

*Housing Element &
Fair Share Plan*



SECTION 15 - HOUSING ELEMENT AND FAIR SHARE HOUSING PLAN

In 1975, the New Jersey Supreme Court handed down its first Mount Laurel decision. In that decision, the Court imposed an obligation on "developing municipalities" to provide an opportunity for the provision of its "Fair Share" of low and moderate-income housing through its master plan and development regulations. In 1983, the Court handed down a second decision, which has been referred to as Mount Laurel II. In that decision, the Court opined that the obligation to provide affordable housing was not limited to "developing municipalities" but to all municipalities within the state. Mount Laurel II related this obligation to the State Development Guide Plan, which delineated the State into various planning areas. The Township of Denville, like other municipalities in the State are required to provide and plan for the provision of affordable housing for the local community and a portion of the region's population.

In January of 1985, New Jersey adopted the Fair Housing Act ("Act") which was the Legislature's response to the Supreme Court affordable housing decisions. The act established the Council on Affordable Housing (COAH), and assigned to COAH the responsibility for monitoring affordable housing activity throughout the State. Included within COAH's responsibilities were the establishment of housing regions, the determination of state and regional low and moderate income housing needs and the promulgation of guidelines and criteria for determination of municipal shares of the regional need for affordable housing. The Act also strongly links municipal planning and zoning to the provision of affordable housing. Under the Act, a municipal zoning ordinance is valid only if the municipality adopts a housing element as part of its master plan, and only if the zoning ordinance is substantially consistent with the housing element.

Subsequent to the adoption of the Act, COAH adopted procedural and substantive rules which set forth the requirements for municipalities under the Act. The rules determined the local and regional need for affordable housing units, and allocated a "fair share" of the regional need to each municipality in the region for the period of 1987 through 1993. In May 1994, COAH amended its substantive rules and established revised affordable housing requirements for municipalities for the period of 1987 through 1999. COAH determined Denville's total affordable housing obligation to be three hundred and twenty five (325) affordable housing units. To date, the Township has received credit for three hundred and twenty seven (327) units, thereby creating a surplus of two (2) units.

In December of 2004, COAH once again amended its rules (Third Round), which adjusted the prior fair share obligations and promulgated a new methodology for determining a municipality's future obligation to plan for affordable housing. The new methodology determined the municipal obligation on the basis of development activity, or growth, in the municipality during the period from January 1, 2004 to December 31, 2013, as measured by certificates of occupancy issued. The rules required that municipalities provide a plan for one new affordable housing unit for every increase of eight (8) market-rate housing units and for every twenty five (25) jobs (as estimated using various use groups and employment/floor area ratios).

On January 25, 2007 however, the courts found that the methodology used was not valid and ordered COAH to come up with amended rules within six (6) months. Subsequently, there were further extensions of time granted by the courts and COAH was once ordered to revise the methodology used as well as recalculate obligations to municipalities.

In December 2007, COAH released, yet again, new draft third round rules which were ultimately adopted in May 2008. Major provisions of the revised rules required that municipalities provide one affordable unit among every five (5) residential units built, and one (1) affordable unit for every sixteen (16) jobs generated. As part of the revision, COAH provided projected affordable housing numbers based on estimated growth. The rules required that municipalities had to plan for the construction of those units, but only were obligated to construct affordable units based on actual growth.

The third-round rules however, were further amended based on revisions proposed on June 16, 2008 and adopted on September 22, 2008. Established presumptive densities and affordable housing set-asides for inclusionary developments were based on the State Development and Redevelopment Plan. Higher density standards were established in Planning Areas 1 and 2 as well as Centers and lower densities outside of these growth areas.

The rules were subject to change once again based on Bill A500 which was passed in June 2008 that became effective July 17, 2008. This rule change had substantial impacts to provisions for affordable housing. Some of the major modifications were the eliminated Regional Contribution Agreements (RCA's); restrictions on payments in lieu of constructing affordable units; as well as creation of a statewide development fee bank for fees collected from non-residential developers in non-COAH participating towns.

The revised rules were further changed as a result of Executive Order #114, which was signed on September 5, 2008. The major provisions of this change included the creation of and regulations concerning the Highlands Water Protection and Planning Act and the Highlands Council. On September 22, 2008, COAH also voted to propose an amendment to N.J.A.C. 5:97-2.5 regarding the exclusion of the demolition and replacement of owner-occupied residential structures from the growth share obligation.

In 2010, the Appellate Division invalidated a large portion of the revised third round regulations which suffered from “many of the same deficiencies as the original Third Round Rules”. In June of 2011, Governor Christie issued Reorganization Plan No. 001 which abolished COAH and transferred its functions to the Department of Community Affairs. Two years later, in July of 2013, the Supreme Court held that the Governor had no authority to abolish COAH.

In November 2014, the Supreme Court granted COAH's motion for an extension for enacting the Third Round Rules to be completed within eight (8) months. Revised Third Round Rules were published in the New Jersey Register in June 2014. The members of the Council On Affordable Housing voted on these revised third round regulations and were deadlocked at a three to three vote.

In March of 2015, the Supreme Court issued its decision in re. N.J.A.C. 5:96 and 5:97, 221 NJ (2015) (“Mt. Laurel IV”), and found that the administrative process before COAH for reviewing municipal compliance with affordable housing obligations had become non functional and, as a result returned primary jurisdiction over affordable housing matters to the trial courts.

As a result of Mt. Laurel IV, the Township of Denville filed a timely Declaratory Judgement Action (“DJ Action”) on July 2, 2015, which sought (1) a judicial determination of its “fair share” obligation; and (2) asked the trial judge assigned to the case to review and approve the Township's Affordable Housing Plan to address those obligations. In addition, the Township sought, and

secured, an order protecting the Township from all Mount Laurel lawsuits during the review and approval process.

Thereafter, the Township engaged in extensive negotiations with the Fair Share Housing Center (FSHC) and multiple interveners, aided by two Court Appointed Special Masters Phillip B. Canton, FAICP, PP (retired) and James Kyle, AICP, PP. After five years of negotiation between all parties, on July 31, 2020 the Township of Denville entered into an agreement with FSHC, which, among other things, establishes the Township’s fair share obligation and sets forth how the Township will meet this obligation.

	<u># of Units</u>
Rehabilitation Share	46
Prior Round Obligation (1987-1999)	325
Third Round Obligation (1999-2025)	848

The Township’s five years of negotiations included an exhaustive vacant land analysis wherein all vacant and “under-utilized” properties were evaluated to determine each individual lot’s development capacity to determine the Township’s overall Realist Development Potential (RDP). A summary of the vacant land analysis can be found in Chart 15-16 and yields a town wide realistic development potential of one hundred and eighty nine (189) units.

The one hundred and eighty nine (189) units that Denville is capable of developing would result in an “Unmet Need” of six hundred and fifty two (652) units. On December 16, 2020, the Honorable Judge Gaus entered an Order approving the Settlement Agreement and Granting Preliminary Judgement of Compliance and Repose after a duly noticed “Fairness Hearing” on December 4, 2020. A Fairness Hearing is required under Mount Laurel law to secure a judicial determination that the terms of the Settlement Agreement were fair and reasonable to the low and moderate income households in the region.

Consistent with the Township’s Settlement Agreement with FSHC, Settlement Agreements with intervening developers, and Judge Gaus’ Order, this Housing Element and Fair Share Plan sets forth the manner in which the Township of Denville will address the affordable housing obligation. This action taken by the Township and the Planning Board is yet another example of the longstanding commitment to create affordable housing opportunities, which comply with the constitutional obligation established by the Mount Laurel doctrine.

A notation must be made that this Housing Element and Fair Share Plan is being adopted in the first quarter of 2021. As such, it relies on the 2010 Census of Housing and Population and the 2019 American Community Survey 5-year estimates. This provided estimates for 2020 as the Census data will not become available for another year or so. This report relies upon the most current data possible.

Inventory of Municipal Housing Stock

This section of the Housing Element of the Township of Denville provides an inventory of the community's housing stock including:

- a) Number of Year Round and Seasonal Housing Units;
- b) Housing Age;
- c) Housing Condition;
- d) Purchase and Rental Value;
- e) Occupancy Characteristics and Type.

a) Year Round and Seasonal Housing Units

The Bureau of the Census in 2010 reported, as depicted on Table 15-1 a total of the six thousand seven hundred and thirty four (6,734) housing units contained a total of three hundred and two (302) vacant units at the time of the Census - a vacancy rate of 4.5 percent. Morris County had a vacancy rate of 4.9 percent at the time of the 2010 census. Occupied housing in Denville totaled six thousand four hundred and thirty two (6,432) dwelling units. Of this number, five thousand five hundred and nineteen (5,519) were owner-occupied and nine hundred and thirteen (913) were renter-occupied.

As depicted on Table 15-2, the 2019 American Community Survey 5-year estimate reported that in 2020 there was an estimated total of six thousand seven hundred and seventy nine (6,779) year-round housing units in the Township and a total of four hundred and seven (407) vacant units - a vacancy rate of 6.0 percent which is similar to Morris County. Of this number, six thousand three hundred and seventy two (6,372) were owner-occupied and one thousand and eighty three (1,083) were renter-occupied.

Table 15-1
Housing Characteristics
Township of Denville and the Morris County
2010

	Denville		Morris	
	Township	Percentage	County	Percentage
Total Year-Round Housing Units	6,734	100.0	189,842	100.0
Total Occupied Housing Units	6,432	97.5	180,534	95.1
Owner-occupied	5,519	85.8	135,316	75.0
Renter-occupied	913	14.2	45,218	25.0
Total Year-Round Vacant Housing Units	302	4.5	9,308	4.9

Source: U.S. Department of Commerce, Bureau of the Census, Table DP-1 Profile of General Demographic Characteristics, 2010.

Table 15-2
Housing Characteristics
Township of Denville and the Morris County
2020 Estimates

	Denville		Morris	
	Township	Percentage	County	Percentage
Total Year-Round Housing Units	6,779	100.0	196,196	100.0
Total Occupied Housing Units	6,372	94.0	184,424	94.0
Owner-occupied	5,289	83.0	132,785	72.0
Renter-occupied	1,083	17.0	51,639	28.0
Total Year-Round Vacant Housing Units	407	6.0	11,772	6.0

Source: 2019 American Community Survey 5-year estimates

b) Housing Age

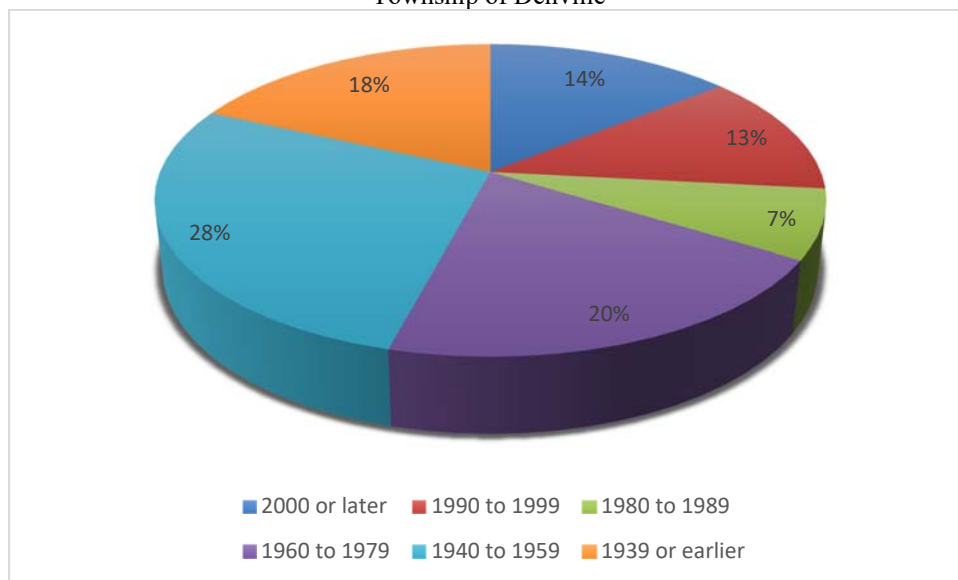
Table 15-3 below provides an analysis of the age of housing in Denville as reported in the 2010 Census and 2020 estimates from the American Community Survey 5-year estimates. The data indicated that in 2020 approximately 18.1 percent of all housing in the community was built before 1940. In 2020, housing built between 1940 and 1979 accounted for three thousand two hundred and fifty five (3,255) housing units, totaling fifty-two and one tenth (48.1) percent of all housing in the Township. In 2020, housing built between 1980 to 1999 accounted for one thousand three hundred and thirty nine (1,339) housing units totaling 19.7 percent of all housing in Denville. In 2020, housing constructed after 2000 totaled one thousand eight hundred and eleven (1,811) homes representing 26.7 percent of all housing in the community.

Table 15 -3 Year Structure Built
Township of Denville
2010 & 2020

<i>Year Structure Built</i>	<i>Number of Units 2010</i>	<i>2010 Percent</i>	<i>Number of Units 2020</i>	<i>2020 Percent</i>
2000 or later	592	8.8	956	14.1
1990 to 1999	1,098	16.3	855	12.6
1980 to 1989	384	5.7	484	7.1
1960 to 1979	1,771	26.3	1,373	20.3
1940 to 1959	1,737	25.8	1,882	27.8
1939 or earlier	1,152	17.1	1,229	18.1

Source: U.S. Department of Commerce, Bureau of the Census, Summary Tape File 3, 2010, 2019 American Community Survey 5-year estimates

2020 Estimated Year Structure Built
Township of Denville



c) Housing Conditions

Table 15-4 below provides a variety of additional housing characteristics relating to utility services and heating facilities supplied to the housing stock found in the municipality for 2010 and estimated 2020. In 2020, more than half of all of the housing units (67.8 percent) in Denville are served by gas or oil heat. Another 20.3 percent of homes utilize fuel oil or kerosene, 9.1 percent utilize electricity and 1.3 percent utilized bottled, tank or LP gas for heating. Less than one (1) percent of the homes have less than complete plumbing facilities (64 homes), and two (2) percent lack complete kitchen facilities (136 homes).

Table 15-4 Equipment and Plumbing Facilities
Township of Denville, New Jersey
2010 & 2020

	2010		2020	
	Number	Percentage	Number	Percentage
House Heating Fuel				
Utility gas	4,101	60.9	4,318	67.8
Bottled, tank, or LP gas	163	02.4	80	1.3
Electricity	444	6.6	578	9.1
Fuel oil, kerosene, etc.	1,981	29.4	1,295	20.3
Coal or coke	0	0.0	0	0.0
Wood	0	0.0	15	0.0
Solar energy	0	0.0	0	0.0
Other fuel		0.8	68	1.1
No fuel used	54	0.0	14	0.2
Selected Characteristics				
Lacking complete plumbing facilities	40	0.6	64	0.9
Lacking complete kitchen facilities	54	0.8	136	2.0

Source: U.S. Department of Commerce, Bureau of the Census, Summary Tape File 3, 2019 American Community Survey 5-year estimates

d) Purchase and Housing Values

The 2010 Census of Housing and the 2019 American Community Survey 5-year estimates details owner- and renter-occupied housing values. Table 15-5 below indicates the distribution of housing costs of owner-occupied units. The median sales value of owner-occupied units in 2010 is noted to be four hundred and twenty three thousand two hundred dollars (\$423,200) while renter occupied housing units were identified with a median rental value of one thousand two hundred and eighty one dollars (\$1,281) per month. The estimated 2020 median sales value of owner-occupied units is noted to be four hundred and nineteen thousand five hundred dollars (\$419,500) while renter occupied housing units were identified with a median rental value of one thousand four hundred and fifty four dollars (\$1,454) per month.

Table 15-5: Specified Owner Occupied
Housing Units by Value
Township of Denville New Jersey
2010 & 2020

	2010		2020	
	Number	Percentage	Number	Percentage
Specified owner-occupied units	5,647		5,295	
VALUE				
Less than \$50,000	46	0.81	20	0.40
\$50,000 to \$99,999	53	0.94		0.00
\$100,000 to \$149,999	31	0.55	24	0.40
\$150,000 to \$199,999	73	1.29	130	0.50
\$200,000 to \$299,999	558	9.88	579	10.90
\$300,000 to \$499,999	2,921	51.73	2,810	52.80
\$500,000 to \$999,999	1,730	30.64	1,617	30.40
\$1,000,000 or more	235	4.16	115	1.80
Median (dollars)	423,200		419,500	

Source : U.S. Department of Commerce, Bureau of the Census, Summary Tape File 3, 2010, 2019 American Community Survey 5-year estimates

e) Occupancy Characteristics and Types

Table 15-6 provides an analysis of the number of housing units in structures in the community in 2010 and estimates for 2020. The data indicates that the vast majority of housing is located in single-family detached structures. In 2020, there were a total of four thousand nine hundred and four estimated (4,904) units located in single-family housing, representing 72.3 percent of all housing in the community. The second largest housing size is categorized as “1-unit attached” at seven hundred and twenty four estimated (724) units or 10.7 percent of the community.

Table 15-6: Units in Structure
Township of Denville, New Jersey
2010 & 2020

Units in Structure	2010		2020	
	Number	Percentage	Number	Percentage
1-unit, detached	5,071	74.19	4,904	72.3
1-unit, attached	763	11.16	724	10.7
2 units	65	0.95	202	3.0
3 or 4 units	80	1.17	0	0
5 to 9 units	117	1.71	123	1.8
10 to 19 units	113	1.65	118	1.7
20 or more units	619	9.06	708	10.4
Mobile home	7	0.10	0	0
Boat, RV, van, etc.	0	0.0	0	0

Source : U.S. Department of Commerce, Bureau of the Census, Summary Tape File 3, 2019 American Community Survey 5-year estimates

Table 15-7 identifies the number of rooms per dwelling unit in the community. In general, most residences provide an ample number of rooms per dwelling, a measure of significance in computing overcrowded conditions. In 2010, the Township of Denville had a mean value of 6.7 rooms per house and in 2020 it is estimated that the median number of rooms rose to 7.1 rooms. In the year 2020, the Township of Denville had 71.43 percent of homes classified as having six (6) rooms or more.

Table 15-7: Number of Rooms
In Housing Units
Township of Denville, New Jersey
2010 & 2020

ROOMS	2010		2020	
	Number	Percentage	Number	Percentage
1 room	56	0.82	103	1.62
2 rooms	74	0.11	21	0.33
3 rooms	483	7.04	452	7.10
4 rooms	654	9.54	511	8.02
5 rooms	868	12.66	670	10.52
6 rooms	1,074	15.67	831	13.05
7 rooms	952	13.89	934	14.67
8 rooms	1,050	15.32	997	14.67
9 or more rooms	1,644	23.98	1849	29.04
Median (rooms)	6.7		7.1	

Source: U.S. Department of Commerce, Bureau of the Census, Summary Tape File 3., 2019 American Community Survey 5-year estimates

Population Analysis

This section of the Housing Element of the Township of Denville provides an analysis of the following characteristics of the community:

- a) Population Size;
- b) Rate of Population Growth;
- c) Age and Gender Characteristics;
- d) Income Levels;
- e) Household Size.

a) Population Size

In 1980, the Township of Denville had a population of fourteen thousand three hundred and eighty (14,380) according to the United States Census of Population. In 1990, Denville’s population stood at thirteen thousand eight hundred and twelve (13,812) people; a decrease of five hundred and sixty eight (568) people. The year 2000 census reported a total population of fifteen thousand eight hundred and twenty-four (15,824) people, an increase of two thousand and twelve (2,012) people. The year 2010 census reported a total population of sixteen thousand six hundred and thirty five (16,635) people, an increase of eight hundred and eleven (811) people. It is estimated that the 2020 census will report a population of sixteen thousand six hundred and six persons (16,606), a reduction of twenty persons.

b) Rate of Population Growth

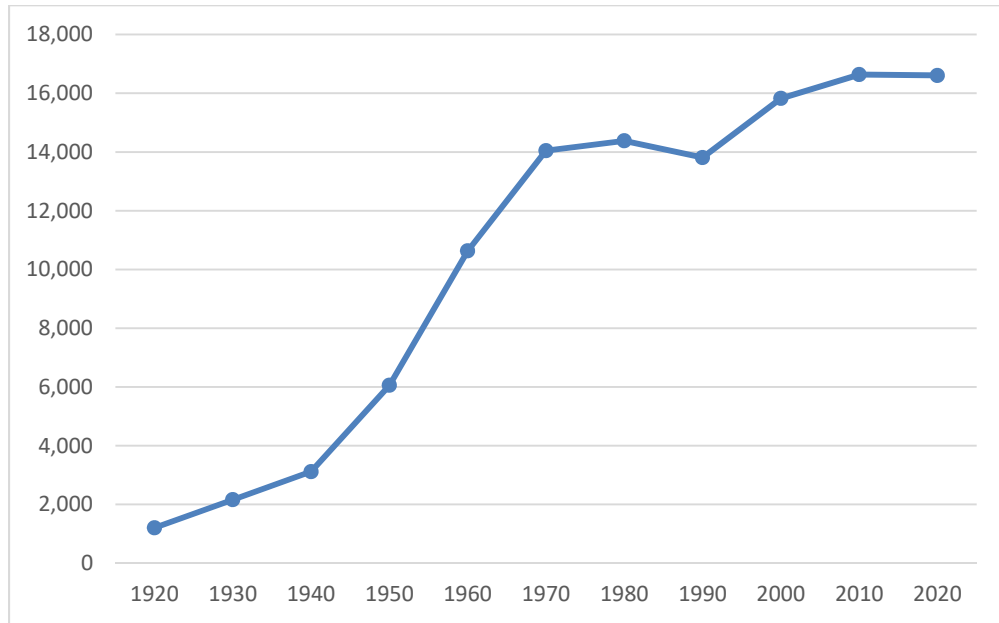
Table 15-8 presents the rate of growth for Denville from 1920 through 2020. In 1920, the population stood at one thousand two hundred and four (1,204) people. From 1930 to 1980, the community's population expanded from two thousand one hundred and sixty two (2,163) people to fourteen thousand three hundred and eighty (14,380) people. The Township experienced a decrease in population from 1980 to 1990, losing five hundred and sixty eight (568) persons. From 1990 to 2010, the Township has expanded from thirteen thousand, eight hundred and twelve (13,812) persons to sixteen thousand six hundred and thirty five (16,635) persons. It is estimated that the Township will see a slight decline in population between 2010 and 2020.

Table 15-8: Rate of Population Growth
Township of Denville, New Jersey
1920–2010

<u>Year</u>	<u>Population</u>	<u>Population Change</u>	<u>Percentage Change</u>
1920	1,204		
1930	2,162	958	79.6%
1940	3,117	955	44.2%
1950	6,055	2,938	94.3%
1960	10,632	4,577	75.6%
1970	14,045	3,413	32.1%
1980	14,380	335	2.4%
1990	13,812	-568	-3.9%
2000	15,824	2,012	14.6%
2010	16,635	811	5.1%
2020	16,606*	-29	-0.11%

Source : 1920-2010 U.S. Census of Population
*2019 American Community Survey

A century of Population
Township of Denville, New Jersey
1920–2020



c) Age Characteristics

The U.S. Census indicates that in 2010, 52.3 percent of the population was female and 47.7 percent were male. The data in Table 15-9 also indicates the population distribution by age cohorts for 2010. In 2020 females reduced in percentage of population from 52.3 to 51.34 percent. The data in Table 15-10 also indicates the population distribution by age cohorts for 2020.

Table 15-11 indicates change in population per cohort from the 2000 through the 2020 Census. The number of children under nine (9) fluctuated through the years. Young people aged ten (10) through twenty four (24) has also fluctuated as a percentage of the total population from 13 percent in 2000 to almost 16 percent in 2010 and back down to about 15 percent in 2020. People aged twenty-five (25) through forty-four (44) decreased by twenty-six percent. Between 2000 and 2020 the population in the Township aged forty-five (45) years to sixty-nine (69) years old increased by from 26 percent of the total population to 31 percent.

Table 15-9: Age and Gender Characteristics
- 2010 Census of Population
Township of Denville

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total population	16,635	7,942	8,693	100	47.7	52.3
Under 5 years	865	448	417	5.2	5.6	4.8
5 to 9 years	1,098	550	548	6.6	6.9	6.3
10 to 14 years	1,264	618	646	7.6	7.8	7.4
15 to 19 years	1,029	543	486	6.2	6.8	5.6
20 to 24 years	671	356	315	4	4.5	3.6
25 to 29 years	647	310	337	3.9	3.9	3.9
30 to 34 years	785	371	414	4.7	4.7	4.8
35 to 39 years	1,021	454	567	6.1	5.7	6.5
40 to 44 years	1,370	669	701	8.2	8.4	8.1
45 to 49 years	1,562	776	786	9.4	9.8	9
50 to 54 years	1,356	642	714	8.2	8.1	8.2
55 to 59 years	1,255	636	619	7.5	8	7.1
60 to 64 years	1,094	512	582	6.6	6.4	6.7
65 to 69 years	768	353	415	4.6	4.4	4.8
70 to 74 years	502	240	262	3	3	3
75 to 79 years	433	187	246	2.6	2.4	2.8
80 to 84 years	361	139	222	2.2	1.8	2.6
85 to 89 years	554	138	416	3.3	1.7	4.8

Source : 2010 U.S. Census of Population

Table 15-10: Age and Gender Characteristics
- 2020 Census of Population Estimate
Township of Denville

Age	<u>Number</u>			<u>Percent</u>		
	<u>Both sexes</u>	<u>Male</u>	<u>Female</u>	<u>Both sexes</u>	<u>Male</u>	<u>Female</u>
Total population	16,606	8,081	8,525	16,606	48.66	51.34
Under 5 years	1,000	577	423	1,000	3.47	2.55
5 to 9 years	1,078	600	478	1,078	3.61	2.88
10 to 14 years	905	519	386	905	3.13	2.32
15 to 19 years	880	442	438	880	2.66	2.64
20 to 24 years	877	431	446	877	2.60	2.69
25 to 29 years	832	416	416	832	2.51	2.51
30 to 34 years	481	286	195	481	1.72	1.17
35 to 39 years	956	472	484	956	2.84	2.91
40 to 44 years	1,274	590	684	1,274	3.55	4.12
45 to 49 years	1,323	644	679	1,323	3.88	4.09
50 to 54 years	1,198	674	524	1,198	4.06	3.16
55 to 59 years	1,151	477	674	1,151	2.87	4.06
60 to 64 years	993	698	295	993	4.20	1.78
65 to 69 years	1,125	545	580	1,125	3.28	3.49
70 to 74 years	624	242	382	624	1.46	2.30
75 to 79 years	541	241	300	541	1.45	1.81
80 to 84 years	463	133	330	463	0.80	1.99
85 to 89 years	420	94	326	420	0.57	1.96

Source : 2019 American Community Survey

Age of Population by Age and Gender
 Township of Denville, New Jersey
 2020

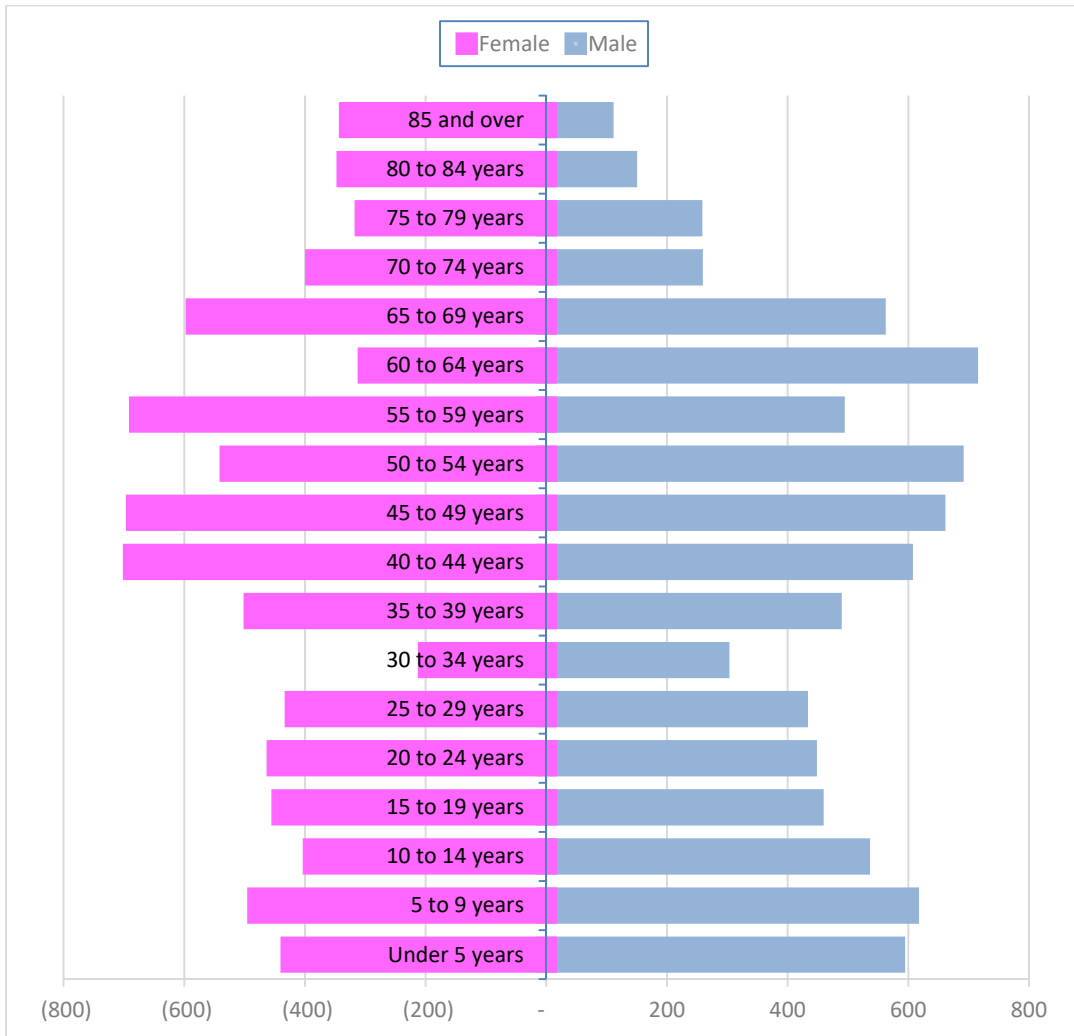
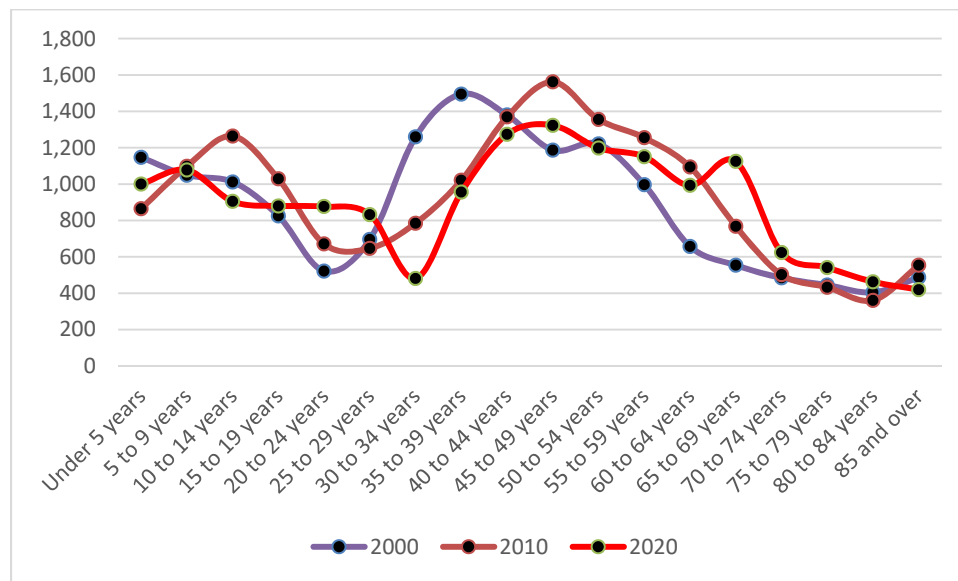


Table 15-11: Age Characteristics
Township of Denville, New Jersey
2000–2020

	2000	2010	2020
Under 5 years	1,147	865	1,000
5 to 9 years	1,049	1,098	1,078
10 to 14 years	1,012	1,264	905
15 to 19 years	825	1,029	880
20 to 24 years	522	671	877
25 to 29 years	696	647	832
30 to 34 years	1,260	785	481
35 to 39 years	1,495	1,021	956
40 to 44 years	1,380	1,370	1,274
45 to 49 years	1,187	1,562	1,323
50 to 54 years	1,221	1,356	1,198
55 to 59 years	997	1,255	1,151
60 to 64 years	657	1,094	993
65 to 69 years	554	768	1,125
70 to 74 years	485	502	624
75 to 79 years	445	433	541
80 to 84 years	405	361	463
85 and over	487	554	420

Source : U.S. Census of Population, 2000, 2010, 2019 American Community Survey

Change in Population by Age Group
Township of Denville
2000-2020



d) Income Levels

Table 15-12 identifies household income for the Township of Denville in 2010 and 2020. In 2010, 62.76 percent of the households earned over one hundred thousand (\$100,000) dollars. This number remained fairly constant at 60.96 in 2020. The number of household earning over fifteen hundred (\$150,000) dollars rose significantly from 28.10 percent to 44.24 percent of the households.

Table 15-12: Family and Household Income
Township of Denville

Income	2010		2020	
	Households	Percent	Households	Percent
	6,271	100.00%	6,368	100%
Less than \$10,000	186	2.97%	123	1.93%
\$10,000 to \$14,999	104	1.66%	179	2.81%
\$15,000 to \$24,999	336	5.36%	396	6.22%
\$25,000 to \$34,999	269	4.29%	265	4.02%
\$35,000 to \$49,999	522	8.32%	227	3.56%
\$50,000 to \$74,999	775	12.36%	710	11.15%
\$75,000 to \$99,999	771	12.29%	588	9.23%
\$100,000 to \$149,999	1,546	24.65%	1,065	16.72%
\$150,000 or more	1,762	28.10%	2,817	44.24%

Source : U.S. Census of Population, 2010, 2019 American Community Survey

e) Household Size

The 2020 Census has indicated that Denville has a large percentage of its population living in one (1) or two (2) person households. This is typically indicative of a population high in young families, empty nesters or populations experiencing a growth in the older age cohorts. In 2020, the average household size of was 2.95 people per household in Denville with 2.73 people per owner occupied units and 1.88 people per households in renter occupied units. This is a lower average household size than either Morris County or the State of New Jersey.

Table 15-13: Family Household Size
New Jersey, Morris County and Township of Denville
2020

	New Jersey		Morris County, New Jersey		Denville, New Jersey	
	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Total Households	2,228,108		130,138		4,459	
2-person household	867,804	38.95%	51,417	39.51%	1,790	40.14%
3-person household	546,097	24.51%	30,946	23.78%	1,202	26.96%
4-person household	490,766	22.03%	31,577	24.26%	1,030	23.10%
5-person household	208,905	9.38%	11,581	8.90%	268	6.01%
6-person household	71,059	3.19%	3,320	2.55%	112	2.51%
7-or-more-person household	43,477	1.95%	1,297	1.00%	57	1.28%

Source : 2019 American Community Survey

Table 15-14: Non - Family Household Size
New Jersey, Morris County and Township of Denville
2020

	New Jersey		Morris County, New Jersey		Denville, New Jersey	
	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Total Households	1,003,766		51,746		1,909	
1-person household	839,453	83.63%	43,233	83.55%	1,652	86.54%
2-person household	137,254	13.67%	7,192	13.90%	220	11.52%
3-person household	16,742	1.67%	1,027	1.98%	37	1.94%
4-person household	7,024	0.70%	210	0.41%	-	0.00%
5-person household	2,055	0.20%	75	0.14%	-	0.00%
6-person household	833	0.08%	9	0.02%	-	0.00%
7-or-more-person household	405	0.04%	-	0.00%	-	0.00%

Source: 2019 American Community Survey

Table 15-15: Average Number of Person per Household
 New Jersey, Morris County and Township of Denville
 2020

	New Jersey	Morris County, New Jersey	Denville, New Jersey
Total	2.69	2.66	2.95
Owner occupied	2.80	2.81	2.73
Renter occupied	2.50	2.26	1.88

Source: 2019 American Community Survey

Denville Affordable Housing Obligation:

Summary Obligation

As set forth in the Settlement Agreement reached with FSHC on July 31, 2020, the Township's prior round obligation (from 1987 through 1999), the rehabilitation need and the prospective need (1999 through 2025) are as follows:

	<u>Number of Units</u>
Rehabilitation Share	46
Prior Round Obligation (1987-1999)	325
Third Round Obligation (1999-2025)	848

Fair Share Housing Plan

Rehabilitation Share

The Township of Denville has been active in rehabilitating homes. From 1999 through 2020, the Township has participated in the Morris County Rehabilitation Program which has rehabilitated over fifty (50) homes and Denville has contributed one hundred and fourteen thousand dollars (\$113,996) directly toward the rehabilitation of four (4) homes. Of these fifty (50) homes in Denville that were rehabilitated, twenty-one (21) units have received over ten thousand (\$10,000) dollars and therefore meet the requirements found in NJSA 5:93. This reduces Denville's obligation to rehabilitate from forty-six (46) down to twenty-five (25) units. These twenty-five (25) rehabilitation units will be administered through the Morris County Rehabilitation program or, if the Special Master determines that it is necessary to supplement that program, through Community Grants, Planning and Housing.

Prior Round Obligation

On September 29, 2016, Judge Stephan C. Hansbury, entered an order confirming the Township of Denville's (Docket No. MRS-L1641-15) satisfaction of its prior round (1987-1999) affordable housing obligation. This confirms that Denville has satisfied its prior round obligation of three hundred and twenty five (325).

Name of Development	# of AH units/credits	# of Bonus Credits	Total Credits	Comments
RCA with Newark	136		136	Completed
187 Morris Avenue (YCS)	3	3	6	Completed
Cook's Pond (age-restricted)	64	7	71	Completed
Peer Place - MCHA (family housing)	57	57	114	Completed
Total	260	67	327	

Third Round Obligation

As previously stated, the Settlement Agreement between Denville and FSHC, as approved by the court by order dated December 16, 2020, established that the Township had a third round obligation of eight hundred and forty eight (848) units. However, the Township undertook an exhaustive vacant land analysis wherein every vacant and “under-utilized” property was evaluated to determine each lots development capacity. This was done to determine the Township’s overall Realistic Development Potential (RDP). A summary of the vacant land analysis can be found in Table 15-16 on the following page and yields a municipal wide RDP of one hundred and eight nine (189) units.

Table 15 - 16
Summary Vacant Land Analysis
Realistic Development Potential

Name	Block	Lot(s)	Acres	Developable Acres	Development Constraints	RDP
Glenmont Commons	10002	2	13.52	11.5	Exceptional Wetlands	11.1
40 Shongum Road	10501	3	3.0	1.11	Wetlands / Shape/ Power Lines	1.33
3150 Route 10 (Quick Check)	20801	26	3	3		3.6
3176 Route 10	20801	35	0.99	0.99		1.18
382 Franklin Rd (Bacala)	21101	5 & 9	8.9	8.9		16
30 Estling Village	30601	6	7	4.85	Wetlands	15
7 Lake Lenore	31109	13.01	1.66	0.5	Steep Slopes	4
495 E. Main (Redmond Press)	31207	16 & 17	2.095	2.095		12
Toll Brothers	40001	4	36.42	16	Steep Slopes, Wetlands	24
360 Franklin (Toll Brothers)	40203	1	5.07	2	Steep Slopes, Shape	1.3
3 Philips Lane	60101	1.02	1.16	1.16		1.39
1 Philips Lane	60101	1.03	2.41	2.41		2.89
26 Broad Street	41301	8.01	1.22	1.22		1.44
30 Cedar Lake Road	60203	5	0.9	0.9		1.08
370 Morris	62101	2.02	2.01	2.01		3.21
100 Ford Road	70101	9	9.05	5.3	Wetlands	6.36
68 Mount Pleasant	20202	12	6	6		7.2
85 Cooper	21101	11	5	3		3.6
Parks Road	30805	34 & 35	8.55	6.98	Steep Slopes	8.3
Lennar	30501 30601 30607 30611	8, 32, 33, 34, 36 16,15, 16, 17 1, 2, 3, 4, 5	18	10.7	Steep Slopes	24
New Hope Church	30102	4	6.9	1.2	Other Development	5
33 Smith Road (Morris County Farms)	21301	8	7.8	6.89	Power Lines	11
Silver Spring Manor	21401	1, 2, 3	20.2	12.5	Steep Slopes	24
TOTAL			167.9	111.2		188.98

Meeting the Prospective Need

Table 15-17 illustrates the method of compliance for Denville Township. Each site will be discussed in detail on the following pages.

Table 15 - 17
Compliance Program
(2015-2025)

Site #	Name of Development	Acres	Density DU/AC	Market Rate Units	AH Units	Bonus credits	Total Credits
	Surplus from Prior Round				2		2
1	Habitat for Humanity				2		2
2	Morris County Housing Authority				6		6
3	883 Miller Road				5		5
4	Palmar Subdivision				3		3
5	Orchard Street (2 Clark St.)				1		1
6	Estling Village	7	14.3	85	15	15	30
7	RAM Associates/ Toll Bros	41.49	2.8	94	24		24
8	Glenmont Commons	13.52	4.8	55	10	10	20
9	Redmond Press	2.095	28.6	51	9	9	18
10	Lake Lenore	1.66	2.4		4		4
11	19 Zeek Road				4		4
12	Accessory Apartments				6		6
13	New Hope Church	6.9	4.3	25	5		5
14	Bacala Group	8.9	7	50	12		12
15	Silver Spring Manor	20.2	6	96	24		24
16	Lennar Homes	16.9	6.27	106	16	14	30
					148	48	196

Site #1 Habitat for Humanity

Block 40702
Lot 47.02
Address: 38 / 40 Husa Place
Owner: Private Ownership
Zoning: R-2A
Acres 0.424 AC
Approved: Two constructed for sale family affordable units



Site #2 Morris County Housing Authority

Block 21301
Lot 7
Address: Peer Place
Owner: Morris County Housing Authority
Zoning: T-4
Acres 2.9
Approved: Six constructed for sale family affordable units



Site #3 883 Miller Road

Block 11203
Lot 1
Address: 883 Miller Road
Owner: Center for Humanistic Change of NJ
Zoning: R-1B
Acres 0.99
Approved: Completed five bedroom group home



Site #4 Palmar Subdivision

Block 50003.01
Lot 6.10 (C101, C102, C103)
Address: 53, 55, 57 Old Boonton Road
Owner: Private Ownership
Zoning: R-1
Acres 0.645
Approved: Three constructed for sale family affordable units



Site #5 Orchard Street (2 Clark Street)

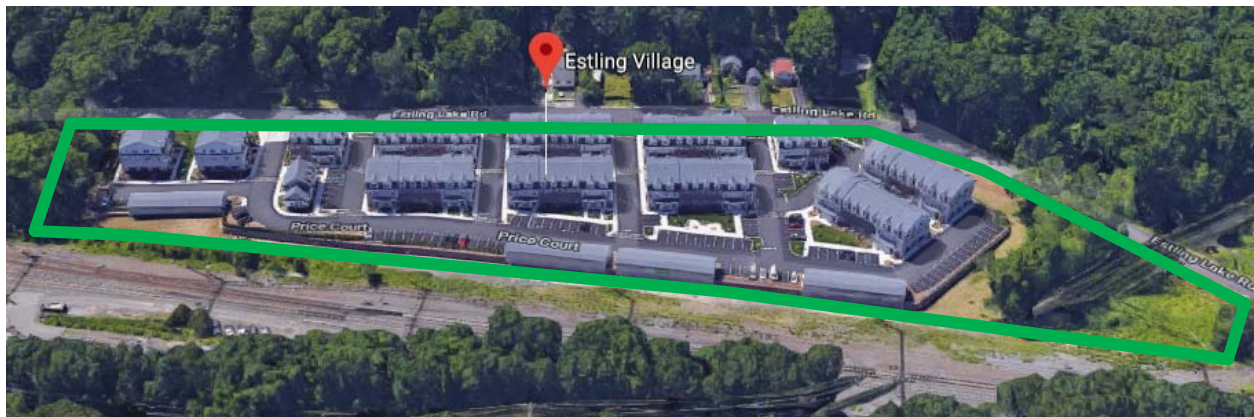
Block 50410
Lot 23.01 (C105)
Address: 2 Clark Street
Owner: Private Ownership
Zoning: OB-1
SQ. FT. 1,865
Approved: One constructed for sale family affordable housing unit



Site #6 Estling Village

Block 30601
Lot 6
Address: 30 Estling Lake Road
Owner: JMF Properties
Zoning: Redevelopment Zone
Acres 7
Approved: 15 constructed family rental affordable units

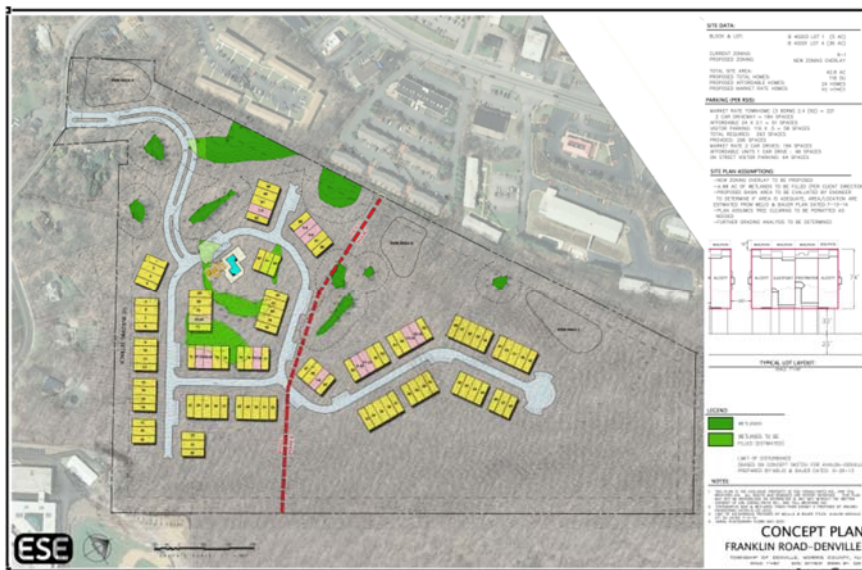
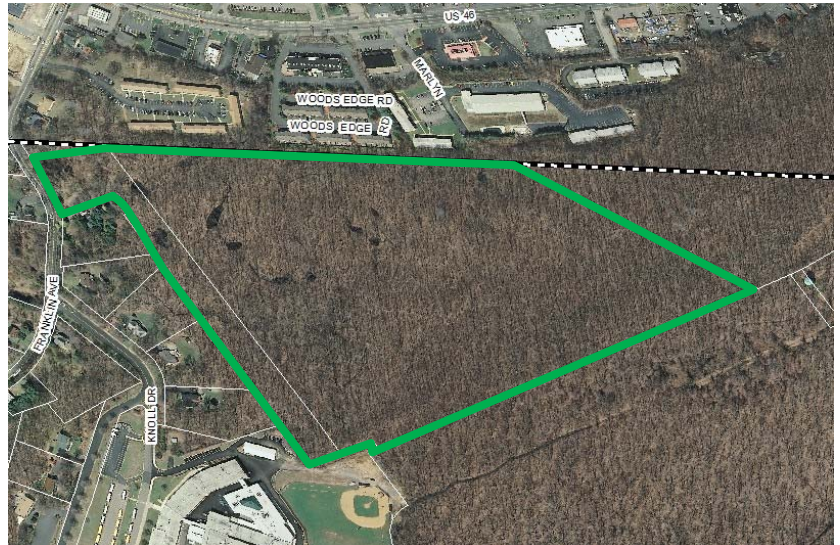
Estling Village is a site that the municipality declared an area in need of rehabilitation. The subject property is 7 acres in size. The subject property is listed as lot 6 in block 30601 and is known as 30 Estling Lake Road. The property was zoned for light industrial (I-1) but was rezoned for redevelopment of the site for one hundred (100) rental townhouses. The development is completed and contains one hundred (100) dwelling units with a 15 affordable housing units.



Site #7 RAM Associates / Toll Brothers

Block 40001 / 40203
 Lots 4 / 1
 Address: 360 Franklin Avenue
 Owner: RAM Associates
 Zoning: T-5
 Acres 41.49
 Approved: 24 family for sale affordable housing units

RAM Associates / Toll Brothers is the owner of the subject property. The subject property is just over forty one (41.49) acres in size and has substantial amounts of steep slopes and wetlands that restrict the developable area of the site to approximately eighteen (18) acres. The subject properties are listed as lots 4 and 1 in blocks 40001 and 40203 respectively and is known as 360 Franklin Road. The site has been rezoned, the applicant has received board approval for the construction of one hundred and sixteen (116) townhouse dwelling units, for sale, with a twenty (20%) percent set-a-side equating to twenty-four (24) affordable housing units.



For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

"Available site" means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

This site is free of encumbrance that would preclude the approved development.

"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*.

This site has development approvals and is located within residential communities and has access to the residential street network. The site has environmental constraints and all necessary regulations have been followed to ensure the protection of these environmental lands while allowing construction on the remainder of the land.

"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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

This site has access to all water and sewer necessary infrastructure required for the production of and continued support of affordable housing.

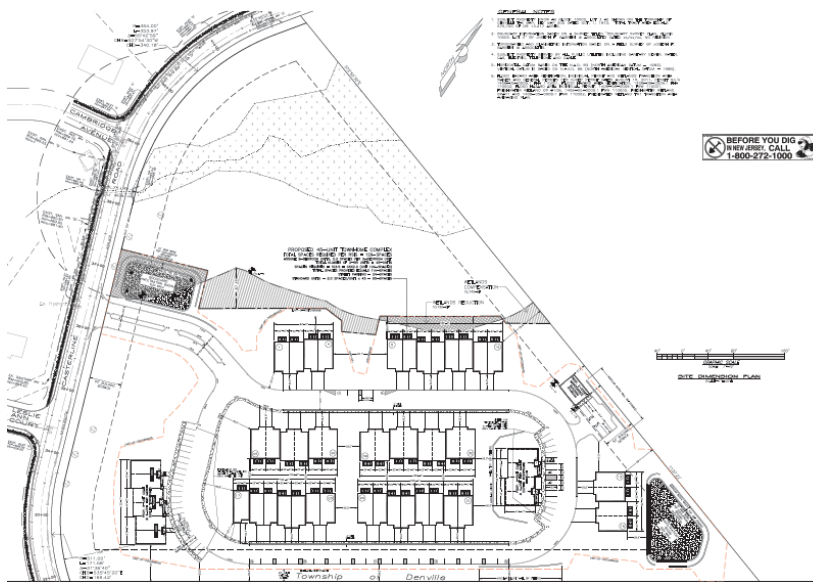
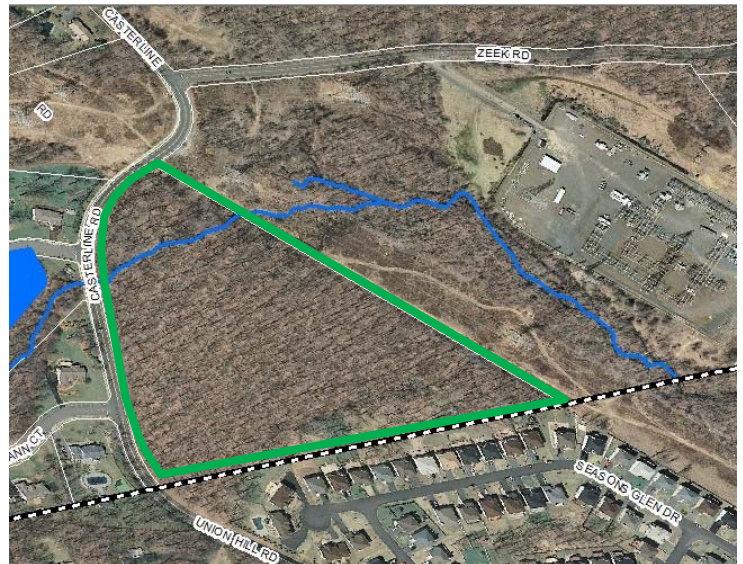
"Approvable site" means a site that may be developed for low and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate-income housing.

This site has been rezoned for the development a multi-family development consisting of one hundred and sixteen (116) total dwelling units, of which twenty-four (24) will be reserved for low and moderate-income households. The developer has appeared before the planning board for preliminary and final site plan approval, which was granted on May 18, 2019. The site will be developed consistent with the Residential Site Improvement Standards, *N.J.A.C. 5:21* and does not contain any historic or architecturally important structures nor is located within an historic district. This meets the approvable criterion.

Site #8 Glenmont Commons

Block 10002
Lot 3
Address: Off Casterline Road
Owner: Glenmont Commons Developers, LLC
Zoning: T-5
Acres 13.52
Approved: 10 family rental affordable dwelling units – 10 bonus rental units

The subject property is just over thirteen (13.52) acres in size and contains extraordinary wetlands on site that restrict the developable area of the site to approximately nine and six tenths of an acre (9.6). The subject property is listed as lot 3 in block 10002. The site has been rezoned, the applicant has received board approval for the construction of sixty five (65) family rental townhouse dwelling units, with a fifteen percent (15%) set-a-side which correlates to ten (10) rental affordable housing units which results in an additional ten (10) rental bonus credits



For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

"Available site" means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

This site is free of encumbrances that will preclude development of the proposed development.

"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.

This site has development approvals and is located within residential communities and has access to the residential street network. The site has environmental constraints and all necessary regulations have been followed to ensure the protection of these environmental features while allowing construction on the remainder of the land.

"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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

This site has access to all water and sewer infrastructure required for the production of and continued support of affordable housing.

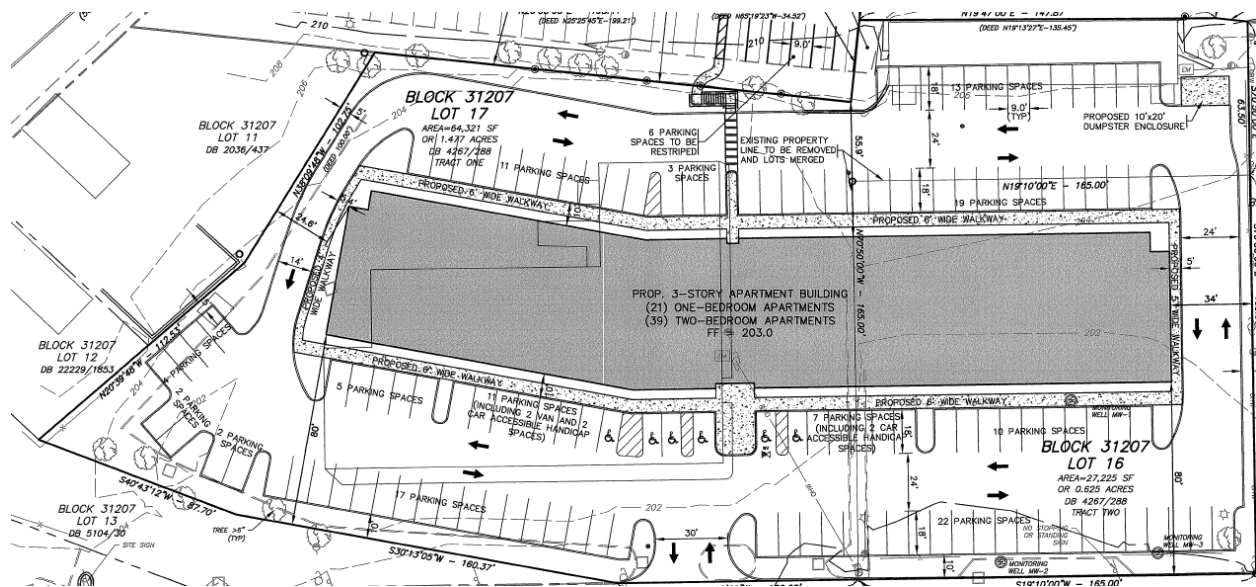
"Approvable site" means a site that may be developed for low and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate-income housing.

This site has been rezoned for the development of sixty five (65) total family rental dwelling units, of which ten (10) will be reserved for low and moderate income households. As this development is a rental development, the municipality would receive a ten (10) unit bonus credits of affordable housing units. The developer has appeared before the planning board for preliminary and final site plan approval, which was granted on January 9, 2019. The site will be developed consistent with the Residential Site Improvement Standards, *N.J.A.C.* 5:21 and does not contain any historic or architecturally important structures nor is located within an historic district. This meets the approvable criterion.

Site #9 Redmond Press

Block: 31207
Lots: 16 and 17
Address: 475-495 East Main Street
Owner: Redmond Press, Inc.
Zoning: Redevelopment
Acres: 2.095
Approved: 9 family rental affordable housing units – 9 bonus rental credits

The Redmond Press site has been declared an area in need of redevelopment and a redevelopment ordinance was adopted. The Township is negotiating the terms of a Payment In Lieu of Taxes (PILOT) with the developer. The subject properties are just over two acres (2.09) in size. The subject properties are listed as lots 16 and 17 in block 31207 and are known as 475-495 East Main Street.



For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

"Available site" means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

This site previously contained environmental contaminated soil. The New Jersey Department of Environmental Protection (NJDEP) website, confirms that the contaminated soil has been removed and no longer presents a restriction to development and therefore is free of encumbrances.

"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*.

This site located adjacent to the New Jersey Transit Mount Tabor train station and has access to the residential street network.

"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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

This site was a subject of a redevelopment plan. The site currently contains buildings with all accessory infrastructure. The site contains all necessary water and sewer infrastructure required for the production of and continued support of affordable housing. The Township is negotiating a "PILOT" to insure that this site is developable.

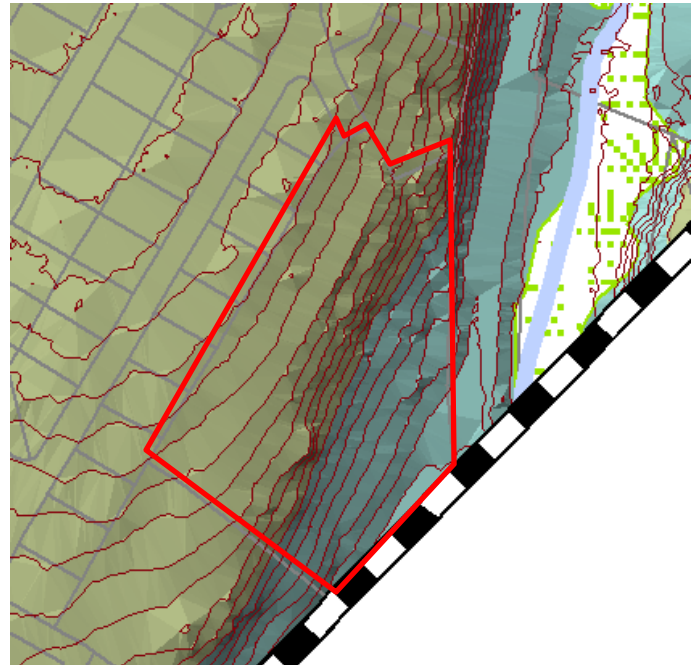
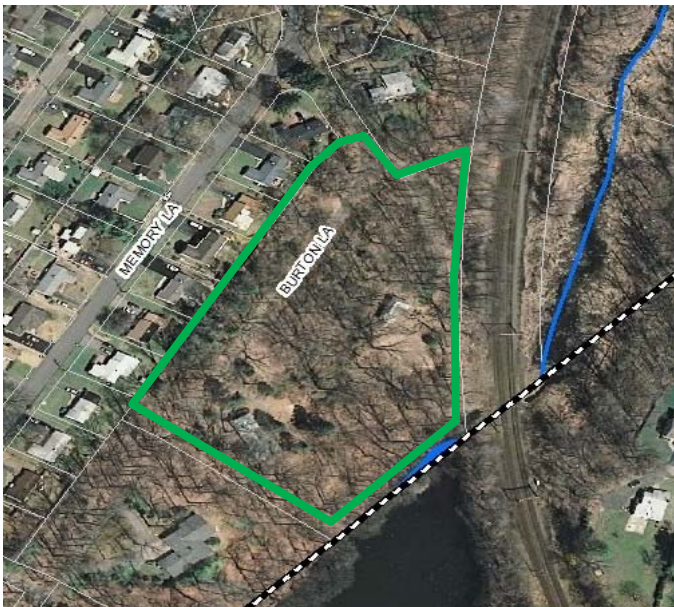
"Approvable site" means a site that may be developed for low and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate-income housing.

This site has been rezoned for the development of a multi-family development consisting of sixty (60) total dwelling units, of which nine (9) will be reserved for low and moderate-income households. As this is a rental development, the municipality will receive an additional nine (9) bonus credits for affordable housing units. The site will be developed consistent with the Residential Site Improvement Standards, *N.J.A.C. 5:21* and does not contain any historic or architecturally important structures nor is located within an historic district.

Site #10 Lake Lenore Road

Block: 31109
Lot 13.01
Address: 7 Lake Lenore Road
Owner: Township of Denville
Zoning: R-1
Acres 1.66
Units : 4-bedroom group home

This property is just over an acre and one half (1.66) acres in size and has steep slopes that restrict the developable area of the site. The subject property is listed as lot 13.01 in block 31109 and is known as 7 Lake Lenore Road. The property is owned by the Township of Denville. The property is currently zoned for R-1 (single family).



For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

“Available site” means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

This site is owned by the Township of Denville and is free of encumbrances.

“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*.

This site is located within a residential community and has access to the residential street network. Although the site has some steep slopes, there is sufficient land area that is located outside steep slopes to support a four-bedroom group home.

"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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

The site contains all necessary water and sewer infrastructure required for the production and continued support of affordable housing.

"Approvable site" means a site that 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. A site may be approvable although not currently zoned for low and moderate-income housing.

This site is owned by the Township of Denville. The municipality will work with a developer to insure the construction of a four-bedroom group home. The site, by its nature of ownership by the municipality will only require a site plan application. This meets the approvable criterion. Should the development of the site become problematic the Township will offer to swap this site with another site so long as the development yields four (4) affordable housing units.

Site #11 19 Zeek Road

Block: 11201
Lot: 6
Address: 19 Zeek Road
Zoning: R-1B
Acres: 0.866
Units: Four-bedroom group home



For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

“Available site” means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

Avidd Community Services & Bethel Ridge have purchased this property and have been issued their building permits to modify the structure in January of 2021. The site is clear of title and free of encumbrances.

“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*.

This site is constructed and located within residential communities and has access to the residential street network.

"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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

This site is constructed and therefore developable. The site contains all necessary water and sewer infrastructure required for the production and continued support of affordable housing.

"Approvable site" means a site that 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. A site may be approvable although not currently zoned for low and moderate-income housing.

Under the Municipal Land Use Law (MLUL) a group home that services under ten (10) persons, must be treated as a single family home. This means that so long as there are no exterior modifications, a group home could be approved via the permit process. The site has been issued their building permits to modify the structure in January of 2021. The site will be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21 and will not contain any historic or architecturally important structures nor will it be located within an historic district. This meets the approvable criterion.

Site #12 Accessory Apartments

An Accessory Apartment is defined as a “a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.”

The Township of Denville will allow for the creation of six accessory apartments to be allowed as conditional use in all residential zones.

Site #13 New Hope Church

Block: 30102
Lot: 4
Address: 52 Cooper Road
Owner: New Hope Community Church of Nazarene
Zoning: R-1 to be rezoned to HWO overlay zone
Acres 6.9
Developable acres ~ 1.2 Acres
Units: 5 age restricted affordable units or a 5 bedroom group home(s)



For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

“Available site” means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

This site contains the New Hope Church of the Nazarene. The site is just under seven (6.9) acres in size and has quite a large parking field. The site contains just over one (1.2) acre in the rear of the property that is capable of being developed with an age restricted development or group homes. This site is free of encumbrances that would prevent the construction of affordable housing.

"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.

This site contains the New Hope Church of the Nazarene. The site is located on the north side of Cooper Road between a residential subdivision and an elementary school. This site is adjacent to a residential community and has access to the residential street network.

"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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

This site contains the New Hope Church of the Nazarene and has access to water, sewer and all necessary infrastructure.

"Approvable site" means a site that 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. A site may be approvable although not currently zoned for low and moderate-income housing.

This site contains the New Hope Church of the Nazarene. The municipality will create an overlay zone for this site, which will allow for the construction of an age-restricted affordable housing development or group homes. The site will be developed consistent with the Residential Site Improvement Standards, *N.J.A.C.* 5:21 and does not contain any historic or architecturally important structures nor is located within an historic district.

Site #14 Bacala Group

Block 21101
Lot 5
Block 21001
Lot 9
Address: 382 Franklin venue
Owner: Private Owner
Zoning: T-7
Acres 8.9
Units: 12 family affordable units



For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

“Available site” means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

This site had a contract purchaser that was an intervenor in the settlement process. During this process, this contract purchaser lost his option to the site. This site is free of encumbrances that would prevent the construction of affordable housing.

“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*.

This site is located on the east side of Franklin Avenue just north of a commercial shopping center and south of single-family homes. The site is located within walking distance to retail but still maintains its residential nature. This site is adjacent to a residential community and has access to the residential street network.

“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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

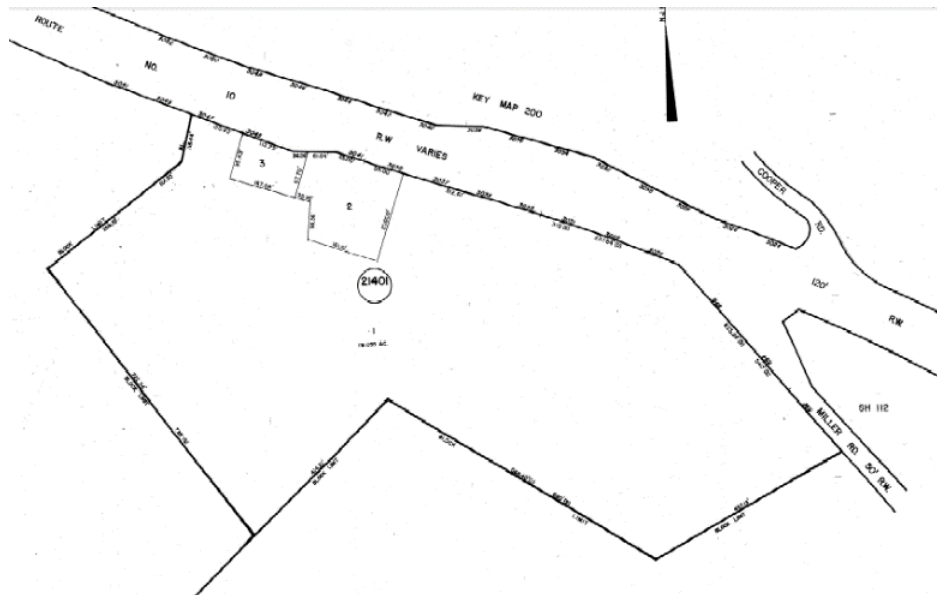
This site is a redevelopment of two single-family lots to a multi-family use and has access to water, sewer and all necessary infrastructure.

"Approvable site" means a site that 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. A site may be approvable although not currently zoned for low and moderate-income housing.

This site will be rezoned for the development of a multi-family development consisting of sixty (60) total dwelling units, of which twelve (12) will be reserved for low and moderate-income households. The site will be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21 and does not contain any historic or architecturally important structures nor is located within an historic district.

Site #15 Silver Spring Manor

Block 21401
Lots 1, 2, 3
Address: 3027-3037 Route 10
Owner: Silver Spring Manor
Zoning: T-7
Acres 20.2
Developable Acres ~ 12.5 Acres
Units 24 family affordable units



Silver Springs Manor is a collection of sites (three sites) that have access along Route 10 in Denville. The properties contains just over twenty (20.2) acres of land but with environmental constraints removed, contains approximately twelve and one half (12.5) acres of developable land.

For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

"Available site" means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

This site is largely undeveloped. The site contains steep slopes. A conceptual plan has been prepared and it has been determined that this site is capable of supporting a multi-family development of a one hundred and twenty five (120) units with twenty-four (24) units of affordable housing.

"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*.

The site is located on the south side of Route 10 and abuts a multifamily development to the south. The subject properties contain just over twenty (20.2) acres of land but with environmental constraints removed, contains approximately twelve and one half (12.5) acres of land which are capable of being developed. A cursory slope analysis indicates that the site is capable of supporting one hundred and twenty (120) of total units, with twenty-four (24) of them reserved for low and moderate income household. The site can be developed following all environmentally sensitive land restrictions.

"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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

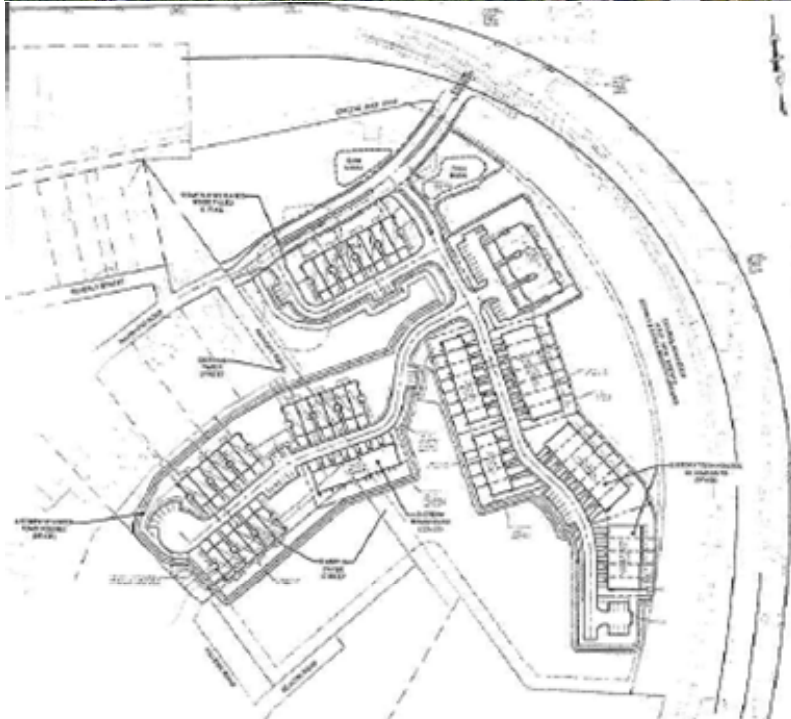
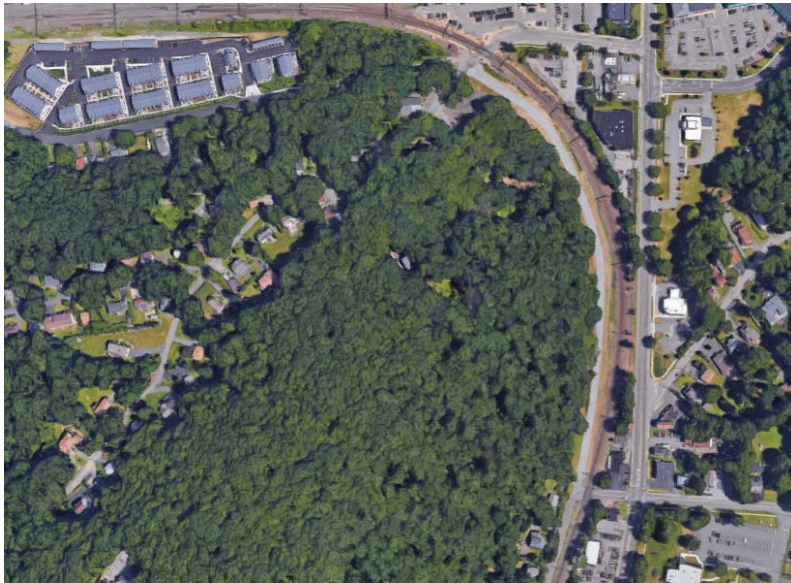
The site will be served by public water and sewer and is partially within a sewer service area. The sewer service area will be expanded to account for the entire site.

"Approvable site" means a site that 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. A site may be approvable although not currently zoned for low and moderate-income housing.

This site will be rezoned for the development a multi-family development consisting of a total of one hundred and twenty (120) dwelling units, of which twenty-four (24) will be reserved for low and moderate-income households. The site will be developed consistent with the Residential Site Improvement Standards, *N.J.A.C. 5:21* and does not contain any historic or architecturally important structures nor is located within an historic district. This meets the approvable criterion.

Site #16 Lennar Homes

Block 30501, Lots 8, 32-34 and 36 -37
Block 30601, Lots 16
Block 30607, Lots 15-17
Block 30611, Lots 1-5
Owner: Private Ownership
Zoning: T-7
Acres ~17.5 acres
Units: 16 family rental affordable housing units with 14 bonus credits



For a development to meet current affordable housing standards, the COAH regulations indicate that the site must be Available, Suitable, Developable, and Approvable. This site meets these criterion as follows:

"Available site" means a site with clear title, free of encumbrances which preclude development or low and moderate-income housing.

With the municipality agreeing to vacate portions of the paper streets of Patnode and Highview Roads, the site will have a clear title and will have no encumbrances which preclude its development with market rate and affordable housing in accordance with the agreement reached between the Township and the contract purchaser.

"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*.

The site is located in an area where other residential uses are developed and has appropriate access to streets.

"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 wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

The site will be served by public water and sewer and is within a sewer service area.

"Approvable site" means a site that 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. A site may be approvable although not currently zoned for low and moderate-income housing.

This site has been rezoned for the development of a multi-family development consisting of a total of one hundred and six (106) dwelling units, of which sixteen (16) will be reserved for low and moderate income households. The zoning ordinance for this site was adopted on December 8, 2020. The site will be consistent with the Residential Site Improvement Standards, *N.J.A.C. 5:21*. The site does not contain any historic or architecturally important structures and is not within an historic district.

Meeting the Un-Met Need

The Township of Denville prepared a vacant land adjustment, pursuant to N.J.A.C. 5:93-4.2. Municipalities that do not have adequate amount of developable land to fulfil their affordable housing obligation are eligible for an adjustment of the obligation that reflects a realistic development potential (hereinafter “RDP”). As part of the Settlement Agreement with FSHC, it was determined that Denville is entitled to a vacant land adjustment and has an RDP of one hundred and eighty nine (189) units. The unmet need is the calculation of the difference between the total affordable housing obligation and the RDP. The following sites are being proposed to address the municipality’s unmet need of six hundred and fifty two (652) units:

Site No.	
UMN-43	Block 31601, Lot 4.01 Anthony and Sons Bakery Overlay zone: 15 du/acre
UMN-45	Block 31208 Lot 2 Elmer Dickerson & Sons Inc. Overlay zone: 2 Floors of Residential over existing retail 12 du/acre
UMN-46	Block 40301 Lots 1 through 6 Astro Place Overlay zone :10 du/acre
UMN-47	Block 40102 Lots 1 through 5 Palmer Road Overlay zone: 10 du/acres
UMN-48	Block 31207, Lots 1, 2, 3, 4, 7 & 9 Route 53 Overlay zone: 20 du/acre
UMN-50	Block 50307, Lots 1, 2, 3, 6 and 8 Bloomfield Avenue @ Rt. 53 Overlay zone: 15 du/acre

Site UMN-43

Block 31601
Lot 4.01
Address: 20 Luger Road
Owner: Now Realty Associates c/o Oppen Group
(Anthony and Son)
Zoning: OB-4 to be rezoned with TO overlay zone
Acres 6.64

The site is located within the sewer service area. It consists of just over six and one half (6.64) acres and is currently developed. The municipality will adopt an overlay zone to allow for the construction of one hundred (100) multi-family units of which twenty (20) would be affordable in an effort to address the unmet need. This correlates to an overall density of fifteen (15) dwellings per acre.



Site UMN-45

Block 31208
Lot 2
Address: 559 East Main Street
Owner: Elmer Dickerson & Sons Inc.
Zoning: B-4 to be rezoned with B4O overlay zone
Acres 3.76

This retail strip mall is located directly adjacent to the Mt. Tabor train station. It consists of entirely single story retail. The municipality will adopt an overlay zone to allow for the addition of two floors of residential over existing retail. Initial investigations indicate the capability of adding nineteen units per floor, yielding forty-six (46) total units, with nine (9.2) affordable units. This correlates to an overall density of twelve (12) dwellings per acre.



Site UMN -46

Block/Lot 40302 / 1 through 6
Address: 398-400 Franklin Ave
 3, 5, 7, 9 Astro Place
Owner: Multiple Owners
Zoning: I-2 to be rezoned with TO overlay zone
Acres ~ 17.4 Developable Acres

Of the six already developed lots, approximately seventeen and one half (17.4) acres are developable. The municipality will adopt an overlay zone to allow for the construction of one hundred and seventy four (174) multi-family units of which thirty-four (34.6) would be affordable in an effort to address the unmet need. This correlates to an overall density of (ten) 10 dwellings per acre.



Site UMN -47

Block 40102
Lots 1 through 5
Address: 301, 305, 315, 321, 327 Palmer Road
Owner: Multiple Owners
Zoning: I-2 to be rezoned with TO overlay zone
Acres 13.9

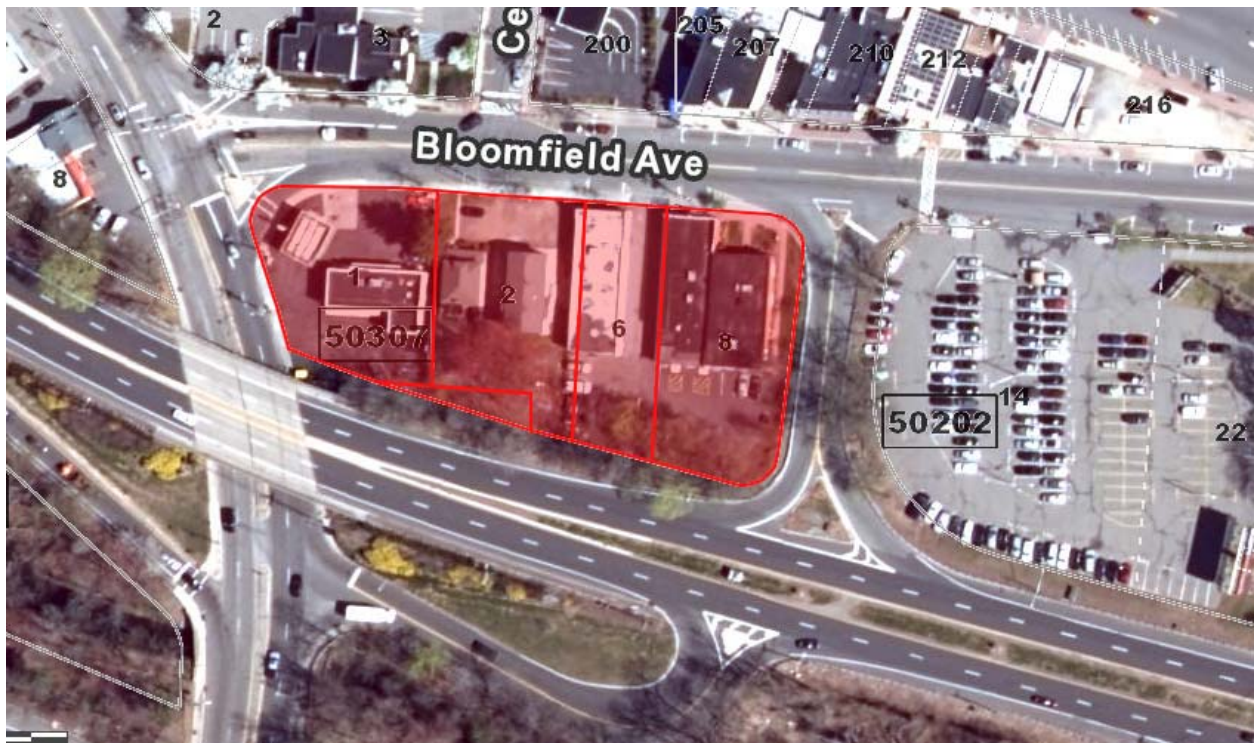
Of the almost fourteen acres (13.9), approximately twelve and one half (12.5) acres would be available for redevelopment. The municipality will adopt an overlay zone to allow for the construction of one hundred and thirty nine (139) multi-family units of which twenty-eight (27.8) would be affordable in an effort to address the unmet need. This correlates to an overall density of ten (10) dwellings per acre.



Site UMN – 50

Block 50307
Lots 1, 2, 3, 6, and 8
Address: Bloomfield Avenue
Owner: Multiple Owners
Zoning: B-1 to be rezoned with MRO overlay zone
Acres ~ 1 acre

Lots 1, 2, 3, 6 and 8 in Block 50307 contain just over one (1) acre. The municipality will adopt an overlay zone to allow for the construction of fifteen (15) multi-family units of which three (3) would be affordable in an effort to address the unmet need. This correlates to an overall density of fifteen (15) dwellings per acre.



Housing Element and Fair Share Plan Appendix

1. Zoning for Site #13 New Hope Church
2. Overlay Zoning to address the unmet need

B4O Zone
Block 31208 Lot 2

(Dickerson's Corner)

TO Zone
Block 31601 Lot 4.01
Block 40302 Lots 1 through 6
Block 40102 Lots 1 through 5

(Anthony and Son
(Astro Place)
(Palmer Road)

MRO Zone
Block 50307 Lots 1, 2, 3, 6, 8
Block 31207 Lots 1, 2, 3, 4, 7, 9

(Bloomfield Ave)
(Route 53)

3. Affordable Housing Ordinance
4. Affirmative Marketing Plan and Resolution
5. Development Fee Ordinance
6. Affordable Housing Spending Plan
7. Mandatory Affordable Housing Set-Aside Ordinance
8. Accessory Apartment Program

3. Minimum residential building setbacks from external property lines: 25 feet
4. Minimum front yard.
 - a. 25 feet from any internal cartway
 - b. 8 feet from parking field
5. Minimum distance between buildings

For the purpose of this section of the ordinance, the front of a multifamily building shall be defined as that portion of the structure that has access to the driveway and or front door.

 - a. 25 feet between side and side
 - b. 35 feet between rear and rear
 - c. 40 feet between side and rear
 - d. 60 feet between side and front
 - e. 75 feet between front and rear
 - f. 75 feet between front and front

Design Standards.

- a. Buildings shall have architectural features, finishes and patterns that provide visual interest.
- b. The overall design of the project shall have a unified theme, displayed through the application of common building materials such as brick, cultured stone and wood.
- c. Trash. Each dwelling unit must be designed so as to have a dedicated location for the interior storage of trash or designed in such a way that said trash shall be stored in a dedicated exterior storage facility.
- d. Mailboxes. Mailboxes must be provided in either gang mailboxes or located in a lobby, or other type of facility.
- e. Lighting. The lighting requirements shall comport with Subsection 600-177, Outdoor Lighting, of the Township of Denville's Zoning Ordinance.
- f. Utility meters. All utility meters may be located in the interior of the building provided that said meters are located within a common area and not within an individual dwelling unit.
- g. Air-conditioning units, emergency generators, or other sound producing equipment. Any emergency generators, air-conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.

Circulation, parking, utilities.

- a. Off street parking requirements.
 - i. A parking and traffic study must be undertaken to ensure the shared parking will accommodate all uses on site;
 - ii. Parking for handicapped persons shall be provided as required by State and Federal law.
- b. Emergency facilities. All housing developed within the HWO Multi Use Overlay Zone shall be suitably designed to facilitate emergency access by police, fire fighting and ambulance service vehicles.
- c. Sidewalks. Sidewalks from the parking lot to the residential access point shall be located within a curbed walkway.

Applicability

To the extent that any provisions found in section 600 are found to be inconsistent with this Ordinance, the provisions of this Ordinance shall govern.

Affordable Housing Requirements

- a. Development must provide affordable housing consistent with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”); applicable regulations of the New Jersey Council on Affordable Housing (“COAH”); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency (“NJHMFA”) including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”).
- b. All said affordable units shall be constructed on site and integrated among the buildings throughout the development so that as much as practical the buildings contain a mix of affordable and market rate units. Affordable units shall also be constructed to be indistinguishable from market rate units from the exterior of the building.
- c. Twenty percent (20%) of all residential units developed with the HWO Multi Use Overlay Zone shall be reserved for occupancy by very low income, low income and moderate households (hereinafter “Affordable Units”).
- d. At least 50% of the affordable units will be available to very low income and low-income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low-income households, defined as households earning 30% or less of the regional median income by household size.

e. Bedroom distribution:

1. In any multifamily development there shall be the following distribution of bedrooms in affordable units:

- (a) One bedroom: a maximum of 20% of the affordable units.
- (b) Three bedrooms: a minimum of 20% of the affordable units.
- (c) Two bedrooms: the balance of the affordable units.

f. The phasing applicable to the Affordable Units shall follow regulations established at N.J.A.C. 5:93-5.6(d).

Design Standards.

- a. Buildings shall have architectural features, finishes and patterns that provide visual interest.
- b. The overall design of the project shall have a unified theme, displayed through the application of common building materials such as brick, cultured stone and wood.
- c. Trash. Each dwelling unit must be designed so as to have a dedicated location for the interior storage of trash or designed in such a way that said trash shall be stored in a dedicated exterior storage facility.
- d. Mailboxes. Mailboxes must be provided in either gang mailboxes or located in a lobby, or other type of facility.
- e. Lighting. The lighting requirements shall comport with Subsection 600-177, Outdoor Lighting, of the Township of Denville's Zoning Ordinance.
- f. Utility meters. All utility meters may be located in the interior of the building provided that said meters are located within a common area and not within an individual dwelling unit.
- g. Air-conditioning units, emergency generators, or other sound producing equipment. Any emergency generators, air-conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.

Circulation, parking, utilities.

- a. Off street parking requirements.
 - i. A parking and traffic study must be undertaken to ensure the shared parking will accommodate both uses;
 - ii. Parking for handicapped persons shall be provided as required by State and Federal law.
- d. Emergency facilities. All housing developed within the B4O Multi Use Overlay Zone shall be suitably designed to facilitate emergency access by police, fire fighting and ambulance service vehicles.
- e. Sidewalks. Sidewalks from the parking lot to the residential access point shall be located within a curbed walkway.

Applicability

To the extent that any provisions found in section 600 are found to be inconsistent with this Ordinance, the provisions of this Ordinance shall govern.

Affordable Housing Requirements

- a. Development must provide affordable housing consistent with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”); applicable regulations of the New Jersey Council on Affordable Housing (“COAH”); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency (“NJHMFA”) including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”).
- b. All said affordable units shall be constructed on site and integrated among the buildings throughout the development so that as much as practical the buildings contain a mix of affordable and market rate units. Affordable units shall also be constructed to be indistinguishable from market rate units from the exterior of the building.
- c. Twenty percent (20%) of all residential units developed with the B4O Multi Use Overlay Zone shall be reserved for occupancy by very low income, low income and moderate households (hereinafter “Affordable Units”).
- d. At least 50% of the affordable units will be available to very low income and low-income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low-income households, defined as households earning 30% or less of the regional median income by household size.
- e. Bedroom distribution:
 - i. In any multifamily development there shall be the following distribution of bedrooms in affordable units:
 - (d) One bedroom: a maximum of 20% of the affordable units.
 - (e) Three bedrooms: a minimum of 20% of the affordable units.
 - (f) Two bedrooms: the balance of the affordable units.
- f. The phasing applicable to the Affordable Units shall follow regulations established at N.J.A.C. 5:93-5.6(d).

Block 40302 Lots 1 through 6
Block 40102 Lots 1 through 5
Block 31601 Lot 4.01

(Astro Place)
(Palmer Road)
(Anthony and Son Bakery)

Definitions:

Back-to-Back Townhouses:

A townhouse that not only shares side walls but also shares rear walls. Access to all units are at grade.

TO Multi-Family Overlay Zoning.

Principal permitted uses.

The following uses are principal permitted uses in the TO Multi-Family Overlay Zone:

- a. Townhouses;
- b. Back-to-Back Townhouses;
- c. Vertical Flats;
- d. Interlocking dwellings;
- e. Uses permitted in the underlying zone.

Permitted accessory uses.

Any and all uses of land that are customarily, habitually, and by long practice, established by reasonable association with, incidental and subordinate to the principal use of the property, including, but not limited to the following:

- a. Decks
- b. Patios/Terraces
- c. Gate House/Guard Booth/Welcome Booth
- d. Club house
- e. Maintenance Building
- f. Pool
- g. Passive and active recreation
- h. Open space
- i. Off street parking
- j. Private Garages
- k. Signs
- l. Retaining Walls / Fences
- m. Utilities and other essential services

Bulk Standards.

a. For uses permitted in the underlying zone, the underlying bulk standards for the zone shall apply.

b. For multifamily dwellings the following bulk standards shall apply:

1. Minimum lot size: 3.5 acres

2. Minimum residential building setbacks from external property lines: 25 feet

3. Minimum front yard.

a. 25 feet from any internal cartway

b. 8 feet from parking field

4. Minimum distance between buildings

For the purpose of this section of the ordinance, the front of a multifamily building shall be defined as that portion of the structure that has access to the driveway and or front door.

a. 25 feet between side and side

b. 35 feet between rear and rear

c. 40 feet between side and rear

d. 60 feet between side and front

e. 75 feet between front and rear

f. 75 feet between front and front

5. Minimum distance between residential building and retaining walls

a. From the closest point of the structure (which included decks): 14 Ft.

b. From the closest wall of the dwelling unit: 3 vertical feet for each foot of wall height.

6. Allowable projections into yards or building envelope

If no separate lots are created, architectural features such as bay windows, cornices, eaves, window sills, steps, overhangs, other building protrusions or architectural features provided that said feature does not project more than twenty four (24) inches. Ramps designed for American with Disabilities are not considered a building appurtenance and are not regulated by this section.

7. Coverage

a. Maximum Building coverage: 25%.

b. Maximum Impervious coverage: 65%.

c. Minimum open space or landscaped areas: 25%

- i. In computing the open space requirement, common recreation areas accessory to the residential use and required buffer areas, environmentally sensitive lands and stormwater facilities shall be included.
 - ii. Any open space as provided herein shall be owned and maintained by the homeowners association or condominium association in accordance with the provision of N.J.S.A. 40:55D-43.
8. Maximum Building Height
- a. 3 ½ stories
 - b. 45 feet
9. Maximum Units per building:
- a. Townhouses: 10 per building
 - b. Vertical flats, Interlocking Apartments, Back to Back townhomes: 20 per building
10. Maximum Length of building: 210 feet
11. Maximum Density:
- a. Block 40302 Lots 1 through 6 10 units per acre
 - b. Block 40102 Lots 1 through 5 10 units per acre
 - c. Block 31601 Lot 4.01 15 units per acre

Design Standards.

- a. Buildings shall have architectural features, finishes and patterns that provide visual interest.
- b. The overall design of the project shall have a unified theme, displayed through the application of common building materials such as brick, cultured stone and wood.
- c. Trash. Each dwelling unit must be designed so as to have a dedicated location for the interior storage of trash or designed in such a way that said trash shall be stored in a dedicated exterior storage facility.
- d. Mailboxes. Mailboxes must be provided in either gang mailboxes or located in a clubhouse, or other type of facility.
- e. Lighting. The lighting requirements shall comport with Subsection 600-177, Outdoor Lighting, of the Township of Denville's Zoning Ordinance.
- f. Utility meters. All utility meters may be located in the interior of the building provided that said meters are located within a common area and not within an individual dwelling unit. If utility meters are located on the exterior of a structure, landscaping must be provided in the vicinity to aid in the screening of said meters.

- g. Air-conditioning units, emergency generators, or other sound producing equipment. Any emergency generators, air-conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.
- h. Signage.
 - 1. With the exception of street signs, traffic control signs, and building identification signs, there shall be a single development identification sign permitted. Said identification sign shall be a ground mounted monument sign, a freestanding sign or, if an accessory building is utilized for a guard booth/welcome booth, a wall sign may be permitted.
 - 2. A proposed monument or freestanding sign shall be located on the property, but outside any required sight triangle area, and shall contain no more than 24 square feet per side and no more than two sides. A proposed monument or freestanding sign shall not exceed three feet in height from the base of the sign and may be externally lit.
 - 3. A proposed wall sign may be permitted if a guard booth/welcome booth is proposed, or if a retaining wall is proposed, where said sign is incorporated into this accessory structure. This wall sign shall contain no more than 24 square feet and may be externally lit. No development identification may be permitted on any building that houses a dwelling unit, garage or clubhouse.
- i. Fences and walls. Fences, walls, and retaining walls shall be permitted provided that no fence or freestanding wall shall exceed six feet in height, unless located in the front yard between a principal building and any street or roadway, in which case no fence or freestanding wall shall exceed four feet in height. Retaining walls may exceed six feet in height, where the Approving Board finds that the additional height in wall outweighs the amount of disturbance a tiered or multiple tiered wall would require. The Approving Board may, in appropriate situations require such walls to provide landscaping to be planted in front of or atop of such walls in order to reduce their visual impact. In no case shall a retaining wall exceed eight feet in height. For the purpose of applying height limits, multiple, staggered or tiered walls, and/or wall/fence combinations shall be considered single units unless the horizontal distance between the top of any section or tier shall meet or exceed 5 feet.
- j. Access
 - 1. If gates or other methods of excluding the vehicular traffic are proposed, the application must provide adequate provisions for emergency vehicles as well as turnaround provisions for visitors who have been refused entry.

Buffer Areas.

- a. The applicant shall provide and maintain a landscaped buffer area within the TO Multi-Family Overlay Zone which shall be no less than 25 feet in width from all exterior lot lines of the tract. Where said buffer abuts land in a residential zone, said buffer can be reduced to a minimum of 10 feet. When natural vegetation within the buffer is sparse or non-existent, the landowner shall be required to provide a year-round visual screen as determined by the Planning Board.
- b. No use or structure, including parking or loading areas but excluding fences, retaining walls, detention, retention and drainage facilities and utility structures, shall be permitted within the required buffer area.
- c. Regrading within the buffer area. Every effort shall be made to minimize the amount of regrading within the buffer area.

Circulation, parking, utilities, planning and staging.

- a. Street requirements. The requirements of N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards) shall govern the design of streets unless a de minimus exception from such requirements is approved by the Board.
- b. Off street parking requirements.
 1. Parking spaces shall be provided for each dwelling unit in accordance with N.J.A.C. 5:21 (Residential Site Improvement Standards).
 2. Each dwelling unit must include one garaged parking space which is assigned to said unit.
 3. Parking for handicapped persons shall be provided as required by State and Federal law.
 4. All parking shall be adequately landscaped, lighted and conveniently located relative to the housing to be served. Under no circumstances shall parking be more than 200 feet from the housing to be served.
- c. Utility improvements
 1. All developments shall be served by public water and public sanitary sewerage systems.
 2. All utility improvements shall be located within a street right of way or within a utility easement, including storm drainage systems, sanitary sewerage collection and disposal systems and water supply and distribution systems, and shall be subject to review and approval by the Township in accordance with the standards and procedures established at N.J.A.C. 5-21 et seq. (Residential Site Improvement Standards) and subject to review and approval by the New Jersey Department of Environmental Protection as well as appropriate County and other State agencies, where applicable. Water supply and sanitary sewer collection and distribution facilities shall also be subject to review and

approval by the Township Engineer and Fire Department and the Denville Water and Sewer Department.

3. Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as part of an underground system and shall be located within a street right of way or within a utility easement. If such underground facilities cannot reasonably be provided throughout the development due to topographic or geological conditions of the land or due to technical circumstances, and if the landowner shall adequately demonstrate the lack of feasibility of such undertaking, an exception to this requirement may be granted by the Planning Board.
- f. Emergency facilities. All housing developed within the TO Multi-Family Overlay Zone shall be suitably designed to facilitate emergency access by police, fire fighting and ambulance service vehicles.
- g. Sidewalks. Sidewalks shall be provided within the development in accordance with the RSIS except that the Planning Board, in its reasonable discretion, may approve the substitution of pedestrian walkways not paralleling streets where appropriate.

Affordable Housing Requirements

- a. Development must provide affordable housing consistent with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”); applicable regulations of the New Jersey Council on Affordable Housing (“COAH”); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency (“NJHMFA”) including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”).
- b. All said affordable units shall be constructed on site and integrated among the buildings throughout the development so that as much as practical the buildings contain a mix of affordable and market rate units. Affordable units shall also be constructed to be indistinguishable from market rate units from the exterior of the building.
- c. Twenty percent (20%) of all for residential units developed with the TO Multi-Family Overlay Zone shall be reserved for occupancy by very low income, low income and moderate households.
- d. At least 50% of the affordable units will be available to very low income and low-income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low-income households, defined as households earning 30% or less of the regional median income by household size.

e. Bedroom distribution:

1. In any multifamily development there shall be the following distribution of bedrooms in affordable units:

- (a) One bedroom: a maximum of 20% of the affordable units.
- (b) Three bedrooms: a minimum of 20% of the affordable units.
- (c) Two bedrooms: the balance of the affordable units.

g. The phasing applicable to the Affordable Units shall follow regulations established at N.J.A.C. 5:93-5.6(d).

Applicability

To the extent that any provisions found in section 600 are found to be inconsistent with this Ordinance, the provisions of this Ordinance shall govern.

Block 50307 Lots 1, 2, 3, 6, 8
Block 31207 Lots 1, 2, 3, 4, 7, 9

(Bloomfield Ave)
(Route 53)

MRO Multi-Family Overlay Zoning.

Principal permitted uses.

The following uses are principal permitted uses in the MRO Multi-Family Overlay Zone:

- a. Garden Apartments
- b. Mid-Rise Apartments
- c. Vertical Flats;
- d. Interlocking dwellings;
- e. Uses permitted in the underlying zone.

Permitted accessory uses.

Any and all uses of land that are customarily, habitually, and by long practice, established by reasonable association with, incidental and subordinate to the principal use of the property, including, but not limited to the following:

- a. Decks
- b. Patios/Terraces
- c. Porticos
- d. Club house
- e. Maintenance Building
- f. Pool
- g. Passive and active recreation
- h. Open space
- i. Off street parking
- j. Private Garages
- k. Signs
- l. Retaining Walls / Fences
- m. Utilities and other essential services

Bulk Standards.

- a. For uses permitted in the underlying zone, the underlying bulk standards for the zone shall apply.
- b. For multifamily dwellings the following bulk standards shall apply:
 1. Minimum lot size: 1 acre
 2. Minimum residential building setbacks from external property lines: 25 feet

3. Minimum front yard.
 - a. 25 feet from any internal cartway
 - b. 8 feet from parking field

4. Minimum distance between buildings

For the purpose of this section of the ordinance, the front of a multifamily building shall be defined as that portion of the structure that has access to the driveway and or front door.

 - a. 25 feet between side and side
 - b. 35 feet between rear and rear
 - c. 40 feet between side and rear
 - d. 60 feet between side and front
 - e. 75 feet between front and rear
 - f. 75 feet between front and front

This measurement shall be the shortest distance between the two buildings including decks, balconies, or other projections from the building façade.

5. Minimum distance between residential building and retaining walls
 - a. From the closest point of the structure (which included decks): 14 Ft.
 - b. From the closest wall of the dwelling unit: 3 vertical feet for each foot of wall height.

6. Allowable projections into yards or building envelope

If no separate lots are created, architectural features such as bay windows, cornices, eaves, window sills, steps, overhangs, other building protrusions or architectural features provided that said feature does not project more than twenty four (24) inches. Ramps designed for American with Disabilities are not considered a building appurtenance and is not regulated by this section.

7. Coverage
 - a. Maximum Building coverage: 25%.
 - b. Maximum Impervious coverage: 65%.
 - c. Minimum open space or landscaped areas: 25%
 - i. In computing the open space requirement, common recreation areas accessory to the residential use and required buffer areas, environmentally sensitive lands and stormwater facilities shall be included.
 - ii. Any open space as provided herein shall be owned and maintained by the homeowners association or condominium association in accordance with the provision of N.J.S.A. 40:55D-43.

8. Maximum Building Height
 - a. 3 ½ stories
 - b. 45 feet

9. Maximum Units per building:
 - a. Townhouses: 10 per building
 - b. Vertical flats, Interlocking Apartments, Back-to-Back townhomes: 20 per building
10. Maximum Length of building: 210 feet
11. Maximum Density
 - a. Block 31207, Lots 1, 2, 3, 4, 7 & 9 : 20 units per acre
 - b. Block 50307, Lots 1, 2, 3, 6 & 8 : 15 units per acre

Design Standards.

- a. Buildings shall have architectural features, finishes and patterns that provide visual interest.
- b. The overall design of the project shall have a unified theme, displayed through the application of common building materials such as brick, cultured stone and wood.
- c. Trash. Each dwelling unit must be designed so as to have a dedicated location for the interior storage of trash or designed in such a way that said trash shall be stored in a dedicated exterior storage facility.
- d. Mailboxes. Mailboxes must be provided in either gang mailboxes or located in a clubhouse, or other type of facility.
- e. Lighting. The lighting requirements shall comport with Subsection 600-177, Outdoor Lighting, of the Township of Denville's Zoning Ordinance.
- f. Utility meters. All utility meters may be located in the interior of the building provided that said meters are located within a common area and not within an individual dwelling unit. If utility meters are located on the exterior of a structure, landscaping must be provided in the vicinity to aid in the screening of said meters.
- g. Air-conditioning units, emergency generators, or other sound producing equipment. Any emergency generators, air-conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.
- h. Signage.
 1. With the exception of street signs, traffic control signs, and building identification signs, there shall be a single development identification sign permitted. Said identification sign shall be a ground mounted monument sign, a freestanding sign or, if an accessory building is utilized for a guard booth/welcome booth, a wall sign may be permitted.

2. A proposed monument or freestanding sign shall be located on the property, but outside any required sight triangle area, and shall contain no more than twenty-four (24) square feet per side and no more than two sides. A proposed monument or freestanding sign shall not exceed three feet in height from the base of the sign and may be externally lit.
3. A proposed wall sign may be permitted if a guard booth/welcome booth is proposed, or if a retaining wall is proposed, where said sign is incorporated into this accessory structure. This wall sign shall contain no more than twenty-four (24) square feet and may be externally lit. No development identification may be permitted on any building that houses a dwelling unit, garage or clubhouse.
 - i. Fences and walls. Fences, walls, and retaining walls shall be permitted provided that no fence or freestanding wall shall exceed six feet in height, unless located in the front yard between a principal building and any street or roadway, in which case no fence or freestanding wall shall exceed four feet in height. Retaining walls may exceed six feet in height, where the Approving Board finds that the additional height in wall outweighs the amount of disturbance a tiered or multiple tiered wall would require. The Approving Board may, in appropriate situations require such walls to provide landscaping to be planted in front of or atop of such walls in order to reduce their visual impact. In no case shall a retaining wall exceed eight feet in height. For the purpose of applying height limits, multiple, staggered or tiered walls, and/or wall/fence combinations shall be considered single units unless the horizontal distance between the top of any section or tier shall meet or exceed 5 feet.
 - j. Access
 1. If gates or other methods of excluding the vehicular traffic are proposed, the application must provide adequate provisions for emergency vehicles as well as turnaround provisions for visitors who have been refused entry.

Circulation, parking, utilities.

- a. Street requirements. The requirements of N.J.A.C. 5:21 et seq. (Residential Site Improvement Standards) shall govern the design of streets unless a de minimus exception from such requirements is approved by the Board.
- b. Off street parking requirements.
 1. Parking spaces shall be provided for each dwelling unit in accordance with N.J.A.C. 5:21 (Residential Site Improvement Standards).
 2. Each dwelling unit must include one garaged parking space which is assigned to said unit.
 3. Parking for handicapped persons shall be provided as required by State and Federal law.

4. All parking shall be adequately landscaped, lighted and conveniently located relative to the housing to be served. Under no circumstances shall parking be more than 200 feet from the housing to be served.
- c. Utility improvements
1. All developments shall be served by public water and public sanitary sewerage systems.
 2. All utility improvements shall be located within a street right of way or within a utility easement, including storm drainage systems, sanitary sewerage collection and disposal systems and water supply and distribution systems, and shall be subject to review and approval by the Township in accordance with the standards and procedures established at N.J.A.C. 5-21 et seq. (Residential Site Improvement Standards) and subject to review and approval by the New Jersey Department of Environmental Protection as well as appropriate County and other State agencies, where applicable. Water supply and sanitary sewer collection and distribution facilities shall also be subject to review and approval by the Township Engineer and Fire Department and the Denville Water and Sewer Department.
 3. Electric, gas and telephone service shall be provided by the developer in concert with the appropriate public utilities providing such service. Said service shall be provided as part of an underground system and shall be located within a street right of way or within a utility easement. If such underground facilities cannot reasonably be provided throughout the development due to topographic or geological conditions of the land or due to technical circumstances, and if the landowner shall adequately demonstrate the lack of feasibility of such undertaking, an exception to this requirement may be granted by the Planning Board.
- d. Emergency facilities. All housing developed within the MRO Multi-Family Overlay Zone shall be suitably designed to facilitate emergency access by police, fire fighting and ambulance service vehicles.
- e. Sidewalks. Sidewalks shall be provided within the development in accordance with the RSIS except that the Planning Board, in its reasonable discretion, may approve the substitution of pedestrian walkways not paralleling streets where appropriate.

Affordable Housing Requirements

- a. Development must provide affordable housing consistent with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”); applicable regulations of the New Jersey Council on Affordable Housing (“COAH”); applicable requirements of the Courts of the State of New Jersey; and all applicable regulations on affordability controls and other regulations of the New Jersey Housing and Mortgage Finance Agency (“NJHMFA”) including, without limitation, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”).

- b. All said affordable units shall be constructed on site and integrated among buildings throughout the development so that as much as practical such buildings contain a mix of affordable and market rate units. Affordable units shall also be constructed to be indistinguishable from market rate units from the exterior of the building.
- c. Twenty percent (20%) of all for residential units developed with the MRO Multi-Family Overlay Zone shall be reserved for occupancy by very low income, low income and moderate households.
- d. At least 50% of the affordable units will be available to very low income and low-income households and the remainder of which will be available to moderate income households as defined in the FHA and UHAC and other applicable statutes and regulations. A minimum of 13% of the affordable units will be made available to very low-income households, defined as households earning 30% or less of the regional median income by household size.
- e. Bedroom distribution: In any multifamily development there shall be the following distribution of bedrooms in affordable units:
 - 1. One bedroom: a maximum of 20% of the affordable units
 - 2. Three bedrooms: a minimum of 20% of the affordable units.
 - 3. Two bedrooms: the balance of the affordable units.
- g. The phasing applicable to the Affordable Units shall follow regulations established at N.J.A.C. 5:93-5.6(d).

Applicability

To the extent that any provisions found in section 600 are found to be inconsistent with this Ordinance, the provisions of this Ordinance shall govern.

ORDINANCE NO. 21-XX
AN ORDINANCE AMENDING CHAPTER 600 ENTITLED “LAND USE” PART 5
ENTITLED “AFFORDABLE HOUSING” OF THE CODE OF THE TOWNSHIP OF
DENVILLE

BE IT ORDAINED by the Council of the Township of Denville as follows:

Section 1. Chapter 600 of the Code of the Township of Denville, Land Use, Part 5, Affordable Housing, is deleted in its entirety and replaced with the following:

§ 600-359 Purpose.

The purpose of this ordinance is to provide for and regulate affordable housing in the Township.

§ 600-360 Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township or by the developers/owners of inclusionary or affordable housing developments to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

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

“Affordable” means, a sales price or rent level that is within the means of a very-low household as defined as households earning thirty percent (30%) or less of the regional median income by household size, low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township’s affordable housing obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a hundred percent (100%) affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Housing Element and Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

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

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

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

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

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

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

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

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

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

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to fifty percent (50%) or less of the regional median household income by household size.

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

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

“Market-rate units” means housing not restricted to very low-, low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of fifty percent (50%) but less than eighty percent (80%) of the regional median household income by household size.

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

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

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at eighty percent (80%) of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

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

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

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26-1, et seq.

“Very low-income household” means a household with a total gross annual household income equal to thirty percent (30%) or less of the regional median household income by household size.

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

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

§ 600-361 Applicability

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Denville pursuant to the Township’s 2021 Third Round Housing Element and Fair Share Plan.
- B. Moreover, the provisions of this Ordinance shall apply to all developments that contain very low-, low-, and moderate-income housing units, including any currently unanticipated future developments that will provide very low-, low- and moderate-income housing units, and also including projects that may be funded with Low Income Housing Tax Credit financing, which shall comply with the income and bedroom distribution requirements of this Ordinance.
- C. Mandatory Set-Aside
 - (1) Except as otherwise regulated in this chapter, any development application proposing five (5) or more new dwelling units shall be required to set aside twenty percent (20%) of said lots or units for affordable housing.
 - (2) This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Township of Denville to grant such rezoning, variance or other relief. A property shall not be

permitted to be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Ordinance.

- (3) This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of the Township’s Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning.

§ 600-362 Alternative Living Arrangements

A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

- (1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
- (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 600-363 Phasing Schedule for Inclusionary Zoning

A. In inclusionary developments the following schedule shall be followed:

<i>Maximum Percentage of Market-Rate Units Completed</i>	<i>Minimum Percentage of Very Low-, Low-, and Moderate-Income Units Completed</i>
25	0
25 + 1 unit	10
50	50
75	75
90	100

§ 600-364 New Construction

A. Low/moderate Split and Bedroom Distribution of Affordable Housing Units:

- (1) The fair share obligation shall be divided equally between very low-, low-, or moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least thirteen percent (13%) of all restricted rental units shall be very low-income units (affordable to a household earning thirty percent (30%) or less of regional median income by

household size). The very low-income units shall be counted as part of the required number of low-income units within the development.

- (2) In each affordable development, at least fifty percent (50%) of the restricted units within each bedroom distribution shall be very low or low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than twenty percent (20%) of the total very low-, low-, or moderate-income units;
 - (b) At least thirty percent (30%) of all very low-, low-, or moderate-income units shall be two bedroom units;
 - (c) At least twenty percent (20%) of all very low-, low- or moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted very low-, low-, or moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor; and
 - (b) An adaptable kitchen on the first floor; and
 - (c) An interior accessible route of travel on the first floor; and
 - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (e) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided

between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site impracticable” to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

C. Design

- (1) In inclusionary developments, to the extent possible, very low-, low-, or moderate-income units shall be integrated with the market units.
- (2) In inclusionary developments, very low-, low-, or moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum Rents and Sales Prices

- (1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty percent (60%) of median income, and the average rent for restricted rental units shall be affordable to households earning no more than fifty-two percent (52%) of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least thirteen percent (13%) of all low- and moderate-income rental units shall be affordable to very low-income households, earning thirty percent (30%) or less of the regional median household income, with such very low income units counted toward the low income housing requirement.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy percent (70%) of median income, and each affordable development must achieve an affordability average of fifty-five percent (55%) for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five percent (95%) of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight percent (28%) of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty percent (30%) of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied very low-, 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.

- (10) The rent of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent 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.

§ 600-365 Utilities

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

§ 600-366 Occupancy Standards

- A. In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 - (1) Provide an occupant for each bedroom;
 - (2) Provide children of different sexes with separate bedrooms;
 - (3) Provide separate bedrooms for parents and children; and
 - (4) Prevent more than two persons from occupying a single bedroom.

§ 600-367 Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Township of Denville takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 600-367.1 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - (1) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
 - (2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (3) The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by very low-, low- and moderate-income purchasers and those paid by market purchasers.
 - (4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

§ 600-367.2 Buyer Income Eligibility

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to fifty percent (50%) of median income and moderate-income ownership units shall be reserved for households with a gross household income less than eighty percent (80%) of median income.
- B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit a moderate-income

purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed thirty-three percent (33%) of the household's eligible monthly income.

§ 600-367.3 Limitations on Indebtedness Secured by Ownership Unit; Subordination

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five percent (95%) of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§ 600-367.4 Capital Improvements to Ownership Units

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the

signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 600-367.5 Control Periods for Restricted Rental Units

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Denville takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Morris. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within thirty (30) days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 600-367.6 Rent Restrictions for Rental Units; Leases

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least fifteen percent (15%) of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§ 600-367.7 Tenant Income Eligibility

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to thirty percent (30%) of the regional median household income by household size.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to fifty percent (50%) of the regional median household income by household size.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than eighty percent (80%) of the regional median household income by household size.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five percent (35%) (forty percent (40%) for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (1) The household currently pays more than thirty-five percent (35%) (forty percent (40%) for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (2) The household has consistently paid more than thirty-five percent (35%) (forty percent (40%) for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or

- (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in a.1. through b.5. above with the Administrative Agent, who shall counsel the household on budgeting.

§ 600-368 Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality or serving under contract to the developer/owner of an inclusionary or affordable housing development and reporting to the developer/owner and the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Denville and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;

- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Denville when referring households for certification to affordable units; and
- (7) Notifying the following entities of the availability of affordable housing units in the Township of Denville: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Chapter of the NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, the Supportive Housing Association, and the Housing Resource Center.

C. Affordability Controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Morris County Register of Deeds or Morris County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Re-rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
- (2) Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
- (3) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

- (1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (3) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

- (1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

- (3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§ 600-369 Affirmative Marketing Requirements

- A. The Township of Denville shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 2, comprised of Essex, Morris, Union, and Warren Counties.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to very low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- E. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- F. The affirmative marketing process for available affordable units shall begin at least four (4) months (one hundred and twenty (120) days) prior to the expected date of occupancy.
- G. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- H. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Denville, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Chapter of the NAACP, Newark NAACP, East Orange NAACP, Housing

Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, the Supportive Housing Association, and the Housing Resource Center.

- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 600-370 Enforcement of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale or rental in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of sixty (60) days after service of the written notice:
 - (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (a) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed ninety (90) days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an Owner who has rented a very low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment to the Township of the gross amount of rent illegally collected;
 - (c) In the case of an Owner who has rented a very low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - (2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be

enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the very low-, low- or moderate-income unit.

- (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the very low-, low- or moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
- (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the very low-, low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the very low-, low- or moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. An Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the very low-, low- or moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the very low-, low- or moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the very low-, low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the very low-, low- or moderate income unit as permitted by the regulations governing affordable housing units.
- (f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§ 600-371 Appeals

Appeals from all decisions of an Administrative Agent pursuant to this Ordinance shall be filed in writing with the Court.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

<input type="checkbox"/>		Vailsburg Leader	Essex
<input type="checkbox"/>		Verona-Cedar Grove Times	Essex
<input type="checkbox"/>		West Essex Tribune	Essex
<input type="checkbox"/>		West Orange Chronicle	Essex
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Chatham Courier	Morris
<input type="checkbox"/>		Chatham Independent Press	Morris
<input type="checkbox"/>		Citizen of Morris County	Morris
<input type="checkbox"/>		Florham Park Eagle	Morris
<input type="checkbox"/>		Hanover Eagle	Morris
<input type="checkbox"/>		Madison Eagle	Morris
<input type="checkbox"/>		Morris News Bee	Morris
<input type="checkbox"/>		Mt. Olive Chronicle	Morris
<input type="checkbox"/>		Neighbor News	Morris
<input type="checkbox"/>		Randolph Reporter	Morris
<input type="checkbox"/>		Roxbury Register	Morris
<input type="checkbox"/>		Parsippany Life	Morris
<input type="checkbox"/>		Clark Patriot	Union
<input type="checkbox"/>		Cranford Chronicle	Union
<input type="checkbox"/>		Echo Leader	Union
<input type="checkbox"/>		Elizabeth Reporter	Union
<input type="checkbox"/>		Hillside Leader	Union
<input type="checkbox"/>		Leader of Kenilworth & Roselle Park	Union
<input type="checkbox"/>		Madison Independent Press, The	Union
<input type="checkbox"/>		Millburn and Short Hills Independent Press	Union
<input type="checkbox"/>		News Record	Union
<input type="checkbox"/>		Record-Press	Union
<input type="checkbox"/>		Scotch Plains Times (Fanwood Times)	Union
<input type="checkbox"/>		Spectator Leader	Union
<input type="checkbox"/>		Union Leader	Union
<input type="checkbox"/>		Warren Reporter	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 2			
<input type="checkbox"/>		2 WCBS-TV CBS Broadcasting Inc.	
		3 KYW-TV CBS Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc. (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		11 WPIX WPIX, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, LLC	
<input type="checkbox"/>		41 WXTV WXTV License Partnership, G.P. (Univision Communications Inc.)	
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		54 WTBY-TV Trinity Broadcasting Of New York, Inc.	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		62 WRNN-TV WRNN License Company, LLC	
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcasting Corporation	
<input type="checkbox"/>		68 WFUT-TV Univision New York LLC	Spanish

TARGETS PARTIAL COAH REGION 2			
<input type="checkbox"/>		42 WKOB-LP Nave Communications, LLC	Essex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Essex, Morris, Union
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Essex, Morris, Union
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Essex, Union
<input type="checkbox"/>		60 W60AI Ventana Television, Inc.	Essex, Union
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Morris
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc. (Walt Disney)	Morris, Union, Warren
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Morris, Union, Warren
<input type="checkbox"/>		23 W23AZ Centenary College	Morris, Warren
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Morris, Warren
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Morris, Warren
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Morris, Warren
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed TV Association	Morris, Warren
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Morris, Warren
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Morris, Warren
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Morris, Warren
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	Warren
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Warren
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Warren
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Warren
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Warren
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton LLC	Warren
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Warren
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Warren

<input type="checkbox"/>		55 W55BS New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		57 WPSG CBS Broadcasting Inc.	Warren
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, LLC	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 2			
<input type="checkbox"/>		Cablevision of Newark	Partial Essex
<input type="checkbox"/>		Comcast of NJ (Union System)	Partial Essex, Union
<input type="checkbox"/>		Cablevision of Oakland	Partial Essex, Morris
<input type="checkbox"/>		Cable Vision of Morris	Partial Morris
<input type="checkbox"/>		Comcast of Northwest NJ	Partial Morris, Warren
<input type="checkbox"/>		Patriot Media & Communications	Partial Morris
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Morris, Warren
<input type="checkbox"/>		Cablevision of Elizabeth	Partial Union
<input type="checkbox"/>		Comcast of Plainfield	Partial Union
<input type="checkbox"/>		Cable Vision of Morris	Partial Warren
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 2			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	

<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	

TARGETS PARTIAL COAH REGION 2

AM

<input type="checkbox"/>		WWRL 1600	Essex
<input type="checkbox"/>		WXMC 1310	Essex, Morris
<input type="checkbox"/>		WWRV 1330	Essex, Morris (Spanish)
<input type="checkbox"/>		WZRC 1480	Essex, Morris (Chinese/Cantonese)
<input type="checkbox"/>		WMCA 570	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WNYC 820	Essex, Morris, Union
<input type="checkbox"/>		WCBS 880	Essex, Morris, Union
<input type="checkbox"/>		WPAT 930	Essex, Morris, Union (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WINS 1010	Essex, Morris, Union
<input type="checkbox"/>		WEPN 1050	Essex, Morris, Union
<input type="checkbox"/>		WKMB 1070	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WBBR 1130	Essex, Morris, Union
<input type="checkbox"/>		WLIB 1190	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WMTR 1250	Essex, Morris, Union
<input type="checkbox"/>		WADO 1280	Essex, Morris, Union (Spanish)

<input type="checkbox"/>		WNSW 1430	Essex, Morris, Union (Portuguese)
<input type="checkbox"/>		WJDM 1530	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WQEW 1560	Essex, Morris, Union
<input type="checkbox"/>		WWRU 1660	Essex, Morris, Union (Korean)
<input type="checkbox"/>		WCTC 1450	Union
<input type="checkbox"/>		WCHR 1040	Warren
<input type="checkbox"/>		WEEX 1230	Warren
<input type="checkbox"/>		WNNJ 1360	Warren
<input type="checkbox"/>		WRNJ 1510	Warren
FM			
<input type="checkbox"/>		WMSC 90.3	Essex
<input type="checkbox"/>		WFUV 90.7	Essex
<input type="checkbox"/>		WBG0 88.3	Essex, Morris, Union
<input type="checkbox"/>		WSOU 89.5	Essex, Morris, Union
<input type="checkbox"/>		WKCR-FM 89.9	Essex, Morris, Union
<input type="checkbox"/>		WFMU 91.1	Essex, Morris, Union
<input type="checkbox"/>		WNYE 91.5	Essex, Morris, Union
<input type="checkbox"/>		WSKQ-FM 97.9	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WBAI 99.5	Essex, Morris, Union
<input type="checkbox"/>		WDHA -FM 105.5	Essex, Morris, Union
<input type="checkbox"/>		WCAA 105.9	Essex, Morris, Union (Latino)
<input type="checkbox"/>		WBLS 107.5	Essex, Morris, Union
<input type="checkbox"/>		WHUD 100.7	Essex, Morris, Warren
<input type="checkbox"/>		WPRB 103.3	Essex, Union, Warren
<input type="checkbox"/>		WMNJ 88.9	Morris
<input type="checkbox"/>		WJSV 90.5	Morris
<input type="checkbox"/>		WNNJ-FM 103.7	Morris, Warren
<input type="checkbox"/>		WMGQ 98.3	Union
<input type="checkbox"/>		WCTO 96.1	Union, Warren
<input type="checkbox"/>		WNTI 91.9	Warren
<input type="checkbox"/>		WSBG 93.5	Warren

<input type="checkbox"/>		WZZO 95.1	Warren
<input type="checkbox"/>		WAEB-FM 104.1	Warren
<input type="checkbox"/>		WHCY 106.3	Warren
3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)			
	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 2			
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL COAH REGION 2			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			
<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>	Brazilian Voice, The	Newark	Brazilian-American
<input type="checkbox"/>	Catholic Advocate, The	Essex County area	Catholic
<input type="checkbox"/>	La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>	Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>	New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>	El Nuevo Coqui	Newark	Puerto Rican community
<input type="checkbox"/>	Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>	El Especialito	Union City	Spanish-Language
<input type="checkbox"/>	La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greenbrook, Linden, Lyndhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>	Ukrainian Weekly	New Jersey	Ukrainian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)			
DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION	
Essex County			
<input type="checkbox"/>		Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>		Verizon Communications	540 Broad St Newark, NJ07102
<input type="checkbox"/>		Prudential Financial, Inc.	751 Broad St Newark, NJ07102
<input type="checkbox"/>		Continental Airlines	1 Newark Airport, Newark, NJ
<input type="checkbox"/>		University of Medicine/Dentistry	Office of Marketing & Media Relation 150 Bergen Street Room D347 Newark NJ07103
<input type="checkbox"/>		Public Service Enterprise Group	80 Park Plz. Newark, NJ 07102
<input type="checkbox"/>		Prudential Insurance	751 Broad Street, Newark, NJ07102-3
<input type="checkbox"/>		Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plz. W Newark, NJ 07102
<input type="checkbox"/>		Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>		Horizon Blue Cross & Blue Shield of NJ	540 Broad St Newark, NJ07102
Morris County			
<input type="checkbox"/>		Atlantic Health System-Morristown Memorial Hospital	100 Madison Avenue Morristown, NJ07962
<input type="checkbox"/>		AT&T	295 N Maple Ave, Basking Ridge, NJ 180 Park Ave, Florham Park, NJ
<input type="checkbox"/>		US Army Armament R&D	21 Picatinny Arsenal, Picatinny Arsnl,
<input type="checkbox"/>		Lucent Technologies	67 Whippany Rd, Whippany, NJ and 4 South St, Morristown, NJ and 5 Wood Hollow Rd, Parsippany, NJ and 24 Mountain Ave, Mendham, NJ
<input type="checkbox"/>		Pfizer	Morris Plains/Parsippany
<input type="checkbox"/>		Novartis Pharmaceutical	59 State Route 10, East Hanover, NJ
<input type="checkbox"/>		Kraft foods	200 Deforest Ave, East Hanover, NJ and 7 Campus Dr., Parsippany, NJ
<input type="checkbox"/>		Mennen Sports Arena	161 E Hanover Ave, Morristown, NJ
<input type="checkbox"/>		Honeywell	101 Columbia Rd Morristown, NJ0796
<input type="checkbox"/>		Pfizer	5 Woodhollow Rd, Parsippany and 175 Tabor Rd, Morris Plains
<input type="checkbox"/>		St. Clare's Hospital	130 Powerville Road Boonton Townsh NJ 07005 and 25 Pocono Road Denvil NJ 07834 and 400 West Blackwell Stre Dover, NJ 07801 and 3219 Route 46 E Suite 110 Parsippany, NJ 07054

Union County			
<input type="checkbox"/>		A&M Industrial Supply Co	1414 Campbell St Rahway
<input type="checkbox"/>		A.J. Seabra Inc.,	574 Ferry St Newark
<input type="checkbox"/>		Bristol-Myers Products Research & Dev	1350 Liberty Ave Hillside
<input type="checkbox"/>		Cede Candy Inc.	1091 Lousons Road PO Box 271 Union, NJ
<input type="checkbox"/>		Comcast Network	800 Rahway Ave Union, NJ
<input type="checkbox"/>		Honey Well Inc.	1515 West Blancke Street Bldgs. 1501 and 1525 Linden, NJ
<input type="checkbox"/>		IBM Corporation	27 Commerce Drive Cranford, NJ
<input type="checkbox"/>		Howard Press	450 West First Ave Roselle, NJ
<input type="checkbox"/>		Lucent Technologies	600 Mountain Ave Murray Hill, NJ
<input type="checkbox"/>		Merck & Co. Inc.	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
<input type="checkbox"/>		Rahway Hospital	865 Stone Street Rahway, NJ
<input type="checkbox"/>		Rotuba Extruders, Inc.	1401 Park Ave South Linden
<input type="checkbox"/>		Union County College	1033 Springfield Ave Cranford, NJ

Warren County			
<input type="checkbox"/>		Masterfoods USA	800 High Street Hackettstown, NJ
<input type="checkbox"/>		Warren Hospital	185 Roseberry St Phillipsburg, NJ
<input type="checkbox"/>		Roche Vitamins	206 Roche Drive Belvidere, NJ
<input type="checkbox"/>		Hackettstown Hospital	651 Willow Grove St. Hackettstown, NJ
<input type="checkbox"/>		Pechiney	191 Route 31 North Washington, NJ
<input type="checkbox"/>		Lopatcong Care Center	390 Red School Lane Phillipsburg, NJ
<input type="checkbox"/>		Mallinckrodt/Baker, Inc.	222 Red School Lane Phillipsburg, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Fair Share Housing Center			
New Jersey State Conference of the NAACP			
The Latino Action Network			
Morris County Chapter of the NAACP			
Newark NAACP			
East Orange NAACP			

Housing Partnership for Morris County			
Community Access Unlimited, Inc.			
Northwest New Jersey Community Action Program, Inc., (NORWESCAP)			
Homeless Solutions of Morristown			
Supportive Housing Association			

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that apply)	
	BUILDING
	LOCATION
<input type="checkbox"/>	Morris County Library
	30 East Hanover Avenue, Whippany, NJ07981
<input type="checkbox"/>	Warren County Library Headquarters
	2 Shotwell Drive, Belvidere NJ 07823.
<input type="checkbox"/>	Essex County/Hall of Records
	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ07102 (973)621-4400
<input type="checkbox"/>	Union County/Administration Building
	10 Elizabeth Plaza, Elizabeth NJ 07207
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
Denville Public Library (121 Diamond Spring Rd, Denville, NJ 07834) (973) 627-6555	
Township of Denville Municipal Building (1 St Mary's Pl., Denville, NJ 07834) (973) 625-8300	
4c. Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).	
Name (Type or Print) _____	
Authorized Agent/ Denville Township	
Title/Municipality _____	
Signature _____	Date _____

**RESOLUTION
RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN FOR THE
TOWNSHIP OF DENVILLE**

WHEREAS, pursuant to the Preliminary Judgment of Compliance and Repose filed on _____, Superior Court of New Jersey, Law Division, Morris County, Docket No. _____, and pursuant to the Settlement Agreement between the Township and Fair Share Housing Center, dated July 31, 2020, and the terms of the Township’s Affordable Housing Ordinance, Ordinance No. _____, adopted on _____, the Township is required to adopt, by Resolution, an Affirmative Marketing Plan to ensure that all affordable housing units created within the Township are affirmatively marketed to very-low, low-, and moderate-income households, particularly those living and/or working within Housing Region 2, the Housing Region encompassing the Township of Denville.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Denville, County of Morris, State of New Jersey as follows:

1. The governing body hereby adopts the Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2 in the form annexed hereto and made a part hereof.
2. All affordable units in the Township of Denville shall be marketed in accordance with the provision of this Resolution and the attached form of Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2 unless otherwise provided by law or regulation of the State of New Jersey.
3. The attached Affirmative Fair Housing Marketing Plan shall apply to all developments in the jurisdiction of the Township that contain or will contain very low-, low- and moderate-income units, including those that are part of the Township’s Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
4. All developers/owners of existing affordable housing units and their respective Administrative Agents shall amend their Affirmative Marketing Plan and comply with the regional marketing strategies set forth in this Resolution and the attached Affirmative Fair Housing Marketing Plan adopted by the Township.
5. The Affirmative Fair Housing Marketing Plan shall be implemented by a qualified Administrative Agent under contract to the developer/owner of the affordable housing units, whose designation is approved by a resolution of the governing body. All of the costs associated with the services of the Administrative Agent, advertising and affirmative marketing of the affordable housing units shall be borne by the developer/owner of the affordable housing units.
6. In implementing the Affirmative Fair Housing Marketing Plan, all Administrative Agents shall undertake, at a minimum, the following strategies:

- a. Publication of one advertisement in a newspaper of general circulation throughout the entire Housing Region 2.
 - b. Broadcast of one advertisement by a radio station broadcasting throughout the entire Housing Region 2.
 - c. At least one additional regional marketing strategy using one of the other sources listed on the attached Affirmative Marketing Plan.
 - d. Provide notice of available housing units to the following groups/organizations: Fair Share Housing Center, the New Jersey State Conference of the NAACP, The Latino Action Network, the Morris County Chapter of the NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc., (NORWESCAP), Homeless Solutions of Morristown, the Supportive Housing Association, and the New Jersey Housing Resource Center.
 - e. Comply with all requirements set forth in N.J.S.A. 52:270-321.3 et. seq. with regard to the affirmative marketing of affordable housing units.
7. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in the region. It is a continuing program that directs all marketing activities towards the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Denville is located in Housing Region 2, consisting of Essex, Morris, Union and Warren Counties.
8. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following minimum requirements:
- a. All newspaper articles, announcements, advertisements and requests for applications for very low-, low-, and moderate-income units shall appear in the Star Ledger.
 - b. The primary marketing shall take the form of at least one press release and a paid advertisement in the above newspapers at the start of the affirmative marketing process. Additional advertising and publicity shall be on an “as needed” basis. All press releases and advertisements shall be approved in advance by the Administrative Agent designated for the affordable housing units. The

developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent designated for the affordable housing units.

- c. All advertisements shall include at a minimum a description which includes:
 - i. The location of the units;
 - ii. Directions to the units;
 - iii. Range of prices for the units;
 - iv. Size of units as measured in number of bedrooms
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when interested households may obtain an application; and
 - viii. Application fees, if any.
- d. Newspaper articles, announcements and information on where to request applications for very low-, low-, and moderate-income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Morris County and the other two of which shall be circulated primarily outside of Morris County but within Housing Region 2.
- e. Applications, brochures, signs and/or posters used as part of the affirmative marketing program shall be available/posted in the following locations:
 - i. Denville Township Municipal Building;
 - ii. Denville Township Public Library
 - iii. Morris County Library
 - iv. Morris County Administration Building
 - v. Developer's Sales/Rental Office
- f. Applications shall be mailed by the Administrative Agent designated for the affordable housing units to prospective applicants upon request. Applications shall

also be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

- g. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Essex, Morris, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including the groups/organizations and major regional employers identified on the Denville Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2, attached hereto and made a part of this Resolution.
- h. A random selection method to select occupants of very low-, low- and moderate-income housing units will be used by the respective Administrative Agent designated for the affordable housing units in conformance with N.J.A.C. 5:80-26.16. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 2 comprised of Essex, Morris, Union, and Warren Counties.
- i. The respective Administrative Agent for affordable housing units shall administer the Affirmative Marketing Plan. The respective Administrative Agent has the responsibility to income qualify very low-, low-, and moderate-income households; to place income eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low-, low-, and moderate-income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low-, and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan, if applicable, as per N.J.A.C. 5:80-26.1 et seq.
- j. The respective Administrative Agent for affordable housing units shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- k. All developers/owners of very low-, low- and moderate-income housing units in the Township shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of their contracted Administrative Agent.
- l. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as affordable

units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.

- m. The respective Administrative Agent shall provide the Municipal Housing Liaison for the Township of Denville with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26.1 et seq.
- n. A copy of this Resolution and the attached Denville Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2 shall be provided to all designated Administrative Agents for existing affordable housing units in the Township and to all developers/owners of future affordable housing units.
- o. This Resolution shall take effect immediately.

Mandatory Development Fee Ordinance

Article LV

Mandatory Development Fee and Affordable Housing Contribution

§ 600-372 Purpose.

The New Jersey Supreme Court, in *Holmdel Builders Association v. Holmdel Township*, 121 N.J. 550 (1990), determined that mandatory development fees are both statutorily and constitutionally permissible. The Court further anticipated that the Council on Affordable Housing (COAH) would promulgate appropriate development fee rules specifying, among other things, the standards for these development fees. This article establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this article shall be used for the purpose of providing very-low, low- and moderate-income housing in accordance with a Court-approved spending plan.

This article establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this article shall be used for the purpose of providing very-low, low- and moderate-income housing in accordance with a Court-approved spending plan.

§ 600-373 Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipally-sponsored construction project or a 100% affordable housing development.

COUNCIL or COAH

The New Jersey Council on Affordable Housing established under the Fair Housing Act of 1985, or any successor agency charged with the administration of the Act.

COURT

The Superior Court of New Jersey, Law Division, Morris County.

DEVELOPER

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

DEVELOPMENT FEES

Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and regulated by applicable COAH Rules.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through c).

§ 600-374 Development fee schedule.

A. Residential development fees.

- (1) Within all districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Nonresidential development fees.

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

- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

§ 600-375 Eligible exactions, ineligible exactions and exemptions.

A. Residential Development:

1. Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Township of Denville, shall be exempt from the payment of development fees.
2. Development fees shall be imposed and collected when there is an addition to an existing structure or when an existing structure undergoes a change to a more intense use or, except if the structure is demolished and replaced as the result of a fire, flood or natural disaster.
3. Developments that have received preliminary or final site plan approval prior to the adoption of the Township's initial development fee ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
4. Developers of houses of worship and other not-for-profit institutions shall be exempt from paying development fees.

B. Non-Residential Development:

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
2. The fee of 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the

Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

4. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.
5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Denville as a lien against the real property of the owner.

§ 600-376 Collection of fees.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification / Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of such notification, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the local Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.

- F. Within 10 business days of a request for the scheduling of a final inspection, the municipal Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Township of Denville fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at the issuance of the certificate of occupancy. No certificate of occupancy shall be issued to the developer until all remaining developer fees have been paid in full.
- I. Appeal of development fees.
- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by Denville Township. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Denville Township. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 600-377 Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
- (1) Payments in lieu of on-site construction of affordable units;
 - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recaptured funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with the Township of Denville's affordable housing program.
- C. In the event of a failure by the Township of Denville to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved spending plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services ("LGS"), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Denville, or, if not practicable, then within the County.
- (1) Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

- D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

§ 600-378 Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the Superior Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address Denville Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; regional housing partnership programs; conversion of existing nonresidential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Township for past housing activities.
- C. At least 30% of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income for Housing Region 2, in which Denville is located.
- (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the spending plan.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very-low-income affordability assistance shall be identified and described within the spending plan.
 - (3) Payments in lieu of constructing affordable housing units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

- D. The Township may contract with a private or public entity to administer the implementation of any part of its housing element, including the requirement for affordability assistance.
- E. No more than 20% of the revenues collected from development fees shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees, or consultant fees necessary to develop or implement: a rehabilitation program; prepare a housing element; and an affirmative marketing program.
 - 1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.
 - 2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements.

§ 600-379 Monitoring.

The Township of Denville shall provide annual reporting of affordable housing trust fund activity to the New Jersey Department of Community Affairs, COAH and Local Government Services or other entity designated by the State of New Jersey, using forms developed for this purpose by the New Jersey Department of Community Affairs, COAH or Local Government Services.

§ 600-380 Ongoing collection of fees

- A. The ability of Denville Township to impose, collect and expend development fees shall be permitted through the expiration of the repose period covered by its judgment of compliance and shall continue thereafter so long as Denville Township has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated state administrative agency, has petitioned for a judgment of compliance from the Court or for substantive certification or its equivalent from a state administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its development fee ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Township of Denville fails to renew its ability to impose and collect development fees after the expiration of its judgment of compliance and repose, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320).
- C. After the expiration of the judgment of compliance and repose, if the Township does not pursue or obtain continued authorization, Denville Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval, retroactively impose a development fee on such a development, or expend any of its collected development fees.

Affordable Housing Spending Plan

Introduction

The Township of Denville has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:91 et seq. and N.J.A.C. 5:93 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved and adopted by the municipality in 2000.

As of December 31, 2020, the Township of Denville's Affordable Housing Trust Fund has a balance of six hundred and fifteen thousand seven hundred and eighty nine dollars (\$615,789.52). All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Provident Bank for the purposes of affordable housing.

These funds shall be spent in accordance with the applicant affordable housing regulations, as described in the sections that follow.

Revenues for Certification Period

The Township of Denville over the past five years has, on average, collected one hundred and thirty five thousand dollars (\$135,000) in developer fees and two thousand seven hundred dollars (\$2,700) in interest. It is anticipated that, during the period of Third Round substantive certification, the Township of Denville will add an additional six hundred and eighty eight thousand five hundred dollars (\$688,500) to its affordable housing trust fund. This is detailed below:

- (a) **Development Fees.** It is anticipated that the Township of Denville will collect an average of one hundred and thirty five thousand (\$135,000) per year in development fees for its Affordable Housing Trust Fund during the Third Round. As such, the Township anticipates that a total of six hundred and seventy five thousand dollars (\$675,000) in development fees will be generated between January 1, 2021 and December 31, 2025.
- (b) **Payment in lieu (PIL) or Other Funds.** The Township of Denville does not currently anticipate the contribution of any payments in lieu or other funds towards the municipal affordable housing trust fund during the period of Third Round substantive certification.
- (c) **Interest.** The Township of Denville anticipates that the projected revenue in the municipal affordable housing trust fund will generate approximately thirteen thousand five hundred dollars (\$13,500) in total interest between January 1, 2021 and December 31, 2025.

In sum, the Township of Denville projects a total of six hundred and eighty eight thousand five hundred dollars (\$688,500) in revenue to be collected between January 1, 2021 and December 31, 2025. This projected amount, when added to the Township's current trust fund balance of six hundred and fifteen thousand seven hundred and eighty nine dollars (\$615,789.52, results in a total

anticipated trust fund balance of just over one point three million dollars (\$1,304,289.52) available to fund and administer the Township's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

Administrative Mechanism to Collect and Distribute Funds

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Township of Denville:

- a. Collection of Development Fee Revenues
Collection of development fee revenues shall be consistent with the Township of Denville's ordinance for both residential and non-residential developments in accordance with the Department's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).
- b. Distribution of Development Fee Revenues
The administration of Denville's development fee spending plan will be undertaken by the governing body and the Township treasurer. First, the governing body will approve the expenditure of development fee revenues. The governing body will then review the request for consistency with the spending plan. If consistent with the plan, the governing body will adopt a resolution authorizing the use and release of trust fund monies. Upon approval of the governing body resolution, the Township CFO will be authorized to release the funds.

Description of Anticipated Use of Affordable Housing Funds

The Township anticipates its affordable housing funds to be utilized as follows:

- a. New Construction
The Township presently owns one (1) property along Lake Lenore Road which is identified by municipal tax records as Block 31109 Lot 13.01. The property comprise a total of approximately one and one-half (1.66) acres.

As established by the Township's Settlement Agreement with FSHC dated December 4, 2020 as well as the Township's Housing Element and Fair Share Plan, Denville shall partner with Habitat for Humanity or a similar nonprofit to develop at least four (4) affordable dwellings this site. As an alternative, the Township could potentially partner with another nonprofit for a one hundred percent (100%) affordable housing development, which could potentially be a group home. To assist with the development of these units, the Township shall set-aside forty one thousands dollars (\$41,000).
- b. Denville Accessory Apartment Program
The Township of Denville proposes to establish an accessory apartment program that will allow for the creation of six (6) affordable housing units. The Township will expend \$220,000 to implement this program and will assign \$30,000 per unit to subsidize the creation of three (3) moderate income accessory apartments totaling \$90,000; \$40,000 per unit to subsidize the creation of two (2) low income accessory apartments totaling \$80,000; and \$50,000 to subsidize the creation of a single (1) very low income accessory apartment.

c. Rehabilitation

The Township of Denville proposed to provide ten thousand dollars (\$10,000) per unit toward the rehabilitation of 25 units totaling two hundred and fifty thousand dollars (\$250,000). The Township will continue to partner with the Morris County Rehabilitation Program or, if the Special Master determines that it is necessary to supplement that program, through Community Grants, Planning and Housing.

d. Affordability Assistance

Pursuant to N.J.A.C. 5:93-8.16(c), the Township will commit to spend at least thirty percent (30%) of the revenues collected from development fees towards affordability assistance to very-low, low- and moderate-income households. One-third of that amount must be dedicated to very low-income households. However, development fees collected to finance a rehabilitation program or new construction project are exempt from this requirement.

The Township has contributed two hundred and fifty thousand dollars (\$250,000) to the Special Needs Housing Partnership to be utilized for a group home to aid in affordability assistance. The Township will dedicate thirty percent (30%) of its development fee revenues, less its housing activity (both existing and proposed) and its proposed rehabilitation expenditures, towards its affordability assistance program. The Township further plans to allocate three hundred and eight seven thousand two hundred and thirty six dollars (\$87,236.86) toward new construction activities for the remainder of the Third Round.

e. Administrative Expenses

Per N.J.A.C. 5:93-8.16(e), no more than 20% of the revenues collected from development fees shall be expended on administration. The Township projects that a maximum of two hundred and fifty eight thousand one hundred and fifty seven dollars (\$258,157.90) of housing trust funds will be permitted to be used for administrative purposes through 2025. Projected administrative expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees and consultant fees necessary to develop or implement the following:

1. An updated Housing Element and Fair Share Plan.
2. An affirmative marketing program.
3. An affordability assistance program.

Expenditure Schedule

The Township of Denville intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Trust fund Balance as of 12/31/20	\$615,789.52
Estimated Development Fees (2021-2025)	\$675,000.00
Estimated Interest (2021-2025)	\$13,500.00
Administration Costs	-\$258,157.90
Rehabilitation Program	-\$250,000.00
Accessory Apartments Program	-\$220,000.00
Affordability Assistance	-\$387,236.86
Habitat for Humanity	-\$41,000.00
Additional funds for New Construction	-\$73,947.38
Additional funds for Affordable Assistance	-\$73,947.38
Total	\$0.00

Excess or Shortfall of Funds

In the event of any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan, the Township of Denville will handle the shortfall of funds through adopting a resolution with an intent to bond.

In the event of excess funds, or in the event that the amount spent on administration is less than projected, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be reserved for additional affordable housing activity. Specifically, the Township will allocate additional funding towards its affordability assistance program as well as toward new construction costs.

Summary

The Township of Denville intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:91 et seq. and N.J.A.C. 5:93 et seq. consistent with the housing programs outlined in this Housing Element and Fair Share Plan.

The Township of Denville has a balance of six hundred and fifteen thousand seven hundred and eighty nine dollars (\$615,789.52) as of December 31, 2020, and anticipates an additional six hundred and eighty eight thousand five hundred dollars (\$688,500) in revenues through 2025 for a total of just over one point three million dollars (\$1,304,289.52). The Township will dedicate just over one point one million dollars (\$1,156,394.76) towards the construction of accessory units, rehabilitation, affordability assistance and administrative costs. Any shortfall of funds will be offset by a resolution to bond. The Township will dedicate any excess funds or remaining balance toward new construction and/or affordability assistance program.

Mandatory Affordable Housing Set-Aside Ordinance

ORDINANCE NO.
AN ORDINANCE ESTABLISHING CHAPTER 600 ENTITLED “LAND USE”
SECTION ## ENTITLED “MANDATORY AFFORDABLE HOUSING SET-ASIDE” OF
THE CODE OF THE TOWNSHIP OF DENVILLE

BE IT ORDAINED by the Council of the Township of Denville as follows:

Section 1. Chapter 600 of the Code of the Township of Denville, Land Use, Section ##, Mandatory Affordable Housing Set-Aside, is hereby created as follows:

§ 600-### Requirements.

- A. Except as otherwise regulated in this chapter, any development application proposing five (5) or more new dwelling units shall be required to set aside twenty percent (20%) of said lots or units for affordable housing.
- B. This requirement shall apply for all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or new redevelopment plan.
- C. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation the part of the Township of Denville to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

ORDINANCE NO.
AN ORDINANCE ESTABLISHING CHAPTER 600 ENTITLED “LAND USE”
SECTION ## ENTITLED “ACCESSORY APARTMENTS” OF THE CODE OF THE
TOWNSHIP OF DENVILLE

BE IT ORDAINED by the Council of the Township of Denville as follows:

Section 1. Chapter 600 of the Code of the Township of Denville, Land Use, Section ##, Accessory Apartments, is hereby created as follows:

Article ___ : Accessory Apartments

§600 - ### Requirements. All accessory apartments shall meet the following conditions:

- A. Provided the units are affordable to very-low, low- and moderate-income households, accessory apartments shall be permitted in all Residential zones provided the accessory apartment is located on a property with a residential use. Accessory apartments may be developed as very-low-income, low-income or moderate-income units.
- B. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
- C. At the time of initial occupancy of the unit and for at least ten (10) years thereafter, the accessory apartment shall be rented only to a household which is either a very-low, low- or moderate-income household.
- D. Rents of accessory apartments shall be affordable to very-low, low- or moderate-income households as per the FHA and COAH and UHAC regulations.
- E. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment. The deed or declarations shall be reviewed and approved by the Township Attorney prior to recording; and such document must be recorded prior to the issuance of a building permit or if no building permit needs to be issued prior to the issuance of the Certificate of Occupancy.
- F. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.

G. The Township of Denville Accessory Apartment Program shall not restrict the number of bedrooms in any accessory apartment.

H. No accessory apartment created as a result of this section or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.

§600 - ### Credits. The maximum number of creditable accessory apartments shall be equal to no more than six (6) (additional units may be approved by the State or the Courts if the municipality has demonstrated successful completion of its accessory apartment program.).

§600 - ### Administration. The Township of Denville shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:

A. The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.

B. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with applicable statutory or regulatory requirements and/or the provisions of this section/article. All denials shall be in writing with the reasons clearly stated.

C. In accordance with COAH requirements, the Township of Denville shall provide at least thirty thousand (\$30,000) dollars per moderate-income unit, forty thousand (\$40,000) dollars per low-income unit, and fifty thousand (\$50,000) dollars per very-low-income unit to subsidize the creation of each accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

§600 - ### Exam Applications. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:

A. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;

B. Rough elevations showing the modifications of any exterior building facade to which changes are proposed; and

C. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with

the minimum building setback lines; the required parking spaces for both dwelling units; and any manmade conditions which might affect construction.

D. Applicants shall provide septic and well details to support their application.

§600 - ### Standards for accessory apartments:

- (1) Accessory apartments are permitted on residentially improved lots, provided that only one additional accessory apartment per lot is permitted.
- (2) The accessory apartment shall have living and sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants.
- (3) The accessory apartment shall consist of not less than two rooms, one of which shall be a bathroom containing a flush toilet, wash basin, and bathroom tub or shower.
- (4) All rooms shall be accessible from within the apartment.
- (5) The accessory apartment shall be private and secure from all attached units.
- (6) The apartment shall have direct access to the outdoors or directly to a hall from which there is direct access to the outdoors without passing through any other unit, and the accessory apartment shall comply with all requirements of the applicable building codes.
- (7) If the apartment is located on the second or third floor, there shall be at least two means of access to the outdoors, available at all times, as approved by the Construction Official. Exterior stairways for the accessory apartment shall be located at the rear or side of the structure.
- (8) No apartment shall be located above the third floor.