted living facilities, completed 100% affordable sites, proposed inclusionary rezoning, proposed municipally sponsored Habitat for Humanity units, and Third Round rental bonuses.

The Township is unique in that, as a municipality imposed with the constitutional obligation to provide for affordable housing opportunities, it has implemented or proposes to implement mechanisms to provide a total of 693 credits against the Township's Third Round obligation of 608 units/credits; thus, providing 85 surplus credits offset any units lost in the Third Round, with any remaining credits offsetting future municipal affordable housing obligation(s).

Affordable Housing Judicial & Legislative Background

Providing affordable housing within each municipality was found to be a constitutional obligation by the New Jersey Supreme Court in its landmark 1975 decision, Southern Burlington County N.A.A.C.P. vs. Twp. of Mt. Laurel, 67 N.J. 151 (1975), now referred to as Mount Laurel I. The Mount Laurel I Court found that developing municipalities have a constitutional obligation to provide a realistic opportunity for the construction of their fair share of low- and moderate-income housing. In its 1983 decision, Southern Burlington N.A.A.C.P. vs. Township of Mt. Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”), the New Jersey Supreme Court extended the obligation to all municipalities. Subject to a number of limitations and under a select few circumstances, Mount Laurel II also provided developers the opportunity to secure a “builder’s remedy.” A builder’s remedy is a method whereby a developer is granted the right to construct what is typically a multifamily project on land that was not zoned to permit this use or at higher densities than the town would otherwise permit, provided that the developer reserve a “substantial” percentage of the units for low- and moderate-income households and that the developer’s proposed project is not clearly contrary to sound land use planning.

In 1985, the Legislature enacted the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (the “FHA”), in response to Mount Laurel II. The FHA created COAH as an administrative alternative to municipal compliance in a Court proceeding. The Legislature conferred “primary jurisdiction” on the agency and charged COAH with the responsibility of promulgating regulations to: (i) establish housing regions; (ii) estimate low- and moderate-income housing needs; (iii) set criteria and guidelines for municipalities to determine and address their respective fair share numbers; and (iv) create a process for the review and approval of appropriate housing elements and fair share plans. In a 2015 case commonly referred to as “Mount Laurel IV”, the Supreme Court declared COAH moribund and turned over the task of implementing the Mount Laurel doctrine back to the courts. The Supreme Court also established a process for municipalities that wished to comply to do so in a judicial process instead of the administrative one that was no longer available. This document is being created to submit to the judicial process for determining affordable housing allocations and responses – and ultimately – to receive a Third Round Judgment of Compliance and Repose to the end of the Third Round.

COAH'S FIRST AND SECOND ROUNDS

COAH created the criteria and guidelines for municipalities to address their respective affordable housing obligation¹, or number of affordable dwellings. Following guidelines established by the U.S. Department of Housing and Urban Development (“HUD”), COAH defined affordable housing as dwellings that could be occupied by households making 80% or less of the regional household income – typically from 38-41% of the total population. COAH originally established a formula for determining municipal affordable housing obligations for the six-year period between 1987 and 1993 (N.J.A.C. 5:92-1 et seq.), which became known as the “First Round.” The First Round rules established an existing need where sub-standard housing was being occupied by low- and moderate-income households (variously known as “indigenous need” or “Rehabilitation Share”) and future demand to be satisfied with new construction (“reallocated present need” and “prospective need”).

The First Round formula was superseded by COAH regulations in 1994 (N.J.A.C. 5:93-1.1 et seq.). The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 U.S. Census data. The regulations COAH adopted in 1994 are known as “the Second Round” and established each municipality’s “cumulative” fair share for a 12-year period spanning round 1 (1987-1993) and round 2 (1993-1999). In the Third Round, the new construction component from any earlier rounds is called either the prior obligation or “Prior Round.”

COAH'S THIRD ROUND

On December 20, 2004, COAH’s first version of the Third Round rules became effective some five years after the end of Second Round in 1999 (N.J.A.C. 5:94-1 and 5:95-1). The FHA had originally required housing rounds to be for a six-year period, but in 2001, this was amended to extend that time period to 10-year intervals. Therefore, the Third Round should have been from 1999 through 2009. However, because of the delay, the Third Round was extended by five (5) years to 2014 and condensed into an affordable housing delivery period of 10 years from January 1, 2004 through January 1, 2014. In other words, 15 years of affordable housing activity was to take place in 10 years.

The Third Round rules marked a significant departure from the methods utilized in COAH’s Prior Rounds. Previously, COAH assigned a new construction obligation for each municipality by determining the municipality’s region and the municipality’s share of the regional need. These Third Round rules implemented a “growth share” approach that linked the production of affordable housing to future residential and non-residential development within a municipality. Each municipality was required to project the amount of residential and non-residential growth that would occur during the period 2004 through 2014. Municipalities were then required to provide the opportunity of one (1) affordable unit for every eight (8) market-rate housing units developed and one (1) affordable unit for every 25 jobs created. Jobs were not counted directly, but rather by using non-residential building floor area as a substitute for employment. In the third

¹ Also called a municipality’s “fair share” of affordable housing.

round as in prior rounds, COAH determined the municipality's rehab share or indigenous need and added that to the municipality's obligation.

This first set of Round 3 rules changed, however, when the New Jersey Appellate Court invalidated key elements of those rules on January 25, 2007. The Court ordered COAH to propose and adopt amendments to its rules within six months to address the deficiencies identified by the Court. COAH missed this deadline, but eventually issued revised rules effective June 2, 2008 (as well as a further rule revision effective on October 20, 2008). The new rules went beyond addressing the deficiencies the Appellate Division had identified and established a comprehensive new body of round 3 standards. In this second version of Round 3 rules, COAH provided residential development and job projections again. The Third Round was expanded again from 2014 out to 2018. COAH retained the growth share approach, but revised its ratios to require one (1) affordable housing unit for every four (4) market-rate housing units developed and one (1) affordable housing unit for every 16 jobs created. COAH continued to establish the indigenous need or rehab share as well.

Just as various parties challenged COAH's initial Third Round "growth share" regulations, parties challenged COAH's 2008 revised Third Round "growth share" rules. The Appellate Court issued a decision on October 8, 2010 deciding those challenges (see below).

FAIR HOUSING ACT AMENDMENTS AND THE NEW JERSEY ECONOMIC STIMULUS ACT

On July 17, 2008, Governor Corzine signed legislation amending the FHA in a number of ways.² Key provisions of the legislation included the following:

- Establishing a mandatory statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing.
- Eliminating regional contribution agreements ("RCA's") as a means available to municipalities to transfer up to 50% of their required affordable housing to a "receiving" municipality.
- Adding a requirement that 13% of all affordable housing units be restricted to very low-income households (earning 30% or less of median income).
- Adding a requirement that municipalities had to commit to spend development fees within four years of the date of collection after its enactment or initially by July 17, 2012.³

² Also known as the "Roberts Bill" after former New Jersey Assembly Speaker Joseph Roberts who sponsored the bill.

³ This initial deadline was subsequently revised by an Appellate Court decision that extended the deadline until four (4) years after the Superior Court approves the municipal housing plan including the spending plan.

On July 27, 2009, Governor Corzine signed the “NJ Economic Stimulus Act of 2009”,⁴ which instituted a moratorium on the collection of nonresidential affordable housing development fees through July 2010. This moratorium was later extended until July 1, 2013. Since the moratorium has now expired, municipalities are obligated to collect the fee of 2.5% of the equalized assessed value of a nonresidential development. Municipalities were always permitted to impose and collect residential affordable housing development fees approved by COAH following a 1990 New Jersey Supreme Court decision.⁵

APPELLATE COURT’S 2010 DECISION

On October 8, 2010, the Appellate Division issued a decision on the legal challenges to the second iteration of COAH regulations.⁶ The Appellate Division affirmed the COAH regulations that assigned rehabilitation and Prior Round numbers to each municipality, but invalidated the regulations by which the agency allocated affordable housing obligations in the Third Round. Specifically, the Appellate Division ruled that COAH could not allocate obligations through a “growth share” formula and directed COAH to use similar methods to those previously used in the First and Second Rounds where COAH determined the regional need and allocated that need to municipalities within the region. Other highlights of the Appellate Court’s decision include:

- To be credited, municipally-sponsored or 100% affordable housing sites must show site control, site suitability, and a proposed source of funding.
- COAH’s rules did not provide sufficient incentive for the private construction of inclusionary developments (market-rate and affordable units). The court required compensatory benefits in the form of increased density and relief from cost generating features to support clearly defined percentages of affordable housing. The Court noted that a 20% affordable housing set-aside was typical.
- The Court invalidated Prior Round rental bonuses for developments that were not built within a reasonable time-frame.
- Bonuses for smart growth and redevelopment activities were upheld; however, the Court invalidated Third Round compliance bonuses.

On September 26, 2013 the New Jersey Supreme Court upheld the Appellate Court decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013), and ordered COAH to prepare the necessary rule revisions. Subsequent delays in COAH’s rule preparation and ensuing litigation led to the New Jersey Supreme Court, on March 14, 2014, setting forth a schedule for adoption. COAH proposed Third Round rules on April 30, 2014 and scheduled COAH to consider adopting them in October of 2014. Although ordered by the New Jersey Supreme Court to adopt revised new rules on or before November 17, 2014,

4 P.L. 2009, c.90.

5 Holmdel Builders Assn. v. Tp. of Holmdel, 121 N.J. 550, 583 A.2d 277 (1990).

6 In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing.

COAH deadlocked at its October 20 meeting and failed to adopt the proposed rules. An initial motion to table the rule adoption for 60 days to consider amendments also deadlocked and thus also failed. Thereafter, COAH failed to take any measures to attempt to break the deadlock.

MARCH 2015 NEW JERSEY SUPREME COURT DECISION

The failure of COAH to adopt new regulations by the New Jersey Supreme Court's November 17, 2014 deadline led one of the litigants – FSHC – to file a Motion In Aid of Litigants' Rights to compel the government to produce constitutional affordable housing regulations. The New Jersey Supreme Court heard oral arguments on the motion on January 6, 2015. Two months later, on March 10, 2015, the Supreme Court issued its ruling, entitled, In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) (“Mount Laurel IV”).

The Mount Laurel IV decision provides a new direction for the means by which New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve Housing Plan Elements and Fair Share Plans (e.g., Housing Plans) from COAH to designated Mount Laurel trial judges. The implication of this is that municipalities could no longer wait for COAH to adopt Third Round rules before preparing new Housing Plans and municipalities must now apply to Court, instead of COAH, if they wish to be protected from exclusionary zoning lawsuits. These trial judges review municipal plans much in the same manner as COAH previously did. Those towns whose plans are approved by the Court will receive a Judgment of Compliance and Repose, the judicial-equivalent of COAH's substantive certification.

The decision established a 90-day transitional period and then a 30-day filing period when municipalities could file a Declaratory Judgment action with the trial court seeking approval of their Housing Element and Fair Share Plan as may be amended. Municipalities were also permitted to file motions for temporary immunity from builder's remedy lawsuits.

The New Jersey Supreme Court indicated in its ruling that Housing Plans are to be drawn up using similar rules as to those in place during the Second Round as well as Third Round regulations that the Appellate Division had validated, such as smart growth and redevelopment bonuses and extensions of controls. This document has been drafted using the Supreme Court's direction in its decision.

JANUARY 2017 NEW JERSEY SUPREME COURT DECISION

On January 17, 2017, the New Jersey Supreme Court issued its decision In Re Declaratory Judgment Actions Filed By Various Municipalities, County Of Ocean, Pursuant To The Supreme Court's Decision In In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (commonly referred to as “Mount Laurel V”). The Supreme Court found that the “gap period,” defined as the period between the end of the Second Round in 1999 and 2015, generates an affordable housing obligation. This decision required an expanded definition of the municipal present need obligation to include low- and moderate-income households formed during the gap period that are entitled to their delayed opportunity to seek affordable housing.

As a result of Mount Laurel IV and V, the municipal affordable housing obligation is now composed of the following three parts: present need (Rehabilitation Share); Prior Round (1987 to 1999, new construction); and Round 3 (consisting of a “gap” obligation for the period 1999 to 2015 and a prospective need obligation for the period 2015 to 2025).

MARCH 2018 NEW JERSEY SUPERIOR COURT DECISION

In a March 8, 2018 ruling on affordable housing obligations for Princeton and West Windsor, Mercer County Superior Court Assignment Judge Mary Jacobson tackled directly the absence of a statewide set of guidelines for calculating a municipality’s fair share obligation. Judge Jacobson’s decision laid out a methodology for determining those obligations.

AFFORDABILITY REQUIREMENTS AND INCOME LIMITS

Affordable housing is defined under New Jersey’s Fair Housing Act as a dwelling, either for sale or rent that is within the financial means of households of low- or moderate-income as income is measured within each housing region. The Township is in Housing Region 5, which includes Burlington, Camden, and Gloucester Counties. Moderate-income households are those with annual incomes greater than 50% but less than 80% of the regional median income. Low-income households are those with annual incomes that are 50% or less of the regional median income. In 2008 the State Legislature created an additional sub-category of low-income households – very low-income, which has been defined as households with incomes 30% or less of the regional median income.

Pursuant to Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), COAH required municipalities to comply with in the second version of its Round 3 regulations. The average rent must be affordable to households with incomes no more than 52% of the regional median income. The maximum sale prices for affordable units must be affordable to households with incomes no more than 70% of the regional median income. The average sale price must be affordable to a household with an income no more than 55% of the regional median income.

The regional median income was originally determined by COAH using the federal HUD income limits on an annual basis. In or around the spring of each year, HUD releases updated regional income limits that COAH would reallocate to its regions. These annually-updated income limits dictate the rents and sale prices for affordable units within each region. However, updated income limits or rent increases have not been published since 2014. As a result, the Township will calculate and set update income limits annually pursuant to the Court’s March 13, 2020 Order on Fairness Hearing granting Burlington the ability to adopt such limits by the methodology set forth in the Township’s Settlement Agreement with FSHC.

More specifically, in accordance with the March 13, 2020 Order, the Township will use the criteria to set income limits set forth below.

Income limits for all units that are part of the Township’s Amended HEFSP, excluding those for which income limits are already established through a federal program, shall be updated by the Township as HUD publishes median incomes and income limits as follows:

- Regional income limits shall be established for the region that the Township is located within (*i.e.*, Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township’s housing region. This quotient represents the regional weighted average of median income for a household of four.
- The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- The Regional Asset Limit used in determining an applicant’s eligibility for affordable housing pursuant to N.J.S.A. 5:80-26.16(b)(3) shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to the methodology outlined above over the previous year’s income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

For 2020, the Affordable Housing Professionals of New Jersey (“AHPNJ”) has developed updated income limits for all housing regions in New Jersey, which were calculated using the methodology outlined above. As approved by the Court, these income limits for Region 5 will be utilized for Burlington. See Table 1 for 2020 income limits for Region 5.

TABLE 1. 2020 INCOME LIMITS FOR REGION 5					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Moderate	\$54,096	\$61,824	\$69,552	\$77,280	\$83,462
Low	\$33,810	\$38,640	\$43,470	\$48,300	\$52,164
Very Low	\$20,286	\$23,184	\$26,082	\$28,980	\$31,298

The Township will further rely on this process to establish sale prices and rents of affordable housing units throughout the Third Round. The Administrative Agent shall establish these prices

and rents pursuant to procedures set forth in UHAC and by utilizing the regional income limits established through the procedures outlined above. The Township will specifically adhere to the following:

- The resale prices of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- The rent levels of very low-, low-, and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

HOUSING PLAN ELEMENT

The Housing Plan Element seeks to reinforce the human scale diversity of residential opportunity, variety of experience, and balance of uses that are the essence of Burlington.

Housing Plan Element and Fair Share Plan Requirements

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), a municipal Master Plan must include a housing plan element as the foundation for the municipal zoning ordinance (see N.J.S.A. 40:55D-28(b)(3) and -62). Pursuant to the FHA (N.J.S.A. 52:27D-301 et seq.), a municipality's housing plan element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate- income housing. Specifically, N.J.S.A. 52:27D-310 requires that the housing plan element contain at least the following:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

THE TOWNSHIP'S AFFORDABLE HOUSING HISTORY

Burlington Township has a long history of providing housing opportunities for residents from diverse socio-economic background, and demonstrated consistent commitment to complying voluntarily with its Mount Laurel obligations. The Township's First Round plan was certified by COAH on March 14, 1994. The Township subsequently petitioned for Second Round certification on May 18, 2000. In response to the changes in COAH's rules, the Township prepared and submitted a revised version of its Third Round plan in December 29, 2008. Despite COAH's failures, Burlington continued to provide affordable housing opportunities within the Township.

On March 10, 2015, our Supreme Court issued its ruling in Mount Laurel IV, which provided a new direction for New Jersey municipalities in their efforts to comply with the constitutional requirement to provide their respective fair share of affordable housing. To accomplish this directive, Mount Laurel IV transferred responsibility for review and approval of housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The Township is deemed to be a "participating municipality" per Mount Laurel IV.

Since Burlington Township had filed a declaratory relief action in 2014 in a proactive effort to comply before the Supreme Court decided Mount Laurel IV, the trial court processed the Township's lawsuit as other declaratory actions filed pursuant to Mount Laurel IV. More specifically, as authorized by N.J.S.A. 52:27D-313, the Township filed a declaratory judgment action on February 18, 2014, seeking a judgment of compliance and repose in lieu of substantive certification from COAH. Burlington simultaneously brought a motion to extend the immunity it rightfully enjoyed from exclusionary zoning lawsuits under the Township's 2012 Prior Round judgment of compliance and repose. The Township was granted immunity by the Court from exclusionary zoning lawsuits while negotiating the terms of the Settlement Agreement. The immunity remains in effect.

The Township and FSHC entered into a Settlement Agreement on January 15, 2020, which was subsequently approved by the Court during Burlington's March 4, 2020 Fairness Hearing. On June 8, 2021 the Township and FSHC entered into the First Amendment to the January 15, 2020 Settlement Agreement. The Amendment made several adjustments to Third Round unit counts and added an additional Third Round compliance mechanism. This Amended HEFSP reflects the compliance plan contained within the Settlement Agreement and additional revisions per the May 2, 2022 Master's Report. Further, this Amended HEFSP serves to amend the Township's Master Plan to accomplish the laudable goal of providing the Township's fair share of affordable housing. Indeed, this Amended HEFSP will serve as the foundation for the Township's petition for a judgment of compliance and repose by the Court.

Burlington Township Master Plan 2022 Housing Element

- A. Municipal Housing Stock Inventory: Burlington Township
 - a. Year Structure Built
 - b. Occupied Housing Units by Year Householder Moved into Unit
 - c. Estimated Housing Quality for Municipality
 - d. Estimated Value Owner Occupied Units by Mortgage Status
 - e. Estimated Gross Rents for Specified Renter-Occupied Housing Units
 - f. Selected Monthly Owner Costs
 - g. Selected Monthly Owner Costs as a Percentage of Household Income
 - h. Gross Rent as a Percentage of Household Income
 - i. Housing and Occupancy Rates
 - j. Average Household Size by Tenure
 - k. Bedrooms by Housing Unit
 - l. Occupants per Room
 - m. Mortgage Status

- B. Projection of Municipal Housing Stock: Burlington Township
10 year projection of low/moderate income housing based on construction permits issued, approvals, and residential development potential.

- C. Municipal Demographic Characteristics: Burlington Township
 - a. Population trends
 - b. Veteran Status
 - c. Population by Age
 - d. Population by Disability Characteristics
 - e. Estimated Poverty Status
 - f. Public Assistance Income for Food Stamps/SNAP
 - g. Financial Characteristics: Household Income by Tenure
 - h. Financial Characteristics: Per Capita Income
 - i. Estimated Housing Costs as a Percentage of Household Income
 - j. Estimated Gross Rent as a Percentage of Household Income
 - k. Estimated Monthly Owner Costs as a Percentage of Household Income
 - l. Group Quarters Population & Type of Group Quarters

- D. Municipal Employment: Burlington Township
 - a. Municipal Employment and Forecasts
 - b. Industry Occupation for the Civilian Population 16 Years and Over

- E. Consideration of the lands most appropriate for construction of low and moderate income housing, and of existing structures most appropriate for conversion 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.

A. Municipal Housing Stock Inventory

a. Year Structure Built

Year Built	Estimated Total Housing Units	Percent of Total Housing Units
Built 2014 or later	241	2.9%
Built 2010 to 2013	166	2.0%
Built 2000 to 2009	935	11.2%
Built 1990 to 1999	3,004	36.0%
Built 1980 to 1989	656	7.9%
Built 1970 to 1979	666	8.0%
Built 1960 to 1969	969	11.6%
Built 1950 to 1959	1,170	14.0%
Built 1940 to 1949	202	2.4%
Built 1939 or earlier	334	4.0%
Total housing units	8,343	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

b. Occupied Housing Units by Year Householder Moved into Unit

Year Householder Moved into Unit	Estimated Total Housing units	Percent of Total Housing Units
Moved in 2017 or later	415	5.3%
Moved in 2015 to 2016	818	10.4%
Moved in 2010 to 2014	1,865	23.6%
Moved in 2000 to 2009	2,604	33.0%
Moved in 1990 to 1999	1,437	18.2%
Moved in 1989 and earlier	749	9.5%
Total Occupied housing units	7,888	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

c. Estimated Housing Quality for Municipality

Condition	Number of Units	Percentage of Total Units*
Lacking complete plumbing facilities	23	0.3%
Lacking complete kitchen facilities	40	0.5%
No telephone service available	104	1.3%
Total Occupied housing units	7,888	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

d. Estimated Value Owner Occupied Housing Units by Mortgage Status

Estimated Value \$	Total Owner Occupied Units	Percentage of Total Owner Occupied Units
Less than \$50,000	91	1.5%
\$50,000 to \$99,999	193	3.1%
\$100,000 to \$149,999	278	4.5%
\$150,000 to \$199,999	1,001	16.3%
\$200,000 to \$299,999	2,434	39.6%
\$300,000 to \$499,999	2,064	33.5%
\$500,000 to \$999,999	93	1.5%
\$1,000,000 or more	0	0.0%
Total Owner-occupied units	6,154	
Median (dollars)	\$256,100	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

e. Estimated Gross Rents for Specified Renter-Occupied Housing Units

Monthly Rent \$	Number of Units	Percentage of Total Occupied Rental Units
Less than \$500	49	2.9%
\$500 to \$999	426	25.1%
\$1,000 to \$1,499	1,071	63.0%
\$1,500 to \$1,999	137	8.1%
\$2,000 to \$2,499	16	0.9%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	0	0.0%
Occupied units paying rent	1,699	(X)
<i>No rent paid</i>	35	2%
Median Gross Rent (dollars)	\$ 1,119	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

Demolition permits issued for housing units in Burlington Township over the last 10 years (less than 5 per year) have a de minimis impact on total available housing (market and affordable) as projected market and affordable units total approximately 100 per year 2022-2025.

f. Selected Monthly Owner Costs

Monthly Owner Costs	Number of Housing Units with a Mortgage	Percentage of Total Number of Housing Units with a Mortgage
Less than \$500	0	0.0%
\$500 to \$999	183	3.8%
\$1,000 to \$1,499	441	9.1%
\$1,500 to \$1,999	1,054	21.8%
\$2,000 to \$2,499	1,341	27.7%
\$2,500 to \$2,999	835	17.3%
\$3,000 or more	985	20.4%
Housing units with a mortgage	4,839	
Median (dollars)	\$2,276	
Monthly Owner Costs	Number of Housing Units without a Mortgage	Percentage of Total Number of Housing Units without a Mortgage
Less than \$250	17	1.3%
\$250 to \$399	38	2.9%
\$400 to \$599	81	6.2%
\$600 to \$799	381	29.0%
\$800 to \$999	425	32.3%
\$1,000 or more	373	28.4%
Housing units without a mortgage	1,315	
Median (dollars)	\$869	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

g. Selected Monthly Owner Costs as a Percentage of Household Income (SMOCAPI)

Monthly Owner Costs as a Percentage of Household Income (With Mortgage)	Number of Housing Units with a Mortgage	Percentage of Total Number of Housing Units with a Mortgage
Less than 20.0 percent	1,713	35.4%
20.0 to 24.9 percent	858	17.7%
25.0 to 29.9 percent	674	13.9%
30.0 to 34.9 percent	504	10.4%
35.0 percent or more	1,090	22.5%
Total Housing units with a mortgage (excluding units where SMOCAPI cannot be computed)	4,839	
Not computed	0	
Monthly Owner Costs as a Percentage of Household Income (Without Mortgage)	Number of Housing Units without a Mortgage	Percentage of Total Number of Housing Units without a Mortgage
Less than 10.0 percent	392	30.0%
10.0 to 14.9 percent	252	19.3%
15.0 to 19.9 percent	148	11.3%
20.0 to 24.9 percent	116	8.9%
25.0 to 29.9 percent	116	8.9%
30.0 to 34.9 percent	41	3.1%
35.0 percent or more	240	18.4%
Total Housing units without a mortgage (excluding units where SMOCAPI cannot be computed)	1,305	1,305
Not computed	10	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

h. Gross Rent as Percentage of Household Income

Gross Rent as Percentage of Household Income	Number of Occupied Units Paying Rent	Percentage of Total Occupied Units Paying Rent
Less than 15.0 percent	244	14.6%
15.0 to 19.9 percent	141	8.4%
20.0 to 24.9 percent	338	20.2%
25.0 to 29.9 percent	170	10.2%
30.0 to 34.9 percent	157	9.4%
35.0 percent or more	623	37.2%
Occupied units paying rent (excluding units where GRAPI cannot be computed)	1,673	
Not computed	61	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

i. Housing and Occupancy Rates

Housing Occupancy	Number of Units	Percentage of Total Units
Total housing units	8,343	8,343
Occupied housing units	7,888	94.5%
Vacant housing units	455	5.5%
Owner-occupied	6,154	78.0%
Renter-occupied	1,734	22.0%

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

j. Average Household Size by Tenure

Household Size	Burlington Township
Average household size of owner-occupied unit	2.96
Average household size of renter-occupied unit	2.18

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

k. Bedrooms by Housing Unit

Bedrooms	Number of Units	Percentage of Total Units
Total housing units	8,343	8,343
No bedroom	50	0.6%
1 bedroom	1,176	14.1%
2 bedrooms	1,278	15.3%
3 bedrooms	3,035	36.4%
4 bedrooms	2,550	30.6%
5 or more bedrooms	254	3.0%

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

l. Occupants Per Room

Occupants Per Room	Number of Units	Percentage of Total Units
Occupied housing units	7,888	
1.00 or less	7,599	96.3%
1.01 to 1.50	210	2.7%
1.51 or more	79	1.0%

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

m. Mortgage Status

Mortgage Status	Number of Units	Percentage of Total Units
Owner-occupied units	6,154	
Housing units with a mortgage	4,839	78.6%
Housing units without a mortgage	1,315	21.4%

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

B. Projection of Municipal Housing Stock

The Projection of Burlington Township’s housing construction including affordable housing is based on the Township’s Fair Share Plan/Spending Plan, and includes organic housing construction. The construction based on US Census Bureau American Community Survey 5-year estimates 2019, DCA/Municipal housing construction permits issued 2019-2022 provides a total estimate of 8400 base housing stock 2022. US Census Bureau data shows the Township housing stock is 78% owner occupied, 22% renter occupied.

Burlington Township’s Fair Share Plan provides the following inclusionary (20% affordable) and 100% affordable development:

Existing Projected Housing Stock 2015 – 2025			
<u>Development</u>	<u>Type</u>	<u>Units (Affordable)</u>	<u>Units (Total)</u>
CIS	100% Affordable Rental	84	84
TJC/Rancocas	20% Inclusionary Rental	28	140
Fountain Ave	20% Inclusionary Rental	28	140
Bromley/Ferber	20% Inclusionary Rental	100	500
	Total:	240	864

Organic Housing stock projection based on historic housing construction permits issued (NJDCAs) is 40 dwelling units/year.

2022 to 2025 : 160

Burlington Township’s Ten (10) year housing stock (2015 – 2025) existing in 2022 and projected to 2025:

2022 Existing	8,400 du
2025 Projected AH	864 du
2025 Projected Organic Growth	160 du
Total (2025)	9,424 du

C. Municipal Demographic Characteristics

a. Population Trends

Burlington Township, Burlington County, DVRPC 2045 Municipal-Level Population Forecasts

1990 Population:	12,454
2000 Population:	20,294
2010 Population:	22,594
2015 Population:	22,826
2020 Forecast:	22,936
2025 Forecast*:	23,045
2030 Forecast:	23,156
2035 Forecast:	23,252
2040 Forecast:	23,331
2045 Forecast:	23,398
<hr/>	
Absolute Change (2015-2045):	572
Percent Change (2015-2045):	2.51%

***Note: The population forecast between 2020-2025 does not take into account the 500 unit development taking place. This development will cause the population to increase more than the 109 persons forecasted**

Burlington County, DVRPC 2045 Municipal-Level Population Forecasts

1990 Population	395,066
2000 Population	423,394
2010 Population	448,734
2015 Population	450,226
2020 Forecast	459,344
2025 Forecast	468,428
2030 Forecast	475,978
2035 Forecast	482,560
2040 Forecast	488,026
2045 Forecast	492,709
<hr/>	
Absolute Change (2015-2045):	42,483
Percent Change (2015-2045):	9.40%

Source: Delaware Regional Planning Commission (DVRPC), the designated Metropolitan Planning Organization (MPO) for Burlington Township
<https://dvrpc.org/webmaps/popforecast/index.htm>

It is important to note that local municipal zoning, rehabilitation and redevelopment efforts which are enabled under the Municipal Land Use Law (“MLUL”) and Local Redevelopment and Housing Law (“LRHL”) can have a significant impact on population and employment at the local level. Municipal zoning and redevelopment efforts play a major role in population and employment growth opportunities. The MLUL (Master Plan and Ordinance process) and LRHL (Rehabilitation and Redevelopment) provide the necessary planning tools to advance municipal development and preserve natural resources in accordance with Master Plan goals and objectives. Burlington Township assumes New Jersey will continue to be a “Home Rule State” where the local governing body and Planning Board direct and control land use within their municipality.

b. Burlington Township Veteran Status

Veteran Status: Burlington Township		
	Estimate	Percent
Civilian Population 18 years and over	17,062	
Civilian Veterans	1,329	7.8%

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; S2101

c. Population by Age

Subject	Estimate	Percent of Total Population
Total population	22,586	
Male	10,944	48.5%
Female	11,642	51.5%
Under 5 years	1,465	6.5%
5 to 9 years	1,462	6.5%
10 to 14 years	1,550	6.9%
15 to 19 years	1,550	6.9%
20 to 24 years	1,734	7.7%
25 to 34 years	2,469	10.9%
35 to 44 years	2,616	11.6%
45 to 54 years	3,830	17.0%
55 to 59 years	1,637	7.2%
60 to 64 years	1,173	5.2%
65 to 74 years	1,564	6.9%
75 to 84 years	881	3.9%
85 years and over	655	2.9%
Median age (years)	38.6	(X)

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

d. Population by Disability Characteristics

Subject	Total	With a Disability	Percent with a Disability
Total Civilian noninstitutionalized population	21,956	2,199	10.0%

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; S1810

e. Estimated Poverty Status

Burlington Township, Burlington County, New Jersey			
Population for whom poverty status is determined	Estimate		
	Total	Below poverty level	Percent below poverty level
	21,956	1,234	5.6%
Under 18 years	5,476	458	8.4%
18 to 64 years	13,915	673	4.8%
65 years and over	2,569	103	4.0%

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; S1701

f. Public Assistance Income for Food Stamps/SNAP

	Estimate
Total Households:	7,888
With cash public assistance income or households receiving Food Stamps/SNAP benefits	581
No cash public assistance income or household Food Stamps/SNAP benefits	7,307

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; B19058

g. Financial Characteristics: Household Income by Tenure

Household Income	Estimate		
	Occupied housing units	Owner occupied	Renter occupied
Less than \$5,000	1.1%	0.3%	3.9%
\$5,000 to \$9,999	2.5%	0.8%	8.6%
\$10,000 to \$14,999	1.7%	1.2%	3.5%
\$15,000 to \$19,999	2.0%	1.8%	2.8%
\$20,000 to \$24,999	2.2%	1.9%	3.4%
\$25,000 to \$34,999	4.2%	2.8%	9.3%
\$35,000 to \$49,999	13.3%	10.5%	23.2%
\$50,000 to \$74,999	14.6%	11.9%	24.1%
\$75,000 to \$99,999	14.5%	14.6%	14.0%
\$100,000 to \$149,999	18.9%	23.9%	1.2%
\$150,000 or more	24.9%	30.3%	6.0%
Total Estimated Units	7,888	6,154	1,734
Median household income (dollars)	89,545	108,085	48,153

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; S2503

Income levels of population, specifically household income by Tenure (owner occupied and renter occupied) are presented in Table C.g.

h. Financial Characteristics: Per Capita Income

	Burlington Township	Burlington County	New Jersey
Estimate Per Capita Income	\$38,688	\$44,820	\$44,888

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; B19301

i. Estimated Housing Costs as a Percentage of Household Income

	Burlington township, Burlington County, New Jersey
Label	Estimate
Total:	7,888
Owner-occupied housing units:	6,154
Less than \$20,000:	244
Less than 20 percent	0
20 to 29 percent	0
30 percent or more	244
\$20,000 to \$34,999:	291
Less than 20 percent	46
20 to 29 percent	0
30 percent or more	245
\$35,000 to \$49,999:	645
Less than 20 percent	29
20 to 29 percent	262
30 percent or more	354
\$50,000 to \$74,999:	732
Less than 20 percent	176
20 to 29 percent	103
30 percent or more	453
\$75,000 or more:	4,232
Less than 20 percent	2,254
20 to 29 percent	1,399
30 percent or more	579
Zero or negative income	10
Renter-occupied housing units:	1,734
Less than \$20,000:	291
Less than 20 percent	0
20 to 29 percent	0
30 percent or more	291
\$20,000 to \$34,999:	221
Less than 20 percent	9
20 to 29 percent	27
30 percent or more	185
\$35,000 to \$49,999:	376
Less than 20 percent	0
20 to 29 percent	72

	Burlington township, Burlington County, New Jersey
Label	Estimate
30 percent or more	304
\$50,000 to \$74,999:	418
Less than 20 percent	69
20 to 29 percent	349
30 percent or more	0
\$75,000 or more:	367
Less than 20 percent	307
20 to 29 percent	60
30 percent or more	0
Zero or negative income	26
No cash rent	35

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; B25106

j. Estimated Gross Rent as a Percentage of Household Income

Occupied Units Paying Rent	Estimate	Percentage
Less than 15.0 percent	244	14.6%
15.0 to 19.9 percent	141	8.4%
20.0 to 24.9 percent	338	20.2%
25.0 to 29.9 percent	170	10.2%
30.0 to 34.9 percent	157	9.4%
35.0 percent or more	623	37.2%
Median Gross Rent in Dollars	\$1,119	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

k. Estimated Monthly Owner Costs as a Percentage of Household Income

Housing Units with a Mortgage (excluding where SMOCAPI cannot be computed)	Estimate	Percentage
Less than 20.0 percent	1,713	35.4%
20.0 to 24.9 percent	858	17.7%
25.0 to 29.9 percent	674	13.9%
30.0 to 34.9 percent	504	10.4%
35.0 percent or more	1,090	22.5%
Selected Monthly Housing Costs (with Mortgage) Median	\$2,276	

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; DP04

l. Group Quarters Population & Type of Group Quarters

Total:	694
Institutionalized population:	683
Correctional facilities for adults	0
Juvenile facilities	0
Nursing facilities/Skilled-nursing facilities	683
Other institutional facilities	0
Noninstitutionalized population :	11
College/University student housing	0
Military quarters	0
Other noninstitutional facilities	11

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; P42

D. Municipal Employment

a. Municipal Employment and Forecasts

**Burlington Township, Burlington County,
DVRPC 2045 Municipal-Level Population
Forecasts**

1990 Population:	12,454
2000 Population:	20,294
2010 Population:	22,594
2015 Population:	22,826
2020 Forecast:	22,936
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2035 Forecast:	23,252
2040 Forecast:	23,331
2045 Forecast:	23,398
<hr/>	
Absolute Change (2015-2045):	572
Percent Change (2015-2045):	2.51%

Source: Delaware Regional Planning Commission (DVRPC), the designated Metropolitan Planning Organization (MPO) for Burlington Township

<https://dvrpc.org/webmaps/popforecast/index.htm>

b. Industry Occupation for the Civilian Population 16 Years and Over

	Total	Management, business, science, and arts occupations	Service occupations	Sales and office occupations	Natural resources, construction, and maintenance occupations	Production, transportation, and material moving occupations
Label	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
Civilian employed population 16 years and over	12,163	43.4%	14.4%	25.6%	4.6%	12.0%
Agriculture, forestry, fishing and hunting, and mining	18	100.0%	0.0%	0.0%	0.0%	0.0%
Construction	378	13.5%	0.0%	14.8%	71.7%	0.0%
Manufacturing	861	55.6%	0.0%	15.3%	2.6%	26.5%

	Total	Management, business, science, and arts occupations	Service occupations	Sales and office occupations	Natural resources, construction, and maintenance occupations	Production, transportation, and material moving occupations
Label	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
Wholesale trade	319	35.4%	0.0%	36.7%	0.0%	27.9%
Retail trade	1,445	14.7%	2.8%	60.6%	0.8%	21.0%
Transportation and warehousing, and utilities	821	14.3%	0.0%	35.8%	5.0%	44.9%
Information	315	44.8%	0.0%	45.1%	10.2%	0.0%
Finance and insurance, and real estate and rental and leasing	1,112	59.6%	0.0%	32.8%	0.7%	6.8%
Professional, scientific, and management, and administrative and waste management services	1,274	60.4%	12.1%	11.5%	1.0%	15.0%
Educational services, and health care and social assistance	3,137	60.8%	21.6%	12.0%	1.3%	4.3%
Arts, entertainment, and recreation, and accommodation and food services	904	13.8%	60.2%	20.5%	0.0%	5.5%
Other services, except public administration	439	23.5%	29.2%	14.8%	28.2%	4.3%
Public administration	1,140	50.4%	18.3%	31.3%	0.0%	0.0%

Source: U.S. Census Bureau, 2019 American Community Survey 5 YR estimates; S2405

E. Consideration of Lands Most Appropriate for Affordable Housing

As part of this Plan, the Township has considered land that is within proximity to public sewer and water and is appropriate for the construction of very-low, low-, and moderate-income housing. Although the Township is aware of certain areas with constraints, including wetlands, floodplains and steep slopes, said environmentally sensitive lands will not preclude the Township from addressing its affordable housing obligation.

The Township believes that the sites and mechanisms proposed in this document represent the best and most appropriate options for affordable housing development. These mechanisms entirely satisfy the Township's affordable housing obligation, as established through the Court-approved Settlement Agreement with FSHC, and, indeed, generate a surplus that can be applied against any gaps that may develop or to future responsibilities.

**BURLINGTON TOWNSHIP
FAIR SHARE PLAN**

THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATION

In Mount Laurel IV, decided March 10, 2015, the New Jersey Supreme Court directed that the methods of determining municipal allocation were to be similar to those utilized in COAH’s First and Second Round rules; specifically, the present and prospective statewide and affordable housing need. Present need is defined in the Second Round rules as the sum of the “indigenous need” and the “reallocated present need.” However, this was modified by the Court in that the reallocated present need was no longer to be assigned to municipalities in the region. Indigenous need is sub-standard housing occupied by low- and moderate-income households. This is now more commonly called the Rehabilitation Share.

As previously indicated, the Township and FSHC entered into a Settlement Agreement to establish its Rehabilitation Share, Prior Round obligation, and Third Round obligation, which was approved by the Superior Court of New Jersey at a Fairness Hearing on March 4, 2020. The Court-approved obligation is a 31-unit/credit Rehabilitation (present need) obligation, 445-unit/credit Prior Round (1987-1999) obligation, and 608-unit/credit Third Round (“gap” and prospective need (1999-2025) obligation).

REHABILITATION OBLIGATION

Under COAH's Second Round rules, COAH looked at several criteria to determine whether a unit was deficient and might count towards the town’s indigenous need including the year structure was built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply.

The Third Round rules reduced the number of criteria of evidence of deficient housing to three: pre-1960 crowded units, which are units that have more than 1.0 persons per room; incomplete plumbing, and incomplete kitchen facilities. This reduction in the number of criteria was determined by the Appellate Division to be within the Council's discretion and was upheld in the Supreme Court's decision in Mount Laurel IV.

Pursuant to the FSHC Settlement Agreement, the Township has a Rehabilitation Obligation of 31 units.

PRIOR ROUND OBLIGATION

The Prior Round obligation can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation. This period corresponds to the First and Second Rounds of affordable housing. The Settlement Agreement with FSHC establishes the Township’s Prior Round obligation as 445 units.

THIRD ROUND OBLIGATION

The future demand for affordable housing includes the portion of the Third Round (1999-2015) that has already passed (“the gap”), as well as a ten (10)-year projection from 2015-2025 (“the prospective need”). The ten (10)-year period is derived from the FHA, which, when amended in 2001, set the projection for this length of time (N.J.S.A. 52:27D-310). As established by the Township’s 2020 Settlement Agreement with FSHC, the Township’s Third Round obligation (1999-2025) is 608 units.

SATISFACTION OF THE TOWNSHIP’S FAIR SHARE

2021 Amendment to the Township’s 2020 Settlement Agreement with FSHC: Summary of Revisions

The Township’s June 8, 2021, first Amendment to the January 15, 2020 Settlement Agreement between the Township of Burlington and Fair Share Housing Center made several adjustments to Third Round unit counts and added an additional Third Round compliance mechanism: the Community Investment Strategies Cramp Site which includes 84 family rental units.

Prior Round Obligation – 445 Units:

Under the 2021 Amendment to the 2020 Settlement Agreement, Burlington Township agreed to fulfill its Prior Round obligation of 445 affordable units with the following compliance mechanisms:

Table Excerpted from May 2, 2022 Master’s Report

Burlington Township’s Prior Round Compliance Mechanisms per 2021 Amendment to Settlement Agreement Prior Round Obligation = 445 units			
Mechanism	Units	Rental Bonuses	Total Credits
Inclusionary Development – Completed			
Bridle Club (15 of 56; family for-sale)	15		15
Burlington Heights/Courts at Woodshire (family for-sale)	30		30
Shannon Estates (family for-sale)	17		17
Steeplechase (family for-sale)	70		70
Park South (family for-sale)	11		11
Park South (senior for-sale)	12		12
BCCAP/MEND (55 of 71; senior rental)	55		55
Subtotal	210		210
Regional Contribution Agreement – Completed			
Burlington City (11 of 52) – approved by COAH 2001 and 2003	11		11
100% Affordable – Completed			
Springside School (14 special-needs)	14	14	28
Supportive and Special Needs -- Completed			
Various sites – see detailed table below	68	68	136
100% Affordable – Proposed			
CIS/Cramp/The Place at Burlington (30 of 84; family rental)	30	30	60
Total	333	112	445

Note the original compliance plan included 13 family units in the Park South development, and the amended plan included only 11. Further investigation has confirmed there are 12 creditworthy family units at Park South.

FSHC and the Master have agreed to additional reallocation of crediting between the Prior Round and the Third Round, to address a reduction in the number of alternative living facilities available for bonuses, and to allow the Township to maximize the number of rental bonuses it may claim toward the Prior Round. The following reallocated credits are not reflected in the Amendment to the Settlement Agreement but were detailed in the Master’s Compliance Report, and are reflected in this Plan. The reallocation includes the following (net change in each round noted in parentheses):

- One unit in the Bridle Club inclusionary family for-sale development was lost to foreclosure. All 55 creditworthy units are being applied toward Prior Round compliance (+40 units Prior Round; -41 Third Round);

- 20 of 30 units from the Burlington Heights/Courts at Woodshire inclusionary family for-sale development are being applied toward the Third Round (-20 units Prior Round; +20 units Third Round);
- All 12 Park South family affordable for-sale units are eligible for credit (+1 unit Prior Round);
- All 52 RCAs have been moved to the Third Round. While RCAs were prohibited as a Third Round compliance mechanism beginning in 2008, these RCAs were executed and approved early in the Third Round “gap” period, before 2008 (-11 units Prior Round; +11 units Third Round);
- 55 of 84 credits and 55 rental bonuses, from the approved CIS/The Place at Burlington 100% affordable family rental housing site are being applied to the Prior Round (+25 units and +25 bonuses Prior Round; -25 units Third Round);
- One unit originally listed as a Prior Round alternative living facility – 1106 Kaye Court – is now listed as a 100% affordable one-bedroom family rental, eligible for one rental bonus (+1 unit and +1 bonus Prior Round);
- There are a total of 42 alternative-living facility units (not including special needs units at Springside School), not 68, that are being claimed for Prior Round credit, along with 42 rental bonuses.
 - The remaining 24 units have been found not to be eligible for bonuses, and so have been moved to the Third Round, where previously no alternative living facilities were being claimed (-26 units and -26 rental bonuses Prior Round, +24 units Third Round).
- 45 of 71 age-restricted affordable units at the BCCAP/MEND senior development are being applied toward Prior Round compliance (-10 units Prior Round; +10 units Third Round).

For a full discussion of these changes, please see the Master’s May 2, 2022 Compliance Report.

With these changes, the Township proposed to satisfy its 445-unit Prior Round obligation as follows:

Table Excerpted from May 2, 2022 Master’s Report

Burlington Township’s Prior Round Compliance Mechanisms – REVISED 2022			
Prior Round Obligation = 445 units			
Mechanism	Units	Rental Bonuses	Total Credits
Inclusionary Development – Completed			
Bridle Club (family for-sale)	55		55
Burlington Heights/Courts at Woodshire (10 of 30; family for-sale)	10		10
Shannon Estates (family for-sale)	17		17
Steeplechase/ Burlington Manor/ Manor Dr. (family for-sale)	70		70
Park South/Faulkner Ct. (family for-sale)	12		12
Park South/Faulkner Ct. (senior for-sale)	12		12
BCCAP/MEND (45 of 71; senior rental)	45		45
Subtotal	221		221
100% Affordable – Completed			
1106 Kaye Court family rental	1	1	2
Supportive and Special Needs -- Completed			
Springside School (14 special-needs of 74 total units)	14	14	28
Various sites – see detailed table below	42	42	84
100% Affordable – Approved			
CIS/Cramp/The Place at Burlington (55 of 84; family rental)	55	55	110
Total	333	112	445

Since the issuance of the May 2, 2022 Master’s Compliance Report, additional crediting changes have taken place to make up a newly discovered shortfall in bonuses available for special-needs facilities. Those changes are not reflected in any Settlement Agreement or report, but are reflected in this Plan. Specifically, they include the following:

- Three rental bonuses were removed from the Group Homes located at 1004 Jardin, 1026 Jardin and 1159 Kaye for the Prior Round
- Four rental bonuses were removed from the Group Home located at 19 Park Avenue for the Prior Round
- Four rental bonuses were removed from the Group Home located at 22 Yubas Avenue for the Prior Round
- Nine credits for the BCCAP/MEND project were transferred from the Third Round and added to the BCCAP/MEND Prior Round project
- Two rental bonuses were added to the BCCAP/MEND project for the Prior Round

The final Prior Round obligation of 445 affordable units remains the same.

Third Round Obligation: 608 units

As noted above, FSHC and the Master agreed to a further reallocation of credits/bonuses between the Prior Round and Third Round, resulting in 710 total credits and rental bonuses to satisfy the Township’s 608-unit Third Round obligation, and allowing the Township to carry 102 credits toward a future round. The Third Round chart that was included in the Master’s compliance report follows:

Table Excerpted from May 2, 2022 Master’s Report

Burlington Township’s Third Round Compliance Mechanisms REVISED			
Third Round Obligation = 608 units			
Mechanism	Units	Rental Bonuses	Total Credits
Inclusionary Development – Completed			
BCCAP/MEND (26 of 71; age-restricted rental)	26		26
Burlington Hghts/Courts at Woodshire (20 of 30; family for-sale; 30-year controls not expiring until post-2030 and not included in list of Third Round extensions of controls)	20		20
Extensions of Expiring Controls² – Completed/Proposed			
Bridle Club, Shannon Est., Park South/Faulkner Ct., Steeplechase/Manor Dr., Burl. Hghts/Cts at Woodshire	150		150
Regional Contribution Agreement			
Burlington City –COAH approved 2001/2003	52		52
Alternative Living Facilities			
Various – see chart below	24		24
100% Affordable Municipally Sponsored – Completed and Approved			
1 Baird Ave – Habitat for Human. family sale (comp)	1		1
1409 Beverly Rd – Habitat for Hum. family sale (comp)	1		1
Springside School – age-restricted rentals (completed)	60		60
CIS/The Pl at Burl - family rentals (29 of 84; approved)	29		29
Market-to-Affordable/Gut Rehabilitation – Under Construction			
1013 Jardin Court family rental (under construction)	1		1
819 Henri Court family rental (under construction)	1		1
Assisted-Living Age-Restricted Medicaid Waivers – Completed			
Masonic Charitable Foundation	33		33
Granville	4		4
Inclusionary Zoning – Adopted/Proposed			
Fountain Avenue family rentals	28	24	52
TJC/Rancocas Road family rentals	28	28	56
Bromley Tract family rentals	100	100	200
Total	558	152	710
<i>Surplus: 710 credits/bonuses – 608 obligation =</i>			<i>102**</i>

* Extensions of controls: 12 Park South senior units; the remaining 138 extensions are family units

** Amount of surplus is dependent on sufficient crediting documentation.

Since then, as noted above, the following additional changes from the Third Round obligation summary included in the Master's 5/2/22 Report have been made and are included in this Plan:

- Eight rental credits were removed from the Group Homes located at 4 Beechwood Avenue and 12 Bell Lane
- Nine credits for the BCCAP/MEND project were transferred from the Third Round and added to the BCCAP/MEND Prior Round total

These changes revised the total number of credits for the Third Round to 693, reducing the surplus to 85 credits.

SATISFACTION OF THE REHAB OBLIGATION

Through an ongoing contractual relationship and participation in the Burlington County CDBG Home Rehabilitation Program two units (2) have been rehabilitated since July of 2010.

Therefore, the Township can claim two (2) rehabilitation credits for the units completed after July of 2010.

The Township' remaining rehabilitation obligation is 29 units (31-unit rehabilitation obligation, subtracted by two (2) completed units = remaining 29-unit rehabilitation obligation). In order to address its rehabilitation obligation, the Township will continue to participate in the Burlington County CDBG Home Rehabilitation Program for owner occupied units, and will utilize funds from the Township's affordable housing trust fund to participate in a shared-services rental rehabilitation program in Burlington County, administered by Community Grants, Planning & Housing, an experienced administrator of affordable housing rehabilitation programs. The Township will commit an average of \$12,500 per unit for 15 rental rehab units, which will require a total contribution of approximately \$187,500.

An additional \$175,000 is set aside to expand the Township's Rehabilitation Program so to meet the greater need of qualified Township residents to rehabilitate owner-occupied units. The Township's Administrative Agent, Triad Associates, will administer the program. Excess units rehabilitated beyond the current obligation will be applied to future rounds. All rehabilitation cases shall have an average hard cost of at least \$10,000.00.

All rehabilitated units will comply with the definition of a substandard unit in N.J.A.C. 5:93-5.2(b), which states, "a unit with health and safety code violations that require the repair or replacement of a major system." Major systems include weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement, and load bearing structural systems. All rehabilitated units shall meet the application construction code.

Crediting documentation for the Township's Rehabilitation programs may be found in Appendix 3.

SATISFACTION OF THE PRIOR ROUND OBLIGATION

Pursuant to the June 8, 2021 Amendment to the Settlement Agreement, the Township has agreed to fulfill its Prior Round obligation of 445 affordable units with the compliance mechanisms listed below. As previously noted, adjustments were made to the specific listing of units due to changes in crediting eligibility.

Burlington Township's Prior Round Compliance Mechanisms – REVISED 2021 & 11/7/2022			
Prior Round Obligation = 445 units			
Mechanism	Units	Rental Bonuses	Total Credits
Inclusionary Development – Completed			
Bridle Club (family for-sale)	55		55
Burlington Heights/Courts at Woodshire (10 of 30; family for-sale; see list below)	10		10
Shannon Estates (family for-sale)	17		17
Steeplechase/ Burlington Manor/ Manor Dr. (family for-sale)	70		70
Park South/Faulkner Ct. (family for-sale)	12		12
Park South/Faulkner Ct. (age-restr. for-sale)	12		12
BCCAP/MEND (54 of 71; age-restr. rental)	54	2	56
Subtotal	230	2	232
100% Affordable – Completed			
1106 Kaye Court family rental	1	1	2
Supportive and Special Needs -- Completed			
Springside School (14 special-needs of 74 total units)	14	14	28
Group homes - various sites; see list below	42	31	73
Subtotal	56	45	101
100% Affordable – Proposed			
CIS/Cramp site (55 of 84; family rental)	55	55	110
Total	342	103	445

Burlington Township's Prior Round Compliance Mechanisms – REVISED 2021 & 11/7/2022		
	Units	Bonuses
Springside School	14	14
15 Central Avenue (Catholic Charities)	3	3
ADEPT Programs – 12 units in 8 facilities at Northgate/2000 Burlington Bypass	12	12
1110 Kaye (Family Service)	2	2
513 Garnet (Family Service)	2	2
1241 Liberte (Family Service)	1	1
812 Henri (Family Service)	1	1
844 Henri (Family Service)	1	1
611 Garnet (Family Service)	1	1
701 Garnet (Family Service)	1	1
314 Garnet (Family Service)	1	1
1004 Jardin (Family Service)	1	0
1026 Jardin (Family Service)	1	0
1159 Jardin Kaye (Family Service)	1	0
1409 Kenny's Cove (Family Service)	2	2
1109 Columbus (ARC Burlington)	4	4
22 Yubas (Dungarvin)	4	0
19 Park (Dungarvin)	4	0
Totals	56	45

In sum, the Township has met its 445-unit Prior Round obligation with inclusionary housing, alternative living arrangements, and 100% affordable development(s). Descriptions of each prior round project and mechanism are included below.

As part of the preparation of this plan, Township representatives worked with the Township's designated Administrative Agent to review the low/moderate income status of each unit in the five existing inclusionary developments: Bridle Club, Burlington Heights/Courts at Woodshire, Shannon Estates, Steeplechase/Burlington Manor/Manor Drive, and Park South/Faulkner Court. This review was necessary due to the lack of reliable documentation from the original developer and subsequent Administrative Agent's records. The review included researching the original sales price for each unit and any resales. In conjunction with the Court Master, the affordability level for each unit was determined from the sales prices and listed on a series of spreadsheets that have been approved by Resolution adopted by the Township Council and included in the crediting documentation for each development. The Township will ensure that all future sales are governed by the affordability level designations set out in this Housing Element and Fair Share Plan and resolution, and that the affordability level is specified in the deed restriction at each unit's next sale. The Township will provide appropriate documentation for each sale as part of its annual monitoring reporting

INCLUSIONARY DEVELOPMENTS

Bridle Club Family Affordable For-Sale (55 credits)

Block 131, lots 401-420; 801-820; 901-916

Lindsley Court

Status: Completed

Bridle Club is an inclusionary family for sale development. All units are two-bedroom units; they received their initial certificates of occupancy between 1990 and 1992; and they had 20-year affordability controls that expired between 2010 and 2013. (Many of these controls have been extended during the Third Round for Third Round credit, as noted below.) Triad Associates provides Administrative Agent services.

The project includes 31 low income 2-bedroom units and 24 2-bedroom moderate income units. Five units that were originally sold as low-income units were re-classified as moderate-income units as a result of the affordability analysis completed as part of the completion of the Township's Housing Element and Fair Share Plan, which found that those five units had been resold at prices affordable to moderate-income buyers.

Crediting documentation for Bridle Club may be found in Appendix 4

Burlington Heights/Courts at Woodshire Family Affordable For Sale (10 credits in the Prior Round; 20 credits in the Third Round)

Block 109.25, lots 37-44; Block 109.27, lots 1-14; Block 109.28, lots 1-8),

Knightwood/Guildord Roads

Status: Completed

Burlington Heights is an inclusionary family for sale development. 22 units are two bedroom and 8 are three-bedroom units. Of the 22 two bedroom units, 7 are low income units in the Prior Round, 15 are low income units in the Third Round. Of the 8 three bedroom units, 3 are low income units in the Prior Round and 5 are moderate units in the Third Round. The units received their initial certificates of occupancy between 2002 and 2004; 10 of the units had 20-year affordability controls and are being claimed for Prior Round credit, and 20 have 30-year affordability controls. It is anticipated that the 10 units with 20-year controls will have their controls extended before the end of the Third Round for Third Round credit, as noted below. Triad Associates provides Administrative Agent services.

The project includes 25 low-income units and 5 moderate income units. Four units that were originally sold as low-income units were re-classified as moderate-income units as a result of the affordability analysis completed as part of the completion of the Township's Housing Element and Fair Share Plan, which found that those four units had been resold at prices affordable to moderate-income buyers.

Crediting documentation for Burlington Heights/Courts at Woodshire may be found in Appendix 8.

Shannon Estates Family Affordable For Sale (17 credits)

(Block 114.3, lots 1403-1406 and 1411-1413; Block 114.4, lots 1001, 1002, 1007, 1008, 1010, 1011, 1201, 1202, 1206 and 1414)

Kyle's Cove/Kenny's Cove and Megan's Lane

Status: Completed

Shannon Estates is an inclusionary family for sale development. All units are two-bedroom moderate-income units; they received their initial certificates of occupancy between 1990 and 1991; and they had 20-year affordability controls. All 17 units have had their controls extended during the Third Round for Third Round credit, as noted below. Triad Associates provides Administrative Agent services.

Crediting documentation for Shannon Estates may be found in Appendix 7.

Steeplechase/Burlington Manor/Manor Drive family affordable for-sale (70 credits)

Block 147.17, lots 1-70

Manor Drive

Status: Completed

Steeplechase is an inclusionary family for sale development. 60 units are two bedrooms and 10 units are three-bedroom units; they received their initial certificates of occupancy between 1999; and they had 20-year affordability controls. Many of these controls have been extended during the Third Round for Third Round credit, as noted below. Triad Associates provides Administrative Agent services.

The project includes 60 low income and 10 moderate income units. Seven units that were originally sold as low-income units were re-classified as moderate-income units as a result of the affordability analysis completed as part of the completion of the Township's Housing Element and Fair Share Plan, which found that those seven units had been resold at prices affordable to moderate-income buyers.

Crediting documentation for Steeplechase/Burlington Manor may be found in Appendix 5.

Park South/Faulkner Ct. (12 family for-sale credits and 12 Age Restricted Credits)

Block 140.9, lots 2-25

Faulkner Court

Status: Completed

Park South is an inclusionary for sale development. 21 units are two-bedroom units and 3 are three-bedroom units; 12 of the units are family units and 12 are age-restricted units; they received their initial certificates of occupancy between 1993; and they had 20-year affordability controls. Many of these controls have been extended during the Third Round for Third Round credit, as noted below. Triad Associates provides Administrative Agent services. The project includes 18 low-income units and 6 moderate income units. Two units that were originally sold as low-income units were re-classified as moderate-income units as a result of the affordability analysis completed as part of the completion of the Township's Housing Element and Fair Share Plan, which found that those two units had been resold at prices affordable to moderate-income buyers.

Crediting documentation for Park South may be found in Appendix 6.

AGE RESTRICTED RENTAL DEVELOPMENTS

BCCAP/MEND (Age Restricted Senior Rentals) (54 credits in the Prior Round plus 2 rental bonuses, 17 credits in the Third Round)

Block 124, Lot 13

1714 Hancock Lane

Status: Completed

The project is a 100% affordable senior rental that was developed by the Burlington County Community Action Program (BCCAP) as a HUD Section 202 project and originally received approvals in 1998. The Township has provided the HUD Section 202 Capital Advance Agreement for the development, dated September 11, 1997, that shows affordability controls on the units extended through September 11, 2038, and requires tenants to be what HUD defines as very low-income, which is 50% or less of area median income, equating to COAH's low-income designation. All rentals are 1-bedroom units. BCCAP provides Administrative Agent services.

Crediting documentation for the BCCAP/MEND units may be found in Appendix 9.

SUPPORTIVE AND SPECIAL NEEDS DEVELOPMENTS

(Alternative Living Arrangements – 56 units (including 14 Special Needs credits at Springside School) plus 45 bonuses)

Springside School -14 credits and 14 rental bonus credits

Block 114, lot 3

1508 Mt. Holly Rd.

The project is a 74-unit, 100% affordable age-restricted development but includes 14 non-age restricted special needs units in accordance with the Low-Income Housing Tax Credit approvals. The CO for this development was issued 11/7/2013.

Status: Completed

This facility is a LIHTC project administered by MEND and is 100% affordable age restricted LIHTC development. 14 of the units are non-age-restricted special-needs units. The remaining credits are being claimed in the Third Round.

Catholic Charities

15 Central Avenue - 3 credits and 3 rental bonus credits

Block 18, Lot 4, 6

Status: Completed

This facility operated by Catholic Charities and is licensed by the NJ Department of Health as a Supervised Residence and is a 3-bedroom facility. The home was established on 8/4/1989. The Township will claim 3 credits from this project, as well as 3 rental bonus credits.

ADEPT Programs – 12 bedrooms (credits) and 12 rental bonus credits in 8 apartments located in the Northgate Apartment Complex

2000 Burlington By-Pass

Status: Completed

Apt 255 – 2 BR

Apt 267- 2 BR

Apt 79 – 1 BR

Apt 279 – 1 BR

Apt 289 – 2 BR

Apt 303 – 2 BR

Apt 89 – 1 BR

Apt 99 – 1 BR

The apartments are leased by the provider, ADEPT. Units were originally leased in 1990 and ADEPT assumed the leases in 1995. The facilities are licensed as Group Homes by the NJ Department of Human Services. The Township will monitor the facilities annually to ensure the units remain as a Group Home he Township will claim 12 credits from this project, as well as 12 rental bonus credits.

Family Service of Burlington County - 2 credits and 2 rental bonus credits

1110 Kaye Avenue

Block 102.15 Lot 2.02 (C1110)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The CO was issued in November 2008. The facility is a 2-bedroom home. 30-year deed restrictions were recorded on the property by the Township of Burlington in December 2010. The Township will claim 2 credits from this project, as well as 2 rental bonus credits

Family Service of Burlington County- 2 credits and 2 rental bonus credits

513 Garnet Drive

Block 114.02 Lot 14.02 (C0513)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The CO was issued on 8/14/2007. The facility is a 2-bedroom home. 30-year deed restrictions were recorded on the property by the Township of Burlington in December 2010. The Township will claim 2 credits from this project, as well as 2 rental bonus credits

Family Service of Burlington County - 1 credit and 1 rental bonus credit

1241 Liberte Court

Block 102.15 Lot 2.02 (C1241)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The CO was issued in August 2007. The facility is a 1-bedroom home. 30-year deed restrictions were recorded on the property by the Township of Burlington in January 2012. The Township will claim 1 credit from this project, as well as 1 rental bonus credit

Family Service Of Burlington County - 1 credit and 1 rental bonus credit

812 Henri Court

Block 102.15 Lot 2.02 (CO812)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The CO was issued in September 2007. The facility is a 1-bedroom home. 30-year deed restrictions were recorded on the property by the Township of Burlington in December 2010. The Township will claim 1 credit from this project, as well as 1 rental bonus credit

Family Service of Burlington County - 1 credit and 1 rental bonus credit

844 Henri Court

Block 102.15 Lot 2.02 (C0844)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The CO was issued in April 2007. The facility is a 1-bedroom home. 30 year deed restrictions were recorded on the property by the Township of Burlington in December 2010. The Township will claim 1 credit from this project, as well as 1 rental bonus credit

Family Service of Burlington County - 1 credits and 1 rental bonus credits

611 Garnet Drive

Block 114.02 Lot 14.02 (C0611)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The CO was issued on 8/14/2007. The facility is a 1-bedroom home. 30-year deed restrictions were recorded on the property by the Township of Burlington in December 2010. The Township will claim 1 credit from this project, as well as 1 rental bonus credit

Family Service of Burlington County - 1 credits and 1 rental bonus credits

701 Garnet Drive

Block 114.02 Lot 14.02(C0701)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The CO was issued on 11/3/2007. The facility is a 1-bedroom home. 30 year deed restrictions were recorded on the property by the Township

of Burlington in January 2012. The Township will claim 1 credit from this project, as well as 1 rental bonus credit

Family Service of Burlington County - 1 credits and 1 rental bonus credits

314 Garnet Drive

Block 114.02 Lot 14.02(C0314)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The CO was issued in November 2007. The facility is a 1-bedroom home. 30 year deed restrictions were recorded on the property by the Township of Burlington in January 2012. The Township will claim 1 credit from this project, as well as 1 rental bonus credit

Family Service of Burlington County- 1 credit

1004 Jardin Ave

Block 102.15 Lot 2.02 (C1004)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The facility has no license and no deed restriction. The Township will monitor the facility annually to ensure the unit remains as an alternative living facility. The CO was issued in November 2007. The facility is a 1-bedroom home. The Township will claim 1 credit from this project

Family Service of Burlington County - 1 credit

1026 Jardin Court

Block 102.15 Lot 2.02 (C1026)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The facility has no license and no deed restriction. The Township will monitor the facility annually to ensure the unit remains as an alternative living facility. The CO was issued in February 2007. The Township will claim 1 credit from this project

Family Service of Burlington County- 1 credit

1159 Kaye Court

Block 102.15 Lot 2.02 (C1159)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The facility has no license and no deed restriction. The Township will monitor the facility annually to ensure the unit remains an alternative living facility. The CO was issued in February 2007. The Township will claim 1 credit from this project.

Family Service of Burlington County - 2 credits and 2 rental bonus credits

1409 Kenny's Cove

Block 114.03 Lot 16 (C1409)

Status: Completed

This is a shared supportive housing facility operated by Family Services of Burlington County, now Oaks Integrated Care. The facility has no license. The CO was issued on February 2009. The facility is a 2-bedroom home. 30-year deed restrictions were recorded on the property by the Township of Burlington in January 2012. The Township will claim 2 credits from this project, as well as 2 rental bonus credits

The Arc of Burlington County- 4 credits and 4 rental bonus credits

1109 Columbus Avenue

Block 145.30 Lot 2

Status: Completed

This facility is operated by The Arc of Burlington County and licensed as a Group Home by the NJ Department of Human Services. The facility is a 4-bedroom home. Deed restrictions for the period from 2014 – 2044 have been recorded by NJ Department of Human Services, Division of Developmental Disabilities. The CO was issued in 1990. The Township will claim 4 credits from this project, as well as 4 rental bonus credits

Dungarvin New Jersey, LLC - 4 credits

22 Yubas Avenue

Block 100.02 Lot 48

Status: Completed

This facility is operated by Dungarvin New Jersey LLC and is licensed by the NJ Department of Human Services as Group Home. There are NJ Department of Human Services Capital Restrictions recorded on the property for the period from 2015 through 2035; survey has units. The CO was issued in 2016. The facility is a 4-bedroom home. The Township will claim 4 credits from this project.

Dungarvin New Jersey, LLC - 4 credits

19 Park Avenue

Block 4 Lot 7

Status: Completed

This facility is operated by Dungarvin New Jersey LLC and is licensed by the NJ Department of Human Services as Group Home. There are no deed restrictions recorded on the property. The Township will monitor the facility annually to ensure the unit remains as a Group Home. The CO was issued in 2016. The facility is a 4-bedroom home. The Township will claim 4 credits from this project.

Crediting documentation for the Springside School units may be found in Appendix 11. A copy of the license, Special Needs Survey Form, and other documentation for all other alternative living facilities being claimed for both rounds can be found in Appendix 12.

100% AFFORDABLE RENTAL

Salt and Light, Inc- Family Rentals - 1 credit and 1 rental bonus credit
1106 Kaye Court

Block 102.15, Lot 20.2

Status: Completed

The project is a 100% affordable family rental that was developed by Salt and Light, Inc., an affordable housing non-profit developer. The CO was issued February 19, 2021. A deed restriction with controls for a minimum of 30 years is scheduled to be signed and recorded. Salt and Light provides Administrative Agent services. The unit is a moderate-income one-bedroom unit. Crediting documentation may be found in Appendix 10.

Community Investment Strategies (CIS) - Family Rentals - 55 credits and 55 rental bonus credits in Prior Round and 29 credits in Third Round

Salem Road & J F Kennedy

Block 105.01, Lot 6

Status: Approved

Community Investment Strategies (CIS), an experienced developer of affordable housing in New Jersey, has received approvals for the development of an 84-unit family rental, Low Income Housing Tax Credit development. The Township has prepared a site suitability analysis for the site, attached in Appendix 19, that finds the site suitable, approvable, developable, and available for the construction of 84 affordable family rental units, in accordance with N.J.A.C. 5:93-5.3(b). The analysis indicates the site is within state Planning Area 2, the Suburban Planning Area, where infill redevelopment is encouraged; has appropriate access to streets and transit; is adjacent to compatible land uses; is not constrained by wetlands or flood hazard areas; and is within the Township's sewer service area. The analysis says there is an existing utility easement that will benefit the site, and, as may be seen from the letter from the Municipal Engineer in Appendix 24, there is sufficient sewage treatment capacity to accommodate the proposed development. The Township executed a Redevelopment and Affordable Housing Agreement between the Township and CIS, dated June 22, 2021. 50% of the affordable units will be low-income units, inclusive of 13% of all affordable units across bedroom sizes that will be very low-income units, which is defined as affordable to households earning 30% or less of regional median income. The agreement also requires the bedroom mix for the project to conform to UHAC, and affordability controls of 30 years to be imposed on the units with a 15-year extended-use period. The construction schedule for the project anticipates construction to be completed by August 2023.

Of the 84 units, 10 will be very low-income units underwritten at the 20% AMI rent level and will be reserved for special needs or supportive housing tenants. There will be 5 units for households meeting the New Jersey Housing and Mortgage Finance Agency's (HMFA) definition of Homeless and 5 units will be targeted to households which meet the HMFA's definition of Homeless and/or Disabled Veterans. Although these units target a specific special-needs population, they are intended for families, and will be included as family units.

In total there will be 13 Very Low-Income Units.

CIS will provide Administrative Agent services for the family units and Triple C Housing Services Inc. will provide services for the special needs units.

The Township will claim 55 credits from this project, as well as 55 rental bonus credits for the Prior Round. The balance of 29 units will be claimed in the Third Round. The following table includes the income and bedroom split for the Prior Round Units:

Overall CIS Low/Moderate Income and Bedroom Distribution

	1BR	2BR	3BR	Totals
Very Low Income at 20% of Median	3	5	2	10
Very Low Income at 30% of Median	0	2	1	3
Low Income	0	17	12	29
Moderate Income	3	24	15	42
	6	48	30	84

Prior Round CIS Low/Moderate Bedroom Distribution

	1BR	2BR	3BR	Totals
Very Low Income at 20% of Median	0	0	0	0
Very Low Income at 30% of Median	0	0	0	0
Low Income	0	17	12	29
Moderate Income	0	13	13	26
		30	25	55

Crediting documentation for the CIS project may be found in Appendix 13.

Prior Round Low/Moderate Income Chart

Project	Tenancy	<u>Very Low</u>	<u>Low</u>	<u>Mod</u>	<u>Total Units</u>
Bridle Club (family for-sale)	<u>Sale</u>	0	31*	24*	55
Burlington Heights/Courts at Woodshire (10 of 30; family for-sale)	<u>Sale</u>	0	10*	0	10
Shannon Estates (family for-sale)	<u>Sale</u>	0	0	17*	17
Steeplechase/ Burlington Manor/ Manor Dr. (family for-sale)	<u>Sale</u>	0	60*	10*	70
Park South/Faulkner Ct. (family for-sale)	<u>Sale</u>	0	12*	0	12
Park South/Faulkner Ct. (senior for-sale)	<u>Sale</u>	0	7*	5*	12
BCCAP/MEND (54 of 71; senior rental)	<u>Rent</u>	0	54	0	54
1106 Kaye Court family rental	<u>Rent</u>	0	0	1	1
Springside School (14 special-needs of 74 total units) (NON-AGE RESTRICTED)	<u>Rent</u>	14	0	0	14
Group Homes	<u>Rent</u>	42	0	0	42
CIS/Cramp/The Place at Burlington (55 of 84; family rental; incl. 10 special needs)	<u>Rent</u>	0	29	26	55
Total		56	203	83	342

Prior Round Family Bedroom Distribution Chart

Prior Round – FAMILY UNITS	Tenancy	1 Bedroom	2 Bedroom	3+ Bedroom	Total Units
Bridle Club (family for-sale)	<u>Sale</u>	0	55	0	55
Burlington Heights/Courts at Woodshire (10 of 30; family for-sale)	<u>Sale</u>	0	7	3	10
Shannon Estates (family for-sale)	<u>Sale</u>	0	17	0	17
Steeplechase/ Burlington Manor/ Manor Dr. (family for-sale)	<u>Sale</u>	0	60	10	70
Park South/Faulkner Ct. (family for-sale)	<u>Sale</u>	0	11	1	12
Park South/Faulkner Ct. (senior for-sale)	<u>Sale</u>	0	0	0	0
1106 Kaye Court family rental	<u>Rent</u>	1	0	0	1
Springside School (14 special-needs of 74 total units) (Non Age Restricted)	<u>Rent</u>	0	0	0	0
CIS/Cramp/The Place at Burlington (55 of 74; family rental)	<u>Rent</u>	0	30	25	55
Total		1	180	39	220
		.01%	81.9%	17.7%	
		One BR units are no greater than 20%	At least 30 % are two BR units	At least 20 % are three BR units	

Prior Round Rental and Family Rental Chart

Project	Family	Rental Total
BCCAP/MEND (54 of 71; senior rental)	0	54
1106 Kaye Court family rental	1	1
Springside School (14 special-needs 74 total units)	0	14
Group Homes	0	42
CIS/Cramp/The Place at Burlington 55 family of 84 total units)	55	55
Total (112-unit Prior Round Rental Obligation)	56	166

FORMULAS HAVING APPLICABILITY FOR AWARD OF CREDIT FOR PRIOR ROUND

Rental Obligation: .25 (Prior Round obligation)

The above-listed compliance mechanisms satisfy Burlington Township’s 112-unit Prior Round rental requirement, equal to 25% of its total Prior Round obligation (445-unit Prior Round obligation x 25% = 111.25 units; round up to 112 units). The Township has provided 56 special-needs rental units and group home bedrooms, 56 family affordable rental units, and 54 age-restricted affordable rental units for a total of 166 rental units to satisfy the Prior Round requirement.

Age Restricted Housing Limitation (N.J.A.C. 5:93-5.14(a): .25 (Prior Round obligation)

The Township is in compliance with the Prior Round age-restricted cap of 111 units (445-unit Prior Round obligation x 25% = 111.25, round down to 111 units). The Township’s Prior Round compliance mechanisms include 66 age-restricted units; 12 in the Park South/Faulkner Court development (For Sale) and 54 units in the BCCAP/MEND development (For Rent)

Rental Unit Bonus and Limitation (N.J.A.C. 5:93-5.15(d):(Prior Round Obligation)

A municipality shall receive two units (2.0) of credit for rental units available to the general public and one and one-third (1.33) units of credit for age restricted rental units. However, no more than 50 percent of the rental obligation shall receive a bonus for age restricted units; further providing, no rental bonus shall be granted for rental units in excess of the rental obligation, which here is 112 units. The Township is claiming 103 of the 112 allowable rental bonus credits.

Low Income Household Obligation (Prior Round)

Of the 342 Prior Round units included in its amended Plan, 259 are designated as low- or very low-income and 83 are designated as moderate-income units, demonstrating compliance with the requirement that at least 50% of all units are affordable to low-income households.

Bedroom Distribution Obligation for Family Units (Prior Round)

Of the 220 Family Prior Round units included in its amended Plan, no more than 20% of the units are one bedroom and at least 30% of the units are two-bedroom units, in compliance with UHAC requirements. 17.7% of the 220 units are three bedroom units which is short of the 20% required. 20% of 220 equates to 44 units. 39 units are included, resulting in a short fall of 5units.

SATISFACTION OF THE THIRD ROUND OBLIGATION

Pursuant to the 2021 Amendment to the Settlement Agreement, the Township’s Third Round obligation is 608 units. As noted above, the Amendment to the Settlement Agreement made several adjustments to Third Round unit counts and added an additional Third Round compliance mechanism: the Community Investment Strategies Cramp Site which includes 84 family rental units.

As demonstrated in the following Summary Tables, the Township has satisfied its Third Round obligation with completed, approved, and proposed inclusionary developments, proposed 100% affordable family-rentals, completed and proposed alternative living arrangements, and inclusionary rezoning.

- Minimum Third Round rental obligation is 152 (twenty-five percent of the 608-Third Round obligation).
- Third Round family rental obligation is 76 (half (0.5) of the 152-unit Third Round rental obligation).
- Maximum Third Round age-restricted units is 152 (twenty-five percent of the 608-Third Round obligation).

Burlington Township’s Third Round Compliance Mechanisms REVISED 2021 & 11/7/2022			
Third Round Obligation = 608 units			
Mechanism	Units	Rental Bonuses	Total Credits
Inclusionary Development – Completed			
Burlington Heights/Courts at Woodshire (20 of 30; family for-sale; 30-year controls not expiring until post-2030 and not included in list of Third Round extensions of controls; see list below)	20		20
BCCAP/MEND (17 of 71; age-restricted rental)	17		17
Extensions of Expiring Controls – Completed/Proposed			

Burlington Township's Third Round Compliance Mechanisms REVISED 2021 & 11/7/2022			
Third Round Obligation = 608 units			
Mechanism	Units	Rental Bonuses	Total Credits
Bridle Club, Shannon Estates, Park South/Faulkner Ct. (incl. 12 age-restricted units), Steeplechase/Manor Drive, Burlington Heights/Courts at Woodshire	150		150
Group Homes -- see list below	16		16
Regional Contribution Agreement			
Burlington City – (approved by COAH - 2001/2003)	52		52
100% Affordable Municipally Sponsored – Completed and Proposed			
1 Baird Ave – Habitat for Human. family for-sale (completed)	1		1
1409 Beverly Rd – Habitat for Human. family for-sale (completed)	1		1
Springside School – age-restricted rentals (completed)(2 of the 60 are very low age restricted)	60		60
CIS/Cramp - family rentals (29 of 84; proposed)	29		29
Market-to-Affordable/Gut Rehabilitation – Under Construction			
1013 Jardin Court family rental (under construction)	1		1
819 Henri Court family rental (under construction)	1		1
Assisted-Living Age-Restricted Medicaid Waivers – Completed			
Masonic Charitable Foundation	33		33
Granville	4		4
Inclusionary Zoning – Adopted/Proposed			
Fountain Avenue family rentals	28	24, bonus cap	52
TJC/Rancocas Road family rentals	28	28	56
Bromley Tract family rentals	100	100	200
Total	541	152	693
Surplus: 693 credits/bonuses – 608 obligation =			85

Group Home Facility	Units
209 Garnet Drive, #2D (Dakota Prop.)	1
8 Sunset Road (ADEPT)	3
4 Beechwood (EIHAB)	0
12 Bell (EIHAB)	0
27 Langrock (EIHAB)	4
16 Mohr (Bancroft)	4
16 Lardner (Bancroft)	4
Total Units	16

Descriptions of each Third-Round project and mechanism are included below:

INCLUSIONARY DEVELOPMENTS

Burlington Heights/Courts at Woodshire Family Affordable For Sale (10 credits in the Prior Round; 20 credits in the Third Round)

Block 109.25, lots 37-44; Block 109.27, lots 1-14; Block 109.28, lots 1-8),

Knightwood/Guilford Roads

Status: Completed

Burlington Heights is an inclusionary family for sale development. 22 units are two bedroom and 8 are three-bedroom units. Of the 22 two bedroom units, 7 are low income units in the Prior Round, 15 are low income units in the Third Round. Of the 8 three bedroom units, 3 are low income units in the Prior Round and 5 are moderate units in the Third Round. The units received their initial certificates of occupancy between 2002 and 2004; 10 of the units had 20-year affordability controls and are being claimed for Prior Round credit, and 20 have 30-year affordability controls. It is anticipated that the 10 units with 20-year controls will have their controls extended before the end of the Third Round for Third Round credit, as noted below. Triad Associates provides Administrative Agent services.

The project includes 25 low-income units and 8 moderate-income units. Four units that were originally sold as low-income units were re-classified as moderate-income units as a result of the affordability analysis completed as part of the completion of the Township's Housing Element and Fair Share Plan, which found that those four units had been resold at prices affordable to moderate-income buyers.

AGE RESTRICTED RENTAL DEVELOPMENTS

BCCAP/MEND (Age Restricted Senior Rentals) (54 credits in the Prior Round, plus 2 rental bonuses, 17 credits in the Third Round)

Block 124, Lot 13

1714 Hancock Lane

Status: Completed

The project is a 100% affordable senior rental that was developed by the Burlington County Community Action Program (BCCAP) as a HUD Section 202 project and originally received approvals in 1998. The Township has provided the HUD Section 202 Capital Advance Agreement for the development, dated September 11, 1997, that shows affordability controls on the units through September 11, 2038, and requires tenants to be what HUD defines as very low-income, which is 50% or less of area median income, equating to COAH's low-income designation. All rentals are 1-bedroom units. BCCAP provides Administrative Agent services.

A monitoring report with information on the income and bedroom distribution for all Third Round and Prior Round rental and for sale projects can be found in the appendices.

EXTENSIONS OF CONTROLS

The Township, in coordination with the Courts and its Administrative Agent, established a voluntary Extension of Controls program where owners of deed restricted units in the five Prior Round Inclusionary Developments (Bridle Club, Shannon Estates, Burlington Heights, Park South and Steeplechase) on which controls were due to expire during the Third Round were offered funding in return for the extension of their deed restriction. Upon application and approval, the Township attorney prepared new deed restrictions for each homeowner's signature and forwarded for recording with the Burlington County Clerk in compliance with N.J.A.C. 5:97-6.14 and UHAC. A list by development and year of the units for which controls have been or will be extended was prepared by the Township and reviewed by the Township Planner and Court Master. A copy is attached to this Plan in Appendix 15. To date, controls have been extended on 139 units and it is anticipated that controls on an additional 11 units will be extended prior to July 1, 2025. Below is a breakdown by development:

	Extension of Controls Completed	Anticipated Prior to 12/31/2025	Total
Bridle Club	40		40
Steeplechase	60	1	61
Park South	22		22
Shannon Estates	17		17
Courts at Woodshire		10	10
	139	11	150

The Township will ensure that the affordability level is listed in the extension of controls deed restriction for each unit on which the Township executes an extension of controls going forward, and provide updates on new units on which extensions of controls have been executed as part of its annual monitoring report.

SUPPORTIVE AND SPECIAL NEEDS DEVELOPMENTS
(Alternative Living Arrangements – 24 units)

Dakota Properties (Twin Oaks/Family Services) - 1 credit

209 Garnet Drive

Block 114.02, Lot 14.02

Status: Completed

This is a shared supportive housing facility operated by Oaks Integrated Care. The CO was issued in October 2014. No deed restrictions have been recorded. The Township will monitor the facility annually to ensure the unit remains as an alternative living facility. The facility is a 1-bedroom home. The Township will claim 1 credit from this project.

A.D.E.P.T. Programs Inc - 3 credits

8 Sunset Road

Block 117 Lot 11

Status: Completed

This facility is operated by A.D.E.P.T. Programs Inc. and is licensed by the NJ Department of Human Services as a Group Home. The group home was assigned to A.D.E.P.T. by the Division of Developmental Services on 8/28/18. There are no deed restrictions recorded on the property. The Township will monitor the facility annually to ensure the unit remains as a Group Home. The facility is a 3-bedroom group home. The Township will claim 3 credits from this project.

EIHAB Human Services - 0 credits

4 Beechwood Lane

Block 144.01 Lot 2.01

Status: Completed

This facility is operated by EIHAB Human Services and is licensed by the NJ Department of Human Services as a Group Home. The facility received their CO in 2020; there are no deed restrictions recorded on the property. The facility is a 4-bedroom group home. The Township has contacted the group home provider and offered funds in return for a deed restriction, but has received no response. As a result, although this facility was included as part of the compliance plan agreed to in the Amended Settlement Agreement and approved by the Court at the Fairness Hearing, the Township will not be claiming credits for these units.

EIHAB Human Services - 0 credits

12 Bell Lane

Block 144.01 Lot 2.01

Status: Completed

This facility is operated by EIHAB Human Services and is licensed by the NJ Department of Human Services as a Group Home. The facility received their CO in 2020; there are no deed restrictions recorded on the property. The facility is a 4-bedroom group home. The Township has contacted the group home provider and offered funds in return for a deed restriction, but has received no response. As a result, although this facility was included as part of the compliance plan agreed to in the amended Settlement Agreement and approved by the Court at the Fairness Hearing, the Township will not be claiming credits for these units.

EIHAB Human Services - 4 credits

27 Langrock Lane

Block 145.10 Lot 1

Status: Completed

This facility is operated by EIHAB Human Services and is licensed by the NJ Department of Human Services as a Group Home. The facility received their CO in 2018. There are DHS Capital Restrictions recorded on the property for the period 9/18/18 through 9/17/2038. The facility is a 4-bedroom group home. The Township will claim 4 credits from this project

Bancroft (FB Residential Holdings, LLC - 4 credits

16 Mohr Road

Block 140.07 Lot 24

Status: Completed

This facility is operated by Bancroft and is licensed by the NJ Department of Human Services as a Group Home; there are no deed restrictions recorded on the property. The Township will monitor the facility annually to ensure the unit remains as a Group Home. The facility received their CO in 2016. The facility is a 4-bedroom group home. The Township will claim 4 credits from this project

Bancroft (FB Residential Holdings, LLC - 4 credits

16 Lardner Road

Block 144.17 Lot 8

Status: Completed

This facility is operated by Bancroft and is licensed by the NJ Department of Human Services as a Group Home; there are no deed restrictions recorded on the property. The facility received their CO in 2009. The facility is a 4-bedroom group home. The Township will claim 4 credits from this project

A copy of the license, Special Needs Survey Form, and other documentation for each Group Home can be found in Appendix 12.

REGIONAL CONTRIBUTION AGREEMENT (RCA)

A two-phase Regional Contribution Agreement (“RCA”) transferred a total of 52 units to the City of Burlington. The first phase was approved by COAH in 2001 and the second phase in 2003. The Township has provided printouts from its accounting system showing that purchase orders were issued for five payments totaling \$1,040,000, or \$20,000 per unit, towards rehabilitation of homes in Burlington City. The Township is claiming 52 credits for these units. Documentation of the Regional Contribution Agreement may be found in Appendix 14.

100% AFFORDABLE COMPLETED FOR SALE AND RENTAL

1 Baird Avenue – 1 credit

Block 148.02, Lot 1

1409 Beverly Road– 1 credit

Block 100.03, Lot 2

Status: Completed

1 Baird Avenue and 1409 Beverly Road were units developed by Habitat for Humanity and sold as deed restricted low-income units. The CO for 1 Baird was issued on 7/27/12 and the CO for 1409 Beverly was issued on 6/28/18. A deed restriction for 1 Baird for a term of at least 40 years was recorded and dated 7/31/12. A deed restriction for 1409 Beverly for a term of at least 30 years was recorded and dated 6/28/17. 1 Baird is 2-bedroom low-income unit and 1409 Beverly is a 3-bedroom low-income unit. Triad Associates provides Administrative Agent services. The Township is claiming 2 credits for these units

Springside School -60 credits

Block 114, lot 3

1508 Mt. Holly Rd.

Status: Completed

The project is a 74-unit, 100% affordable development that, in accordance with the Low-Income Housing Tax Credit approvals, includes 14 non-age restricted special needs units, credited to the Prior Round, and 60 affordable age-restricted units, being claimed for Third Round credit. The CO for this development was issued 11/7/2013. This facility is administered by MEND.

Crediting documentation for Springside School may be found in Appendix 11.

100% AFFORDABLE MUNICIPALLY SPONSORED RENTAL

Community Investment Strategies (CIS) - Family Rentals - 29 credits

Salem Road & J F Kennedy

Block 105.01 **Approved**

Community Investment Strategies (CIS), an experienced developer of affordable housing in New Jersey has received approvals for the development of an 84-unit, family rental, Low Income Housing Tax Credit development. Please see the full discussion of this project under Prior Round. The Township will claim 29 credits from this project in the Third Round.

Third Round CIS Low/Moderate Bedroom Distribution

	1BR	2BR	3BR	Totals
Very Low Income at 20% of Median	3	5	2	10
Very Low Income at 30% of Median	0	2	1	3
Low Income	0	0	0	0
Moderate Income	3	11	2	16
	6	18	5	29

RENTAL MARKET TO AFFORDABLE GUT REHABILITATION

Salt and Light, Inc.

1013 Jardin Court – 1 credit

Block 102.15, Lot 2.02 - C0819

819 Henri Court– 1 credit

Block 102.15, Lot 2.02 - C1013

Status: Under Construction

1013 Jardin and 819 Henri Court are units currently being renovated by Salt and Light, Inc. Salt and Light, Inc., is an affordable housing non-profit developer, and will rent the units as low-income family units. Both units are two-bedroom units. Salt & Light received a 2020 COVID-19 Emergency Shelter Support grant/loan to fund the renovation work at both units. This program requires that the units be used as transitional (up to two years’) housing for families that are verifiably homeless, with referrals made through the Burlington County Continuum of Care. Salt and Light provides Administrative Agent services, and has indicated that it will require at least one-year leases for both units. Once the COVID-19 grant program is over, Salt and Light will either affirmatively market the units in accordance with UHAC as affordable family rentals, or will secure an agreement with another state agency to provide affordable housing. The Township is claiming 2 credits for these units

Crediting documentation for the two Salt and Light units may be found in Appendix 17.

ASSISTED LIVING AGE RESTRICTED MEDICAID WAIVERS - COMPLETE

Masonic Charitable Foundation – 33 credits

Masonic Village Assisted-Living Residence
902 Jacksonville Road
(Block 133, lot 1.01)

Status: Completed

Granville Assisted Living Residence– 4 credits

111 Sunset Road
Block 119, lot 7.03

Status: Completed

The Masonic Village Assisted Living Residence and the Granville Assisted Living Residence are both licensed Assisted Living facilities and are required to set aside 10% of their beds as Medicaid “set-asides.” Masonic Village has a 33-bed set-aside and the Granville has a 4-bed set-aside, as noted in their completed Assisted Living Surveys. For the Granville facility, the certificate of occupancy was issued November 1997; for the Masonic Village facility, the certificate of occupancy was issued in June 2018. In addition, for the Mason facility there is a recorded deed restriction dated September 10, 2019, that deed-restricts “33 of the beds/units” in the facility as affordable for as long as the facility is operated as an assisted-living facility or until the municipality elects to release the controls after a period of at least 30 years. The Township will claim a total of 37 credits.

A copy of the license, Assisted Living Residence Survey Form, and other documentation for each complex can be found in Appendix 18.

INCLUSIONARY ZONING/REDEVELOPMENT PLAN – ADOPTED/PROPOSED

Fountain Avenue Family Rentals- Family Rentals - 28 credits and 24 rental bonus credits

Fountain Avenue
Block 112, Lots 1, 1.01, 2 and 6),

Status: Proposed

The Township rezoned the 13.75-acre Fountain Avenue site, requiring a family inclusionary development at a density of 10 units per acre with an affordable housing set-aside of 20%. With this rezoning, the site is projected to yield 140 total units, of which 28 will be affordable family units. The current property owner, Fountain of Life, will require the affordable units specified by the rezoning ordinance to be developed as affordable family rental units and the Township has provided a full site suitability analysis for the Fountain Avenue site, and finds it approvable, developable and suitable for the production of affordable housing. Triad Associates will provide Administrative Agent services.

The Township will claim 28 credits and 24 rental bonus credits from this project.

TJC/Rancocas Road Family Rentals- Family Rentals - 28 credits and 28 rental bonus credits

Rancocas Road
Block 110 Lot 1.01

Status: Proposed

In June 2021 the Township adopted an ordinance which revised the existing inclusionary zoning on the 14-acre TJC site on Rancocas Road to permit inclusionary development at a density of 10 units per acre and requiring a 20% affordable housing set-aside. With the revised zoning, the site is projected to yield 140 total units, of which 28 will be affordable rental units. DR Horton NJ/PA, Inc., which is purchasing the development, confirmed that there will be 28 affordable family rental units produced as part of the development. The Township has provided as Appendix 19 to the HEFSP a full site suitability analysis for the TJC/Rancocas Road site, and finds it approvable, developable and suitable for the production of affordable housing.

Triad Associates will provide Administrative Agent services.

The Township plans to apply 28 credits from these units, plus 28 rental bonuses, toward its Third-Round obligation.

Bromley Tract Family Rentals Bromley Tract (Redevelopment Area) (Block 124, Lots 4.01, 9,10 and 12),

Status: Proposed

The Township on August 24, 2021 enacted Ordinance No. 2021-OR-022 whereby it adopted the “FERBER/JAG BROMLEY BOULEVARD RESIDENTIAL TRACT NON-CONDEMNATION REDEVELOPMENT PLAN FOR BLOCK 124, LOTS 4.01, 9, 10 AND 12 AS RECOMMENDED BY THE BURLINGTON TOWNSHIP PLANNING BOARD (“Redevelopment Plan”) allowing for the development of 500 housing units, with a 20% affordable housing set-aside thereby creating 100 affordable housing units. The Township has provided a signed acknowledgement dated June 11, 2020 from a representative of the current landowner, MRP Industrial NE, LLC, that MRP, will require the 100 affordable units specified by the redevelopment plan to be developed as affordable family rental units, thus allowing the Township to claim 100 rental bonuses. The Township has provided in Appendix 19 a full site suitability analysis for the redevelopment area, and finds it approvable, developable and suitable for the production of affordable housing.

The Township has provided in Appendix 23 the adopted authorizing resolution and the executed redeveloper’s agreement, dated February 22, 2022, wherein 2022 Petal Burlington Urban Renewal, LLC is the designated redeveloper required to develop the in accordance with the provisions of the Redevelopment Plan. In Section 2.2(b) the redeveloper is bound to provide 100 units of affordable housing pursuant to the requirements set forth in the New Jersey Administrative Code. It has also provided Ordinance No. 2022-OR-003, adopted March 8, 2022, authorizing the execution of a financial agreement, along with the financial agreement, which was executed on April 13,

2022. Preliminary site plan approval has been granted and it is anticipated that a final site plan submission will be made in late 2022.

Triad Associates will provide Administrative Agent services.
The Township plans to apply 100 credits from these units, plus 100 rental bonuses, toward its Third Round obligation

Formulas Having Applicability for Award of Credit (Third Round)

Rental Obligation: .25 (Third Round obligation)

The above-listed compliance mechanisms satisfy Burlington's Third Round rental requirement, equal to 25% of its Third-Round obligation (608-unit Third Round obligation x 25% = 152 units).

The Township is proposing 317 affordable rental units to satisfy this rental requirement.

Family Rental and Family Obligations(Third Round obligation)

Half of the total units – 321 of 641 – and half of all rental units – 159 of 317 – addressing the Township's Third Round obligation must be available to families. The Township's Plan proposes 363 total affordable family units, including 150 family affordable for-sale units with extended controls, to address the 321-unit Third Round family-unit obligation. Of the 317 total rental units provided, 187 are available to families, satisfying the 159-unit minimum family rental requirement.

Age Restricted Housing Limitation (N.J.A.C. 5:93-5.14(a): .25 (Third Round obligation)

The Township is in compliance with the Third-Round age-restricted cap of 139 units (608-unit Third Round obligation – 52 RCAs = 556 x 25% = 139 units). The Township is proposing 126 age-restricted units, including the 12 age-restricted units at the Park South development that have had affordability controls extended, which is below the maximum Third Round senior cap permitted.

Rental Unit Bonus and Limitation (N.J.A.C. 5:93-5.15(d)(Third Round)

A municipality shall receive two units (2.0) of credit for rental units available to the general public and one and one-third (1.33) units of credit for age restricted rental units. However, no more than 50 percent of the rental obligation shall receive a bonus for age restricted units; further providing, no rental bonus shall be granted for rental units in excess of the rental obligation, which here is 152 units. The Township is claiming 152 rental bonuses, the maximum permitted, all from family affordable rental units.

Low Income Obligation (Third Round)

Of the 489 Third Round units, including pending Extension of Controls units, but not including RCA units, included in its amended Plan, 323 are designated as very low or low and 166 are designated as moderate-income units, demonstrating compliance with the requirement that at least 50% of all units are affordable to low-income households

Bedroom Distribution Obligation (Third Round)

Of the 209 Family Third Round units (not including Extension of Control units) included in its amended Plan, no more than 20% of the units are one bedroom and at least 30% of the units are two bedrooms in compliance with UHAC requirements. In addition, at least 20% of the units are three-bedroom units, in compliance with UHAC requirements. Of the 209 Family Third Round units, 20.6% or 43 units are three bedrooms. The required number to meet 20% is 42 three-bedroom units.

The Court Master and the FSHC have advised the Township that they will accept the current bedroom distribution of the existing units in both the Prior Round and the Third Round and not require the Township to take affirmative measures to make up the deficit in three-bedroom units, in part because the Township generated so many two-bedroom units very early in the Mount Laurel process and in part because, the Township has voluntarily included a mandatory set-aside in its affordable housing ordinance that will generate additional three-bedroom units from any family development.

Third Round Low/Moderate Income Split Chart

Project	Tenancy	Very Low	Low	Mod	Total Units
Bridle Club Extension of Controls (Family for Sale)	Sale		21	20	41
Burlington Heights/Courts at Woodshire (20 of 30; family for-sale)	Sale	0	15	5	20
Burlington Heights/Courts at Woodshire <u>Extension of Controls</u> (10 of 30; family for-sale)	Sale	0	8	2	10
Shannon Estates - Extension of Controls (<u>Family for Sale</u>)	Sale	0	0	17	17
Steeplechase - Extension of Controls (<u>Family for Sale</u>)	Sale	0	52	9	61
Park South - Extension of Controls	Sale	0	16	5	21* (9 Family; 12 Senior)
BCCAP/MEND (17 of 71; senior rental)	<u>Rent</u>	0	17	0	17
Springside School (60 of 74 total units) (Senior Rental) (2 of the 60 are Age Restricted Special Needs Units)	<u>Rent</u>	2	44	14	*58 Senior Units & 2 Age Restr. Special Needs
Group Homes	<u>Rent</u>	16			16
CIS/Cramp/The Place at Burlington (29 of 84; family rental)	<u>Rent</u>	13	0	16	29
Masonic & Granville Assisted Living	<u>Rent</u>	37	0	0	37
Habitat (1409 Beverly and 1 Baird)	<u>Sale</u>	0	2	0	2
Fountain Avenue (Proposed)	Rent	4	10	14	28
Salt & Light Bienvenue	Rent		2		2
TJC Rancocas (Proposed)	Rent	4	10	14	28
Bromley Site (Proposed)	Rent	13	37	50	100
Total		89	234	166	489*

*Does not include the 52 RCA Units as no affordability split is associated with the RCA

Third Round Family Bedroom Distribution Chart

Third Round Projects – FAMILY UNITS	Tenancy	1 Bedroom	2 Bedroom	3+ Bedroom	Total Units
Burlington Heights/Courts at Woodshire (20 of 30; family for-sale)	<u>Sale</u>	0	15	5	20
CIS/Cramp/The Place at Burlington (29 of 84 family rental)	<u>Rent</u>	6	18	5	29
Fountain Avenue (Proposed)	Rent	5	17	6	28
Salt & Light Bienvenue	Rent	0	2	0	2
TJC Rancocas (Proposed)	Rent	5	17	6	28
Bromley Site (Proposed)	Rent	20	60	20	100
Habitat (1409 Beverly and 1 Baird)	<u>Sale</u>	0	1	1	2
		36	130	43	209
		17.2%	62.2%	20.6%	
		One BR units no greater than 20%	At least 30% are two BR units	At least 20% must be three BR units (42 units)	

Third-Round Rental Distribution Chart

Project	Family	Rental Total
Group Home Bedrooms	0	16
CIS/Cramp/The Place at Burlington (29 of 84; family rental)	29	29
Salt & Light Bienvenue	2	2
TJC Rancocas (Proposed)	28	28
Bromley Site (Proposed)	100	100
Springside School	0	60
Fountain Avenue (Proposed)	28	28
Masonic & Granville Assisted Living	0	37
BCCAP	0	17
Total 321-unit Third Round Rental Obligation; 159-unit Third Round Family Rental Obligation)	187	317

VERY LOW-INCOME UNITS

Pursuant to the Fair Housing Act, the Township agrees to require that 13% of all affordable housing units in the plan approved and constructed after July 17, 2008 be affordable to very low-income households, defined as households earning 30% or less of regional median income. Additionally, half of all very low-income units must be available to families.

The Township has 386 affordable units proposed, approved, and constructed on or after July 17, 2008. As such, the very low-income obligation is 51 units (0.13 x 386), including the units listed in the below table. The very low-income family obligation is 50% of the total very low obligation which is 26.

Based upon units approved and constructed since 2008 and those planned for construction, the Township will meet the 51 unit very low-income obligation and the 26 unit very low-income family obligation as follows:

VERY LOW-INCOME UNIT ANALYSIS

Development/ Compliance Mechanism	Total Affordable Units	VLI Obligation	VLI produced/proposed	Type of Very Low Income Unit (Family, Senior, Special Needs)
Springside School 100% Affordable	74	9.62	16	Special Needs (14 Non Age restricted and 2 Age Restricted)
Assisted Living	37	4.81	37	Assisted Living
Group Homes Post 2008	30	3.90	30	Group Homes
CIS/ The Place at Burlington	84	10.92	13	Family (homeless and homeless/disabled veterans)
1106 Kaye	1	0.13	0	Salt & Light Family Rental
1 Baird	1	0.13	0	Habitat For Sale
1409 Beverly	1	0.13	0	Habitat For Sale
1013 Jardin/819 Henri	2	0.26	0	Salt & Light Family Rental
Fountain Avenue family rentals	28	3.64	4	Inclusionary Family Rental
TJC/Rancocas Road family rentals	28	3.64	4	Inclusionary Family Rental
Bromley Tract family rentals	100	13	13	Inclusionary Family Rental
Total	386*	50.18 = 51	145	
Total Family Very Low		26	34	

AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING

The Township has prepared an Affordable Housing Ordinance in accordance with the Fair Housing Act, COAH's substantive rules and UHAC. The Affordable Housing Ordinance will govern the establishment of affordable units in the Township as well as regulating the occupancy of such units. The Township's Affordable Housing Ordinance covers the phasing of affordable units, the low-/moderate-income split, very-low income units, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualifications, etc. A copy of the Affordable Housing Ordinance can be found in Appendix 26.

The Township has passed a Resolution to appoint a Municipal Housing Liaison for the administration of Burlington's affordable housing program to enforce the requirements of applicable COAH and UHAC regulations; a copy of the Resolution is attached in Appendix 27. In addition, the Township has passed a Resolution appointing Triad Associates to provide Administrative Agent services to ensure compliance with UHAC. A copy of the Resolution is included in Appendix 26.

In addition, the Township's Affirmative Marketing Plan will address the Settlement Agreement provisions to add more community groups for direct notification of affordable housing unit availability and opportunities. Affirmative marketing plans are designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Township. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Township's housing region (Region 5).

The affirmative marketing plans include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to N.J.A.C. 5:80-26.1 et seq. All newly created affordable units will comply with at least 30-year affordability control required by UHAC, N.J.A.C. 5:80-26.5 and 5:80-26.11. This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. A copy of the Affirmative Marketing Plan is included in Appendix 25.

AFFORDABLE HOUSING TRUST FUND

The Township of Burlington received a First-Round certification of compliance from the New Jersey Council on Affordable Housing ("COAH") on March 14, 1994, and subsequently received approval to maintain an affordable housing trust fund on September 4, 1996. After COAH's approval of the Township's mandatory development fee ordinance, same was subsequently adopted on December 28, 1999. As part of implementing this Plan, the Township maintains a dedicated interest-bearing account to house all trust funds, and will make all permissible trust fund expenditures directly from his account.

A new spending plan has been prepared consistent with this Plan. The Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, was prepared in accordance with COAH's applicable substantive rules. All collected revenues will be placed in the Township's Affordable Housing Trust Fund, and will be dispensed for eligible affordable housing activities, as articulated in the Spending Plan.

The Township is required to fund eligible programs in its Court-approved Amended HEFSP, as well as to comply with the statutory limitations in the expenditure of trust fund monies.

At least 30 percent of collected development fees, excluding expenditures made through June 2, 2008, when affordability assistance became a statutory requirement in the FHA, will be used to provide affordability assistance to very low-, low-, and moderate-income households in affordable units included in the Township's Amended HEFSP. At least one-third of the affordability assistance must be expended on very low-income units. Additionally, no more than 20 percent of the revenues collected from development fees each year may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a HEFSP, or an affirmative marketing program.

COST GENERATION

The Township's Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards; it provides for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.), the Municipal Land Use Law (N.J.S.A. 40:55D-40.1 through 40.7), and the mandate of the FHA regarding unnecessary cost generating features. The Township shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1(a), procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.1(b), and requirements for special studies and escrow accounts where an application contains affordable housing, N.J.A.C. 5:93-10.3.

MONITORING/STATUS REPORTS

On the anniversary of the execution of the Settlement Agreement, which date is January 17, 2020, until expired, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("NJDCA"), COAH, or NJ Local Government Services ("NJLGS"), or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the NJDCA, COAH, or LGS.

The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

Additionally, on the anniversary of the execution of the Settlement Agreement, until expired, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

The FHA includes two provisions regarding action to be taken by the Township during the ten (10)-year period of protection acknowledged by the Settlement Agreement. The Township agrees to comply with those provisions as follows:

- a. The midpoint realistic opportunity review was initially due on July 1, 2020, as required per the Settlement Agreement and pursuant to N.J.S.A. 52:27D-313. The Township will prepare the report and post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity within six weeks from the date of this plan. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the court regarding these issues.
- b. For the review of very-low income housing requirements required by N.J.S.A 52:27D-329.1 within 30 days of the third anniversary of the FSHC agreement dated January 17, 2020, and every third year thereafter, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low income requirements, including the family very-low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation under the terms of the settlement with FSHC.