



FOURTH ROUND

HOUSING ELEMENT AND FAIR SHARE PLAN

BURLINGTON TOWNSHIP | BURLINGTON COUNTY, NEW JERSEY

June 2025



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HOUSING ELEMENT AND FAIR SHARE PLAN

ADOPTED BY THE PLANNING BOARD:

ENDORSED BY THE MAYOR & TOWNSHIP COUNCIL:

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A SIGNED AND SEALED ORIGINAL IS ON FILE WITH THE TOWNSHIP CLERK



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INTRODUCTION & EXECUTIVE SUMMARY

Since the 1975 New Jersey Supreme Court decision known as “Mount Laurel I”, New Jersey municipalities have had a constitutional obligation to provide opportunities for creation of low- and moderate-housing units. This 1975 decision led to a body of case law, legislative changes and rulemaking by a state agency that, collectively, is now referred to as the “Mount Laurel doctrine”. Through these actions, New Jersey municipalities have been assigned a specific number of affordable housing units that must be created or planned for creation in order to have “satisfied” their constitutional obligation, commonly referred to as their affordable housing obligation. The purpose of this Fourth Round Housing Element and Fair Share Plan (hereinafter the “Plan”) is to present how Burlington Township will satisfy its constitutional obligation.

Affordable housing in New Jersey is defined as housing units which are reserved for households with incomes not more than 80% of the regional median income. Each affordable unit, with limited exceptions, must remain reserved for low- and moderate-income households for not less than 30 years (40 years for rental units) and it is typically enforced by a deed restriction. Each affordable unit is eligible for one “credit” against the obligation and certain units are eligible for “bonus credits”, which provide more than one credit per unit. In addition to providing the minimum number of credits, municipalities must ensure diversity in the level of affordability – meaning very low, low- and moderate-income units – and diversity in the size of affordable units – meaning one, two- and three-bedroom units.

Participation in this process, and therefore satisfaction of the affordable housing obligation, can be achieved voluntarily or involuntarily. However, voluntary compliance is heavily incentivized. Municipalities that do not successfully participate may be vulnerable to “builder’s remedy” litigation. A builder’s remedy is a litigation tool that grants a developer the right to develop what is typically a multi-family project on land that was not zoned to permit the use or the residential density desired by the developer, provided a “substantial” percentage of the units are reserved for low- and moderate income households. Burlington Township seeks to avoid this possibility through the adoption of this Plan which includes a 100% municipally sponsored affordable housing development projects and development projects that require the affordable housing units be deed restricted for very-low, low- and moderate-income households.

This Plan will serve as the foundation for the Township’s application to the Affordable Housing Dispute Resolution Program (“Program”), which is the mediation arm of the Court to resolve disputes related to a municipality’s obligation and/or Housing Element and Fair Share Plan (“HEFSP”), and Superior Court for that approval, referred to as a Judgment of Compliance and Order of Repose.

Burlington Township filed a complaint for Declaratory Judgement in the Superior Court on January 22, 2025, seeking a declaration of compliance with the Mount Laurel Doctrine and the Fair Share Housing Act Amendments of 2024.

Fair Housing Act Amendments

The 2024 Fair Housing Act (“FHA”) was signed into law in March 2024. It governs how the municipal fair share obligations are established and satisfied. A few of the noteworthy changes include the following:

- The Department of Community Affairs (“DCA”) using the FHA methodology computed an advisory Fourth Round present (rehabilitation) and prospective need (new construction) obligation.
- The Affordable Housing Dispute Resolution Program (“Program”) administers the review, dispute resolution and approval of submitted Housing Element and Fair Share Plans.
- Each municipality must adopt a binding resolution committing to a present need, also known as the rehabilitation (“rehab”) obligation, and to the Fourth Round prospective need obligation by January 31, 2025.
- The deadline for the submission of a Fourth Round HEFSP to the Program is June 30, 2025. If a municipality does not meet this deadline, the municipality may be open to a builder’s remedy lawsuit. The Fourth Round runs from July 1, 2025, to June 30, 2035.

Additionally, the Program recently published new administrative rules requiring municipalities to file a Declaratory Judgment action to Superior Court once a municipality adopts its Fourth Round affordable housing obligation. The process for review, dispute resolution and approval moves through a judicial process with a mediation process occurring at the Program level.

- An overview of the general requirements of the law are as follows:
 - ✓ Third Round Assessment: A municipality shall include an assessment of meeting the Third Round obligation and determine if there is a deficit or surplus that must be addressed.
 - ✓ Unused/Underutilized Property: A municipality shall consider converting or redevelopment of unused or underutilized properties when planning for location of affordable housing.
 - ✓ 25% of affordable units have to be rental housing units and half of those have to be available to families with children.
 - ✓ 50% of the municipality’s prospective need (exclusive of any bonus credits) have to be available to families with children.
 - ✓ Transitional Housing: Municipalities can now count affordable housing credits from transitional housing, but towards no more than 10 percent of the municipality’s fair share obligation.
 - ✓ Age-Restricted Units: 30% of a municipality’s prospective need (exclusive of any bonus credits) can be age-restricted.

- ✓ Extension of Expiring Controls is a permitted mechanism credit if affordability controls are extended for a new term of affordability provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended term, in combination, total at least 60 years. Any 100 percent affordable rental property shall have a right to extinguish a deed restriction regardless of original length, beginning 30 years following the start of the deed restriction, provided a refinancing or rehabilitation, or both, for the purpose of preservation is commenced and that a new deed restriction of at least 30 years is provided.
 - ✓ Adaptability Requirements/Possible Loss of Immunity: If affordable units do not properly comply with adaptability and barrier free requirements, the municipality “shall lose its immunity to builder’s remedy lawsuits.”
 - ✓ Loss of Immunity and Trust Fund: If a municipality loses immunity, the municipality is prohibited from expending trust funds.
 - ✓ Affordability controls for rental units shall be a minimum of 40 years and for-sale units shall be a minimum of 30 years.
- Bonus credits for affordable housing have been updated as follows:
 - Bonus credits are limited:
 - No more than one type of credit for any unit
 - No more than 25% of the obligation shall be bonus credits
 - One Full Bonus Credit
 - Supportive and Special Needs Bedrooms
 - 100% Affordable Projects: Units within 100% affordable housing project provided the municipality donates the land or a minimum of 3% of the project costs
 - Market to Affordable Unit which includes municipal site control of the property or an agreement between the municipality and the landowner
 - Half Bonus Credit
 - Partnership with a non-profit developer
 - The affordable housing units are within ½ mile of transit (rail, bus)
 - Age restricted units are limited to 10% of the age-restricted units provided the age-restricted unit total is capped at 30% of the obligation
 - Three-bedrooms units above the required three-bedroom distribution (min. 20%)
 - Units constructed on land that is or was previously developed and utilized for retail, office, or commercial space
 - Redevelopment for units on land that is within a redevelopment zone
 - Extension of affordability controls on rental housing only and the municipality funds the cost for the preservation
 - Very Low-Income units above the 13% required

The Housing Element and Fair Share Plan

In accordance with the FHA this HEFSP includes 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;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten (10) 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; and
- 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 of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- f. A consideration of the lands 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 providing low- and moderate-income housing;
- g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20);
- h. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Items (a) through (d) are included as an appendix item and items (e) through (h) are included in the body of this HEFSP.

AFFORDABILITY REQUIREMENTS

Affordable housing is defined under New Jersey’s FHA as a dwelling, either for sale or rent, which is within the financial means of households of very-low-, low-, or moderate-income, as is measured within each housing region. Burlington Township is in 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 than the regional median income. Very-low-income households are a subset of “low-income” households and are defined as those with incomes 30% or less than the regional median income.

The Uniform Housing Affordability Controls (“UHAC”), at N.J.A.C. 5:80-26.3, et seq., require that the maximum rent for a qualified unit be affordable to households with incomes 60% or less than the median income for the region. The average rent must be affordable to households with incomes no greater than 52% of the median income. The maximum sale prices for affordable units must be affordable to households with incomes 70% or less than the median income. The average sale price must be affordable to a household with an income of 55% or less than the median income.

The regional median income uses the federal income limits established by Department of Housing and Urban Development (“HUD”) on an annual basis. In the spring of each year, HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived.

For 2025, New Jersey Housing and Mortgage Finance Agency (NJHMFA) updated income limits for all housing regions in New Jersey. These income limits for Region 5 will be utilized for the Township. See Table 1 for 2025 income limits for Region 5.

Table 1: 2024 Income Limits for Region 5					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Median	\$83,600	\$95,600	\$107,500	\$119,400	\$129,000
Moderate	\$66,880	\$76,480	\$86,000	\$95,520	\$103,200
Low	\$41,800	\$47,800	\$53,750	\$59,700	\$64,500
Very Low	\$25,080	\$28,680	\$32,250	\$35,820	\$38,700
Source: 2025 Income Limits prepared by NJHMFA					

PRESENT AND PROSPECTIVE NEED OBLIGATION

The fair share affordable housing obligation consists of a rehabilitation component (present need) and a new construction component (prospective need). Pursuant to FHA, the DCA was required to calculate the rehabilitation and prospective need obligations for municipalities within the State. The FHA entitled municipalities to adjust the obligation if the information used in the DCA calculation was outdated or in error. After reviewing the DCA methodology for the present and prospective need obligations, the Township determined that the DCA calculation for prospective need (308 units) was incorrect and adopted a recalculated obligation (201 units) by the Township Council (Resolution 2025-R-022) on January 21, 2025. The resolution and supporting report was submitted to Superior Court on January 22, 2025.

Two parties filed objections to the Township's adoption of the recalculated obligation, **FHSC** and the New Jersey Builder's Association. In accordance with the FHA, the Program held mediation sessions between the parties and as a result of the mediation process the parties agreed to a prospective need obligation of 235 units. The Settlement Agreement was executed on April 10, 2025, recommended to the Court by the Program on April 9, 2025, and ordered by the Superior Court on April 17, 2025. The New Jersey Builder's Association did not object to the settlement between the Township and Fair Share Housing Center.

Each component of the obligation is identified below.

- **Present Need (Rehabilitation) Obligation: 132 units**
The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Burlington Township occupied by low- and moderate-income households.
- **Prospective Need (New Construction) Obligation: 235 units**
The prospective need obligation can be defined as the cumulative 2025 through 2035 new construction affordable housing obligation.

FAIR SHARE PLAN

Third Round Compliance Status

Pursuant to the FHA, the Fourth Round Fair Share Plan is required to provide an assessment of the degree to which the Third Round fair share obligation has been met as established by prior court approval. The municipality is required to determine to what extent the obligation is unfulfilled or whether the municipality has excess credits. If the Third Round obligation remains unfulfilled the municipality shall address the Third Round unfulfilled obligation in this Fourth Round Fair Share Plan. Units included as part of the municipality's unfulfilled prior round obligation shall not count towards the cap on units in the municipality's Fourth Round prospective need obligation. In addressing the status of the Third Round projects, the municipality must demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity for affordable housing. The Third Round obligation totaled 608 units. The Township addressed the obligation with a total of 701 credits including 549 units and 152 bonus credits resulting in a surplus of 93 units which will be applied to satisfy the Fourth Round Obligation.

The following table provides the status of the proposed projects that addressed a portion of the Third Round prospective need obligation.

Table 2: Status of Third Round Proposed Projects				
Program/Project	Unit Type	Status	Surplus	Units
Bridle Club Shannon Estates Park South/Faulkner Court Steeplechase/Manor Drive Burlington Heights/Courts at Woodshire	Extension of Controls	Completed		158
RCA with Burlington City	Regional Contribution Agreement	Completed		52
Masonic Charitable Foundation	Assisted Living	Completed		33
Granville	Assisted Living	Completed		4
Fountain Avenue Spectrum Way @ Burlington	Family Rental	Approved		29

Table 2: Status of Third Round Proposed Projects

Program/Project	Unit Type	Status	Surplus	Units
TJC/Rancocas Road Rancocas Pointe	Family Rental	Under Construction		28
Bromley Tract Jefferson Apartment Group	Family Rental	Under Construction		100
BCCAP/MEND	Age Restricted Rental	Completed	17	17
Burlington Heights/Courts at Woodshire	Family For-Sale	Completed	8 of 20	20
Various Locations: Refer to Third Round Plan	Supportive and Special Needs Bedrooms	Completed	16	16
Habitat for Humanity 1 Baird Avenue	100% Affordable Family For-Sale	Completed	1	1
Habitat for Humanity 1409 Beverly Road	100% Affordable Family For-Sale	Completed	1	1
Springside School	100% Affordable Age-Restricted Rental	Completed	19 of 60	60
The Place @ Burlington	100% Affordable Family Rental	Completed	28	28
1013 Jardin Court	Market to Affordable Family Rental	Completed	1	1
819 Henri Court	Market to Affordable Family Rental	Completed	1	1

The projects that are contributing the surplus credits were originally counted toward the Third Round micro-requirements including total family, family rental and total rental units. After a recalculation of the

Third Round micro-requirements, the surplus credits associated with the projects that will be utilized to satisfy the Fourth Round obligation do not leave a deficit in any of the micro-requirement categories (minimum rental units, minimum family units, minimum family rental units). The other projects (non-surplus units) from the Third Round satisfy the Third Round micro-requirements.

SATISFACTION OF THE AFFORDABLE HOUSING OBLIGATION

The Township is addressing its Fourth Round affordable housing obligation through a variety of mechanisms that include a rehabilitation program, surplus credits from the Third Round, 100% family and age-restricted rental projects, special needs bedrooms and extension of expiring controls.

Present Need (Rehabilitation) Obligation: 132 Units

Burlington Township’s rehabilitation obligation is 132 units. The Township will address this obligation through the continuation of a Township run rehabilitation program and participation in the Burlington County Homeowner Housing Rehabilitation Program, which provides a no-interest loan to income-eligible homeowners to repair major systems in their home. This County program is funded by the federal Community Development Block Grant (“CDBG”) program.

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/or load bearing structural systems. All rehabilitated units shall meet the applicable construction code. Additionally, all rehabilitated units shall be occupied by low- or moderate-income households and subject to 10-year affordability controls, which shall be placed on the property in the form of a lien or deed restriction. The average hard cost will be at least \$10,000.

Prospective Need (New Construction) Obligation: 235 Units

The Township’s proposed compliance mechanisms are summarized in Table 3, Summary of Credits for the Fourth Round, 2025-2035.

Table 3: Summary of Credits for the Fourth Round (2025-2035)					
Project/Program	Unit Type	Status	Units	Bonus Credits	Total Credits
Surplus Credits from Third Round					
BCCAP/MEND	Age Restricted Rental	Occupied	17	-	17

Table 3: Summary of Credits for the Fourth Round (2025-2035)

Project/Program	Unit Type	Status	Units	Bonus Credits	Total Credits
Burlington Heights/Courts at Woodshire	Family For-Sale	Occupied	8 of 20	-	8 of 20
Various Locations: Refer to Third Round Plan	Supportive and Special Needs Bedrooms	Occupied	16	-	16
Habitat for Humanity 1 Baird Avenue	100% Affordable Family For-Sale	Occupied	1	-	1
Habitat for Humanity 1409 Beverly Road	100% Affordable Family For-Sale	Occupied	1	-	1
Springside School	100% Affordable Age-Restricted Rental	Occupied	19 of 60	-	19 of 60
The Place @ Burlington	100% Affordable Family Rental	Occupied	29		29
1013 Jardin Court	Market to Affordable Family Rental	Occupied	1		1
819 Henri Court	Market to Affordable Family Rental	Occupied	1		1
Proposed/Existing Fourth Round Projects					
Sunset Road Block 105, Lot 5	100% Affordable Housing Family Rental	Proposed	80	58.5	138.5
Existing Special Needs Various Locations	Supportive and Special Needs	Existing	7	-	7

Table 3: Summary of Credits for the Fourth Round (2025-2035)					
Project/Program	Unit Type	Status	Units	Bonus Credits	Total Credits
Extensions of Controls Courts @ Woodshire 62 Manor Drive	Extensions of Controls	Proposed	21	-	21
Total			200	59.5	259.5
Surplus					24.5

The affordable housing rules require municipalities to designate sites that are “suitable, approvable, available and developable”, as defined in N.J.A.C. 5:93-1. These terms are defined as follows:

- **Suitable site** means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
- **Approvable site** means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules and regulations of all agencies with jurisdiction over the site. A site may be approvable although it is not currently zoned for low- and moderate-income housing.
- **Available site** means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- **Developable site** means a site that has access to appropriate water and sewer infrastructure and is consistent with the applicable areawide water quality management plan (including the waste management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by the NJ Department of Environmental Protection.

Fourth Round Project Descriptions

EXTENSIONS OF CONTROLS – PROPOSED

Burlington Heights/Courts at Woodshire Family For-Sale (20 units)

62 Manor Drive (1 unit)

Courts at Woodshire is an existing inclusionary family for sale development consisting of 30 affordable housing units. The initial certificates of occupancy were issued between 2002 and 2004. Ten (10) of the units had 20-year affordability controls of which three (3) units were extended for credit in the Third Round. Twenty (20) of the units had 30-year affordability controls in place and the Township is proposing to extend those expiring controls in accordance with the only standards that exist at the time we are required to submit this plan: the emergency regulations adopted by the NJHMFA in December 2024 establishing new UHAC standards. In addition, 62 Manor Drive is in the Prior Round development known as Steeplechase/Burlington Manor/Manor Drive which was a inclusionary family for sale development. The initial certificate of occupancy was issued in 2000 with 30-year affordability controls in place. The Township will also extend the expiring controls on this unit in accordance with the only standards that exist at the time we are required to submit this plan: the emergency regulations adopted by the NJHMFA in December 2024 establishing new UHAC standards.

SUPPORTIVE AND SPECIAL NEEDS HOUSING – EXISTING

Various Locations (7 total credits)

The Township has three (3) group homes that were not credited during the Third Round. The homes are located at 1504 Oxmead Road (3 bedrooms and operated by The ARC), 323 Cannes Court (1 bedroom) and 22 Yubas Drive (3 bedrooms). The Township will provide the required information per N.J.A.C. 5:97-6.10 in order to claim credit for these existing special needs units.

100% AFFORDABLE DEVELOPMENT – PROPOSED

Sunset Road: 80 family rental units

The Township will work with an experienced affordable housing provider of 100% affordable family rental housing to construct a 100% affordable housing rental complex containing up to 80 family rental units located on Sunset Road (Block 105, Lot 5). The Township is actively pursuing the purchase of the 12.8-acre site and anticipates site control (ownership or contract of sale) of the site prior to June 30, 2025.

COAH's Second Round rules at N.J.A.C. 5:93-1.3 and N.J.A.C. 5:93:5.5 for 100% affordable projects are addressed as follows:

✓ Site Control – The Township is actively pursuing purchase of the property.

- ✓ Suitable Site – The site is suitable as defined in COAH’s regulations at N.J.A.C. 5:93-1.3, which indicates that a suitable site is one in which it is adjacent to compatible uses, has access to appropriate streets and is consistent with environmental policies in N.J.A.C. 5:93-4.
 - *The site has a clear title and is free of encumbrances that preclude development of affordable housing.* To our knowledge, the site has a clear title and no legal encumbrances that would preclude its development for affordable family rental housing.
 - *The site is adjacent to compatible land uses and has access to appropriate streets.* Single-family detached homes are located to the south and east, a commercial and religious institutional use to the north, and office uses to the northwest of the site. The site has approximately 1,300 feet of frontage on Sunset Road. Sunset Road is a County road and classified as a minor arterial road. It is an appropriate road to provide access to a 100% AH project.
 - *Adequate sewer and water capacity is available.* The site is within the Burlington Township Sewerage Authority’s sewer service area (Central Avenue Wastewater Treatment).
 - *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.
 - *The site is located in a “Smart Growth Planning Area.”* The 2001 Adopted State Plan Map and the proposed updated Preliminary State Plan Map, which is currently in the cross acceptance process, designates the property as being in Metropolitan Planning Area (PA 1). Among the intentions of the Metropolitan Planning Area are to provide for much of the state’s future redevelopment; promote growth in compact forms; and redesign areas of sprawl. It is a preferred location for affordable housing development.
 - *The development is not within the jurisdiction of a Regional Planning Agency or CAFRA.* The site is outside of the Pinelands, Highland, CAFRA and Meadowlands planning areas.
 - *The site will comply with all applicable environmental regulations.* There are no Category One streams or known contaminated sites located on the property. There are wetlands along the southeast property line but will not impede the development of affordable housing.
 - *The site will not affect any historic or architecturally important sites and districts.* There are no historic or architecturally important sites or buildings on the property or in the immediate vicinity that will affect the development of affordable housing.
- ✓ Developable Site – In accordance with N.J.A.C. 5:93-1.3, a developable site has access to appropriate sewer and water infrastructure and is consistent with the area wide water quality management plan. According to the Township Engineer, the site in the Burlington Township sewer service area (Central

Avenue Wastewater Treatment Plan) and water and sewer mains exist in the vicinity of the site. The Township Engineer confirmed that the Township's sewer plant has sufficient capacity and is unaware of any water capacity issues.

- ✓ **Approvable Site** – Pursuant to N.J.A.C. 5:93-1.3, an approvable site may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. The site will be zoned for an 80-unit 100% family rental affordable project providing the zoning necessary for the proposed affordable housing development.
- ✓ **Administrative Entity** – The future developer will own and operate the affordable units pursuant to the applicable state regulations. For the proposed Fourth Round affordable units, the developer will affirmatively market the units, income qualify applicants, place a minimum of 40-year affordability control deed restrictions on the units and provide long-term administration of the units in accordance with COAH's rules at N.J.A.C. 5:93 et seq. and UHAC rules per N.J.A.C. 5:80-26.1, or any successor regulation, with the exception that in lieu of 10% affordable units in rental projects being required to be at 35% of median income, 13% of affordable units in such projects shall be required to be at 30% of median income.
- ✓ **Low/Moderate Income Split** – At least half of all the affordable units developed at the site will be affordable to low-income households (13% of all affordable units will be very low-income) and an odd number of affordable units will always be split in favor of the low-income unit per N.J.A.C. 5:80-26.1.
- ✓ **Affirmative Marketing** – The developer will affirmatively market the units in accordance with UHAC per N.J.A.C. 5:80-26.1.
- ✓ **Controls on Affordability** – The Township's developers agreement and zoning ordinance will require a minimum 40-year affordability control deed restrictions on the units in accordance with N.J.A.C. 5:93 et seq. and N.J.A.C. 5:80-26.1.
- ✓ **Bedroom Distribution** – The units will be required to be developed in accordance with UHAC bedroom distribution requirements in accordance with N.J.A.C. 5:80-26.3.
- ✓ **Funding** –The developer will pursue funding from Federal, State, and County agencies, including Low Income Housing Tax Credits from the Housing, Mortgage, Finance Agency for support in the funding of the project. In addition, the municipality will utilize Affordable Housing Trust Funds to aid in a gap in funding, if necessary.
- ✓ **Construction Schedule** – The developer will begin construction of the affordable family rental units within two (2) years of the Township receiving a Final Judgment of Compliance from Superior Court. The developer will be responsible for monitoring the construction and overall development activity.

MICRO-REQUIREMENTS

Per the FHA, the Township must address a variety of minimum or maximum credits in satisfying its Fourth Round fair share obligation. The Township must meet a rental obligation, total family unit obligation, the very low-income obligation and not exceed the maximum senior unit cap.

Maximum Bonus Credits = 58.5 units

.25 (Obligation) = 58.5 units | .25 (235) = 58.75, round down to 58.5

The Township does not exceed the maximum number of bonus credits and is applying bonus credits for the Sunset Road 100% family rental project. The FHA permits one full bonus credit for each unit within 100% affordable housing project provided the municipality provide the land or a minimum of 3% of the project costs. The Township will donate the land to the developer and commit to providing a minimum of 3% of the project cost.

Minimum Rental = 59 units

.25 (Obligation) = 59 units | .25 (235) = 58.75, round up to 59 units

This obligation is satisfied with 170 credits associated with The Place (29), Special Needs (23), Market to Affordable (2), MEND (17), Springside School (19), Sunset Road (80).

Maximum Senior = 70 units

.30 (Obligation) = 70 units | .30 (235) = 70.5, round down to 70 units

This maximum number of senior units is not exceeded as there are 36 senior credits associated with MEND (17) and Springside School (19).

Minimum Family = 89 units

.50 (Obligation-bonus) = 89 units | .50 (235-58.5) = 88.25, round up to 89 units

This obligation is satisfied with 134 associated with The Place (29), Market to Affordable (2), Sunset Road (80), Habitat (2), Extensions of Controls (21).

Minimum Family Rental: 30 units

.50 (rental obligation) = 30 units | .50 (59) = 29.5, round up to 30 units

This obligation is satisfied with 111 credits associated with The Place (29), Market to Affordable (2) and Sunset Road (80)

Minimum Very Low Income = 23 units

.13 (AH units) = 23 units | .13 (176.5) = 22.9, round up to 23 units

This obligation is satisfied with credits including 27 units from sixteen (16) Supportive and Special Needs bedrooms and eleven (11) units from the Sunset Road 100% Affordable project.

Consideration of Affordable Housing Options

As part of this Plan, the Township has considered land that is appropriate for the construction of low- and moderate-income housing. To date, the Township has not received any development proposals that include affordable housing units.

The Township believes that the projects, programs and mechanisms proposed in this Plan represent the best options to enable the Township to satisfy its affordable housing obligation. While the Township recognizes that developers may, in the future, present sites that possess characteristics that could lend themselves to affordable housing development, additional sites are not needed to satisfy the obligation at this time.

PRESERVATION OF MULTIGENERATIONAL FAMILY CONTINUITY

The FHA requires an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission (“Commission”), adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20). As of the date of this Housing Plan, there have been no recommendations by the Commission in which to provide an analysis.

However, it is understood that the Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. A review of the Township’s ordinances indicates that there are none which prevent the Township from meeting the Commission’s goal of enabling senior citizens to reside at the homes of their extended families. In fact, the Township defines a family that is permitted to live in a single family dwelling in such a way that a senior citizen may live in that single family dwelling unit with their extended family which is a permitted use in the residential zoning districts. The Burlington ordinances advance the multigenerational family continuity goal.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN CONSISTENCY

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (“SDRP”) and the proposed SDRP that is currently in the cross acceptance process as the existing units and proposed project will provide a realistic opportunity for the construction

of affordable housing as the projects are located in State Planning area designated as PA1, which is the Metropolitan Planning Area. Pursuant to the SDRP, PA1 is the preferred location for redevelopment for compact growth. The development of affordable housing in PA1 is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into PA1 areas as the intentions of the Metropolitan Planning Area are to provide for much of the state's future redevelopment; promote growth in compact forms; and redesign areas of sprawl. The Township's Fourth Round Plan is consistent with the 2001 SDRP and the proposed SDRP.

AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING

Burlington Township adopted an Affordable Housing Ordinance in accordance with COAH's substantive rules and current UHAC regulations. The Affordable Housing Ordinance governs 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, bedroom distribution, occupancy standards, affordability controls, rents and prices, affirmative marketing, income qualification, etc.

The Township has established the position of the Municipal Housing Liaison and has appointed a staff member to the position. The Township relies on a consultant as the affordable housing administrator to conduct the administration and affirmative marketing of its affordable housing sites. However, the Township will permit developers who demonstrate the appropriate experience and expertise to administer their own units. The 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, consisting of Burlington, Camden and Gloucester counties.

The affirmative marketing plans include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in pursuant to N.J.A.C. 5:80-26.1 et seq. All newly created affordable units will comply with the 30-year affordability control required by 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.

AFFORDABLE HOUSING TRUST FUND

Portions of Burlington Code § 330-62 were last amended in 2022 to assure compliance with the Townships' Third Round obligation to provide-a dedicated revenue source for affordable housing.

The Spending Plan included hereinafter, 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 may be dispensed for the use of eligible affordable housing activities including, but not limited to:

- Rehabilitation program;
- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls,
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low- and moderate-income housing activity; and
- Any other activity as specified in the approved spending plan.

The Township expressly recognizes that it is required to fund eligible programs only in accordance with a Court-approved Housing Element and Fair Share Plan, as well as funding affordability assistance.

At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement ~~in the Fair Housing Act~~, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one-third (1/3) of the affordability assistance must be expended on very-low income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall 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, preparation and implementation of a housing element and fair share plan, and/or an affirmative marketing program and defending any challenges to same.

MONITORING

The Township will comply with monitoring provisions consistent with those required by the FHA. The monitoring requires regular tracking of progress toward meeting the Township's affordable housing obligation and ensuring the affordable units and the Affordable Housing Trust fund are administered properly as follows:

- On or before February 1st of each year, the Township will provide annual reporting of the status of all affordable housing activity within the municipality and the Affordable Housing Trust fund accounting through posting on the municipal website and on the DCA website.
- Midpoint Review. The Township will post on the municipal website and submit to the DCA website, 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. Such posting shall invite any interested party to submit comments to the Program and Superior Court, 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.

COST GENERATION

The Land Development Ordinance has been reviewed to eliminate unnecessary cost generating standards. As a matter of consistent policy the Township has expedited affordable housing applications scheduling of pre-application conferences, special monthly public hearings, and devoting the services of the Township Engineering and other departments of municipal government. 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.) and the mandate of the FHA regarding the elimination of unnecessary cost generating features. Burlington Township will continue to comply with COAH's requirements for eliminating unnecessary cost generating requirements, N.J.A.C. 5:93-10.1, procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.4, and requirements for special studies and escrow accounts where an application contains affordable housing.