



2024

Amendment to the 2020 Amended Third Round Housing Element and Fair Share Plan

Adopted October 23, 2024
Endorsed November 6, 2024

South Brunswick Township, Middlesex County, New Jersey

Prepared by:

Clarke Caton Hintz | 100 BARRACK STREET | TRENTON, N.J. | 08608



2024 Amendment to the 2020 Amended Third Round Housing Element and Fair Share Plan South Brunswick Township, Middlesex County, New Jersey

Adopted by the Planning Board on October 23, 2024.

Endorsed by the Township Council on November 6, 2024

Prepared for South Brunswick Township by
Clarke Caton Hintz:

Mary Beth Lonergan, PP, AICP | PP License # 4288

Elaine R. Clisham, PP, AICP | PP License # 6507

A signed and sealed version is available at the municipal building.



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Di Shonay Pittman, Recording Secretary

TOWNSHIP OF SOUTH BRUNSWICK PLANNING BOARD
Resolution Adopting the Township's Amended Third Round Housing Element and Fair Share Plan

WHEREAS, the Planning Board of the Township of South Brunswick, Middlesex County, State of New Jersey ("Planning Board"), adopted its 2020 Third Round Housing Element and Fair Share Plan ("2020 Third Round Plan") pursuant to *N.J.S.A. 40:55D-28* on June 17, 2020; and

WHEREAS, the South Brunswick Township Council endorsed said 2020 Third Round Plan on June 23, 2020;

WHEREAS, in the matter captioned as IMO the Application of the Township of South Brunswick, County of Middlesex, currently before the Superior Court of New Jersey, Law Division, under Docket No. MID-L-4433-17 (Consolidated), the Township submitted the 2020 Third Round Plan (adopted/endorsed under protest) to the Superior Court and, after an October 22, 2020 Compliance Hearing, the Court approved the Township's 2020 Third Round Plan in a Final Judgment of Compliance and Repose, dated July 6, 2021 ("2021 Third Round JOR"); and

WHEREAS, following entry of the 2021 Third Round JOR, the Township appealed a number of the trial court's earlier rulings and, in July 2023, the Appellate Division issued an unpublished opinion remanding the Township's 2020 Third Round Plan back to the trial court; and

WHEREAS, the Township, Fair Share Housing Center ("FSHC") and other parties in the matter have petitioned to the NJ Supreme Court for certification of various parts of the 2023 Appellate Division decision, which petitions remain pending; and

WHEREAS, under the direction of the Superior Court, the parties initiated settlement discussions, culminating in a Settlement Agreement between the Township and FSHC, fully executed by the parties on September 18, 2024 ("2024 Settlement Agreement"); and

WHEREAS, in accordance with the terms of the 2024 Settlement Agreement and with the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-310*, and the rules of the New Jersey Council on Affordable Housing ("COAH"), *N.J.A.C. 5:93 et seq.*, the Township's Planning Consultant, Clarke Caton Hintz, has prepared an Amended Third Round Housing Element and Fair Share Plan ("2024 Amended Third Round Plan"); and

WHEREAS, the 2024 Settlement Agreement is scheduled to be heard at a Superior Court Joint Fairness/ Compliance hearing scheduled and noticed for November 13, 2024; and

WHEREAS, a housing element is a component part of a municipal master plan guiding the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, pursuant to *N.J.S.A.* 40:55D-28, the adoption and amendment of the South Brunswick Master Plan or component parts thereof is the responsibility of the Planning Board; and

WHEREAS, the Planning Board has complied with the requirements of *N.J.S.A.* 40:55D-13 (Notice Concerning Master Plan) by publishing Notice of Public Hearing (the "Notice") of its October 23, 2024 Master Plan Public Hearing in the _____ Newspaper, by mailing by certified mail a copy of the Notice to the municipal clerk of each adjoining municipality, by mailing by certified mail a copy of the Notice with a copy of the 2024 Amended Third Round Plan to the Middlesex County Planning Board, and by mailing by certified mail a copy of the Notice with a copy of the 2024 Amended Third Round Plan to the New Jersey Office of Planning Advocacy. The publication, mailing, and delivery of the Notice were both completed at least ten days prior to the Planning Board's October 23, 2024 Public Hearing; and

WHEREAS, the Planning Board reviewed the 2024 Amended Third Round Plan at a duly noticed master plan public hearing on October 23, 2024; and

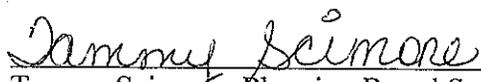
WHEREAS, through this Resolution, the Board memorializes its findings concerning the review and analysis of the 2024 Amended Third Round Plan, prepared by Mary Beth Lonergan, PP, AICP, NJPP License No. 4288, and Elaine Clisham, PP, AICP, NJPP License No. 6507, of the firm Clarke Caton Hintz, PC.

NOW THEREFORE BE IT RESOLVED on this 23rd day of October 2024, that the Planning Board of the Township of South Brunswick, County of Middlesex, State of New Jersey, hereby adopts the 2024 Amended Third Round Housing Element and Fair Share Plan, prepared by Clarke Caton Hintz; and

BE IT FURTHER RESOLVED that the Planning Board has determined that the 2024 Amended Third Round Plan is consistent with the goals and objectives of the Township of South Brunswick's Master Plan and that adoption and implementation of the 2024 Amended Third Round Plan are in the public interest and protect public health and safety and promote the general welfare; and

BE IT FURTHER RESOLVED that the Planning Board shall, within 30 days after the date of adoption, comply with the requirements of *N.J.S.A.* 40:55D-13 (Notice Concerning Master Plan Adoption) by mailing by certified mail a copy of the Notice of Adoption with a copy of the Adopted 2024 Amended Third Round Plan to the Middlesex County Planning Board, and by mailing by certified mail a copy of the Notice of Adoption with a copy of the Adopted 2024 Amended Third Round Plan to the New Jersey Office of Planning Advocacy.

This is to certify that the foregoing is a true copy of a Resolution adopted at the South Brunswick Township Planning Board meeting held on October 23, 2024.



Tammy Scimone, Planning Board Secretary



Resolution

Endorsing the Township's 2024 Amended Third Round Housing Element and Fair Share Plan

WHEREAS, in the matter captioned as IMO the Application of the Township of South Brunswick, County of Middlesex, currently before the Superior Court of New Jersey, Law Division, under Docket No. MID-L-4433-17 (Consolidated), the Township submitted its 2020 Third Round Housing Element and Fair Share Plan ("2020 Third Round Plan") which was adopted/endorsed under protest to the Superior Court and, after an October 22, 2020 Compliance Hearing, the Court approved the Township's 2020 Third Round Plan in a Final Judgment of Compliance and Repose, dated July 6, 2021 ("2021 Third Round JOR"); and

WHEREAS, following entry of the 2021 Third Round JOR, the Township appealed several of the trial court's earlier rulings and, in July 2023, the Appellate Division issued an unpublished opinion remanding the Township's 2020 Third Round Plan back to the trial court; and

WHEREAS, the Township, Fair Share Housing Center ("FSHC") and other parties in the matter have petitioned to the NJ Supreme Court for certification of various parts of the 2023 Appellate Division decision, which petitions remain pending; and

WHEREAS, under the direction of the Superior Court, the parties initiated settlement discussions, culminating in a Settlement Agreement between the Township and FSHC, fully executed by the parties on September 18, 2024 ("2024 Settlement Agreement"); and

WHEREAS, in accordance with the terms of the 2024 Settlement Agreement and with the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-310*, and the rules of the New Jersey Council on Affordable Housing ("COAH"), *N.J.A.C. 5:93 et seq.*, the Township's Planning Consultant, Clarke Caton Hintz, prepared an Amended Third Round Housing Element and Fair Share Plan ("2024 Amended Third Round Plan"); and

WHEREAS, the Planning Board reviewed the 2024 Amended Third Round Plan at a duly noticed master plan public hearing on October 23, 2024, and has adopted the 2024 Amended Third Round Plan; and

WHEREAS, the Township Council has reviewed the 2024 Amended Third Round Plan prepared by Clarke Caton Hintz and hereby endorses said 2024 Amended Third Round Plan; and

WHEREAS, the 2024 Settlement Agreement and the 2024 Amended Third Round Plan are scheduled to be heard at a Superior Court Joint Fairness/ Compliance hearing scheduled and noticed for November 13, 2024.

NOW THEREFORE BE IT RESOLVED on this 6th day of November 2024, that the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, hereby endorses the 2024 Amended Third Round Housing Element and Fair Share Plan prepared by Clarke Caton Hintz; and

BE IT FURTHER RESOLVED that the Township Council of the Township of South Brunswick, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.4(a), submits this endorsement of the 2024 Amended Third Round Plan to the New Jersey Superior Court for review and approval; and

BE IT FURTHER RESOLVED that a copy of the 2024 Amended Third Round Housing Element and Fair Share Plan, and all accompanying documents in support thereof, shall be placed on file in the office of the Township Clerk, South Brunswick Municipal Building, 540 Ridge Road, Monmouth Junction, NJ 08852, where it shall be available for public inspection during normal business hours, Monday through Friday, 8:30 am to 4:30 pm.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Camarota, Councilman
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Bierman, Camarota, Grover, Hochman, Carley

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on November 6, 2024.



 Barbara Nyitrai, Township Clerk



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APPENDICES TO THE 2024 AMENDED THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

- A. 2024 FSHC Settlement Agreement
- B. PPF Matrix Additional Documentation
- C. SBC Additional Documentation
- D. KHovnanian/Bellemead Additional Documentation
- E. American Properties Additional Documentation
- F. Pulte/AvalonBay Additional Documentation
- G. Windsor Associates Additional Documentation
- H. Wilson Farm/Jaynar Additional Documentation
- I. Mandatory Affordable Housing Set-Aside Ordinance
- J. Affirmative Marketing Plan



EXECUTIVE SUMMARY

This 2024 Amended Third Round Housing Element and Fair Share Plan (“2024 Amended Third Round HEFSP”) amends South Brunswick Township’s Court-approved 2020 Third Round Housing Element and Fair Share Plan (“2020 Third Round HEFSP”) and has been prepared to implement an executed Settlement Agreement between the Township and Fair Share Housing Center (“FSHC;” the “2024 FSHC Agreement”). The Township entered into this 2024 FSHC Agreement after engaging in negotiations to settle the Township’s Third Round and Fourth Round fair share obligations and focused on the mechanisms that will be utilized to address the Third Round obligation.

The 2024 FSHC Agreement establishes a process for a November 2024 joint fairness/compliance hearing for the Court’s review and approval of the Township’s Third Round and Fourth Round fair share obligations, as well as for the Court’s review and approval solely of the Township’s Third Round compliance mechanisms as fully set forth in this 2024 Amended Third Round HEFSP. Although the 2024 FSHC Agreement establishes the Township’s Fourth Round fair share obligations as well as a process for Court approval at the upcoming November 2024 Court hearing, the 2024 FSHC Agreement clearly establishes a process for a second fairness hearing and compliance hearing on the Township’s full Fourth Round compliance mechanisms, which are to be set forth in a revised 2025 FSHC Agreement and a new 2025 Fourth Round HEFSP.

To the extent not modified herein, this 2024 Amended Third Round HEFSP relies upon much of the FHA/MLUL-required plan narrative and crediting documentation included in the 2020 Third Round HEFSP approved by the Honorable Michael V. Cresitello Jr., P.J.Cv., as set forth in the Township’s July 6, 2021, Final Third Round Judgment of Compliance and Repose (“Final JOR”). This 2024 Amended Third Round HEFSP also supplements the crediting documentation issued/received subsequent to the adoption of the Township’s 2020 Third Round HEFSP.

The Township, FSHC, and various intervening parties agree via the 2024 FSHC Settlement Agreement to settle all litigation and consolidated cases. The 2024 FSHC Agreement supersedes all prior writings between the parties and, once implemented, will create a realistic opportunity for the construction of a significant number of new affordable homes.

The 2024 FSHC Agreement was executed while issues contained in a 2023 Appellate Division decision are pending for potential certification before the New Jersey Supreme Court, and while other issues remain pending before the trial court. The 2024 FSHC Agreement requires the parties to abide by the trial court’s previous orders and decisions, including prior determinations by the court-appointed Special Hearing Officers (“SHOs”), except as modified by the 2024 FSHC Agreement, to resolve the outstanding issues before the trial court; not to appeal, and to relinquish all rights to appeal, any aspect of the trial court’s adjudication since the original Declaratory Judgment action was filed; and to withdraw with prejudice any appeals,



petitions for certification, or motions that may have been pending at the time the 2024 FSHC Agreement was executed.

The 2024 FSHC Agreement establishes four elements of South Brunswick Township's affordable housing obligations:

- Third Round Present Need/Rehab Obligation (per 2016 Kinsey report): 109
- Prior Round (1986-1999) Obligation (pursuant to N.J.A.C. 5:93): 841
- Third Round (1999-2025 gap and prospective) New Construction Obligation: 1,450
- Fourth Round (2025-2035) New Construction Obligation: 1,070, including 70-unit nonprofit development program

The fifth element of South Brunswick's affordable housing obligation, its Fourth Round Present Need, is still to be determined, and, per the terms of the 2024 FSHC Agreement, will be calculated in accordance with the standards set forth in N.J.S.A. 52:27D-304.2 and -304.3.

As will be discussed below, the 2024 FSHC Agreement resolves disputed issues resulting from a case still pending that included Court-determined Township obligations assigned to the Fourth and Fifth Rounds; thus, the parties have agreed that it is appropriate for the Township's Fourth Round obligations to be determined through Court review of the 2024 FSHC Agreement. Should the Court approve the 2024 FSHC Agreement, and should the Township satisfy the deadlines in the 2024 FSHC Agreement relevant to the Fourth Round, the Township will not be required to submit an adopted resolution by January 31, 2025 to the Affordable Housing Dispute Resolution Program ("Program") regarding Fourth Round obligation determinations. Should either of those eventualities not occur, the Township will submit its Fourth Round HEFSP to the Program.

This 2024 Amended Third Round HEFSP addresses the means by which the Township will satisfy its Third Round Present Need, its Prior Round obligation, and its Third Round obligation. Satisfaction of the Fourth Round obligation, including Fourth Round Present Need, will be addressed as part of the Township's future Fourth Round HEFSP, which the 2024 FSHC Agreement requires to be prepared by March 31, 2025.

As previously approved in the Township's 2021 Final Third Round JOR, the Township's 109-unit Third Round Rehabilitation obligation was addressed with 95 completed rehabilitation units and the continuation of the Township's existing rehabilitation program.

The Township has fully satisfied its 841-unit Prior Round obligation with completed prior cycle credits, completed alternative living arrangements, completed inclusionary developments, completed 100% affordable housing developments, and eligible Prior Round rental bonuses. South Brunswick previously received Council on Affordable Housing ("COAH") Second Round substantive certification in 1998, and, in the 2021 Final Third Round JOR, the Court determined that the Township had fully addressed its Prior Round obligation.



The Township's 1,450-unit Third Round obligation will be addressed with seven builder remedy sites (including two settlements), completed extensions of existing controls, an approved and a built inclusionary age-restricted affordable rental development, completed alternative living arrangements, and eligible Third Round rental bonuses. Although there are changes to unit yields from some of these sites since the Court approved the Township's 2020 Third Round HEFSP in the 2021 Final Third Round JOR, all compliance mechanisms listed in the 2024 FSHC Agreement that address the Township's Third Round obligation have been previously approved by the Court, including the revised yields approved by various subsequent Court orders approving builder remedy inclusionary developments.

BACKGROUND

Previous Court decisions had imposed on the Township a Third Round Prospective Need obligation of 1,533 and an uncapped "gap" obligation of 1,374. A 2016 trial judge ruling determined the application of the 1,000-unit cap on the Township's affordable housing obligations. Also, a prior trial judge ruled that the Township could use 124 pre-2015 completed extensions of controls to help defray its "gap" obligation, thus reducing that obligation to 1,250, and directed that those 1,250 units be addressed by the Township over the course of the Third, Fourth, and Fifth Rounds. Also, the court had determined the Township's 1,533 Third Round Prospective Need would be capped at 1,000 units. These rulings previously generated a total Third Round "gap" and Prospective Need for the Township of 1,417 units (1,000 Prospective Need units and 417 of the 1,250-unit "gap" period obligation).

The Township, under protest as permitted by the Court, submitted a Third Round HEFSP in 2019, which the Court approved in a Conditional JOR, dated November 27, 2019, and which restored the Township's immunity from builder remedy lawsuits. To satisfy the Court's conditions, including resolving certain outstanding issues involving various intervenors, replacing anticipated credits from an intervenor's site that the court ruled no longer presented a realistic opportunity and, based on modified unit counts from several proposed sites, the Township filed, again under protest, an amended Third Round HEFSP in 2020. Both the 2019 and 2020 Third Round HEFSPs set forth how the Township would meet its 1,417-unit Third Round "gap" and Prospective Need obligation. In July 2021, the Township received a final JOR in which the Court approved the 2020 Third Round HEFSP, including the Township's 2021 amended Spending Plan.

The Court had also previously established a process for the review, recommendation and ultimate Court approval of various builder plaintiff site plan applications, appointing several SHOs to review and make recommendation to the Court regarding approval of each builder remedy site plan proposal. Builder remedy applicants were ordered to submit zoning standards for their sites, which, after review and recommendation by the Court-appointed Special Adjudicator (formerly called Special Master) Christine Cofone, PP, AICP, the Township was required to adopt. Ultimately, as noted below, two builder remedy site plan applications were



settled with the Township and approved by the Township's Planning Board, four builder remedy site plan applications have received SHO recommendations and Court approval, and two are still under review by SHOs.

Following entry of the 2021 Final Third Round JOR, the Township appealed a number of the trial court's earlier rulings, including the 1,000-unit cap determination. In July 2023 the Appellate Division issued an unpublished opinion, finding among a number of rulings that the Township's entire Third Round obligation, including both "gap" and Prospective Need, should be capped at 1,000 units. The Appellate Division decision remanded the Township's Third Round Plan back to the trial court. FSHC, the Township and other parties have petitioned to the New Jersey Supreme Court for certification of various parts of the Appellate Division decision, which petitions remain pending the outcome of the upcoming November 2024 fairness hearing at the trial court.

Following the issuance of the Appellate Division's 2023 opinion, and ultimately under the direction of Judge Cresitello, the parties initiated settlement discussions. In April 2024 and after, the Court entered Orders for Further Proceedings, retaining jurisdiction and recognizing the intention of the parties to negotiate and resolve all outstanding issues before the court, and globally settle the Township's Third Round obligation, its Fourth Round obligation, and all litigation in the consolidated intervenor cases.

THE 2024 FSHC SETTLEMENT AGREEMENT

The 2024 FSHC Agreement, dated September 12, 2024, was executed by Adam Gordon, FSHC's Executive Director, on September 12, 2024, and executed by South Brunswick Mayor Charles Carley on September 18, 2024. The 2024 FSHC Agreement, if approved by the Superior Court, will resolve all outstanding issues pending before the Court, and will establish or confirm the Township's Prior Round, Third Round Present Need (Rehabilitation), Third Round New Construction, and Fourth Round New Construction obligations. The 2024 FSHC Agreement, which may be found in Appendix A, will be presented to the Court for approval at an upcoming joint Fairness and Compliance Hearing, scheduled to begin on November 13, 2024, per a September 25, 2024, Court case management order.

The 2024 FSHC Agreement preserves the Township's Court-determined Present Need (Rehabilitation) obligation of 109 units and recognizes the previously determined Township Prior Round obligation of 841 units. The Agreement modifies the Township's Court-determined obligations for the Third Round to a total of 1,450 units, including the entire "gap" obligation, as will be discussed below, and it establishes the Township's Fourth Round New Construction obligation at 1,070 total units. The Court will determine the Township's Fourth Round Present Need (Rehabilitation) obligation at a future fairness hearing to take place by May 31, 2025.



The Township's Third Round obligation agreed to by the parties in the 2024 FSHC Agreement includes the entire "gap" period obligation incurred between 1999 and 2015. In addition, through settlement, the Township has also agreed to a Fourth Round New Construction obligation of 1,070, thus obviating the need for the Township to file a binding resolution with the Program by January 31, 2025, regarding its Fourth Round New Construction obligation. Per the 2024 FSHC Agreement, the Township will still need to calculate its Fourth Round Rehabilitation obligation in accordance with the standards set forth in the Fair Housing Act at N.J.S.A. 52:27D-304.2 and -304.3. The 2024 FSHC Settlement requires the Township to have a future Fourth Round HEFSP, addressing Fourth Round Present Need and the agreed-upon Fourth Round Prospective Need obligation, adopted by March 31, 2025.

The 2024 FSHC Agreement retains the SHO and Court approval process for the builder remedy site plan applications and requires the Township to support any Court approval of such an application. Ultimately, two builder remedy site plan applications were settled with the Township and approved by the Township's Planning Board, four builder remedy site plan applications have received SHO recommendations and Court approval, and two builder remedy site plan applications are still under review by a SHO. All of the settled and the SHO approved/under review sites are included in this 2024 Amended Third Round HEFSP.

Term #1 of the 2024 FSHC Agreement also requires the parties to abide by all trial court orders and SHO recommendations to date except as modified by the Agreement, to not appeal any trial court determinations since the original filing of the Township's Declaratory Judgment action in July 2015, and to withdraw with prejudice any appeals, petitions for certification, or motions that may have been pending at the time the 2024 FSHC Agreement is signed. The Agreement specifically states that the parties are not bound by the trial court's original decision and the unpublished Appellate Division opinion on the 1,000-unit cap.

By agreeing to stipulate to a Third Round and Fourth Round New Construction obligation, and by agreeing to settle all outstanding issues before the Court, the Township is now able to turn its attention and resources to the production of affordable units, initially to address the Third Round fair share as part of this 2024 Amended Third Round HEFSP (as would be reflected in a new Third Round Final JOR) and, subsequently, to address the Fourth Round obligation in a future Fourth Round HEFSP, without the delay and expense of further litigation.



SOUTH BRUNSWICK'S AFFORDABLE HOUSING OBLIGATION

Rehabilitation Obligation

The Township's Third Round Rehabilitation obligation as established in the 2024 FSHC Agreement is 109 units, which mirrors the Court's prior determination in the 2021 Final Third Round JOR.

Prior Round Obligation

The 2024 FSHC Agreement sets South Brunswick's Prior Round obligation at 841 units, as previously established by COAH pursuant to N.J.A.C. 5:93 and upheld by previous Court Order.

Third Round Obligation

The 2024 FSHC Agreement sets the Township's Third Round New Construction ("gap" and Prospective Need) obligation at 1,450 units, higher than the previous Court-imposed obligation of 1,417 units. However, the parties have agreed in the 2024 FSHC Agreement that the Court-determined "gap" obligation will be subsumed in its entirety into the Third Round obligation established by the 2024 FSHC Agreement, and no part of the "gap" obligation as established by previous Court order will carry over into the Fourth Round or Fifth Round. Hence the 124 completed pre-2015 extensions of controls, which were previously applied specifically to the Third Round portion of the uncapped "gap" obligation under an earlier trial court ruling, will now be included toward satisfaction of the entirety of the Third Round obligation.

Fourth Round Obligation

The 2024 FSHC Agreement establishes the Township's Fourth Round obligation at 1,070 units. The parties acknowledge that the Township's Fourth Round Rehabilitation obligation has yet to be determined, and the Township will subsequently calculate that obligation pursuant to the FHA (N.J.S.A. 52:27D-304.2 and -304.3) and reflect it in its future 2025 Fourth Round HEFSP. The Township will seek Court approval of its Fourth Round obligation as part of the upcoming November 2024 Fairness and Compliance hearing on the 2024 FSHC Agreement, and is required to submit by March 31, 2025, a Fourth Round HEFSP detailing how it will satisfy its 1,070-unit obligation. If the Court approves the obligation, and if the Township is able to submit a Fourth Round HEFSP by such date, the FSHC Agreement obviates the need for the Township to go through the Program as set forth in P.L. 2024 C.2.



SOUTH BRUNSWICK'S 2024 AMENDED THIRD ROUND PLAN

This 2024 Amended Third Round HEFSP relies upon much of the FHA/MLUL-required plan narrative and crediting documentation included in the Township's 2020 Third Round HEFSP approved by the Court as part of the Township's 2021 Final Third Round JOR. This 2024 Amended Third Round HEFSP also supplements the crediting documentation issued/received subsequent to the adoption of the Township's 2020 Third Round HEFSP.

Satisfaction of the Third Round Rehabilitation Obligation

The Court has previously approved both the Township's 109-unit Third Round Rehabilitation obligation, and the 95 completed units the Township is claiming toward satisfaction of that obligation. The Township will continue its existing rehabilitation program.

Satisfaction of the Prior Round Obligation

All of the compliance mechanisms listed in the table below were approved toward Prior Round compliance as part of the 2021 Final JOR that approved the Township's 2020 Third Round HEFSP. The appendices to the Township's 2020 HEFSP included all required crediting documentation for these compliance mechanisms and are relied upon herein.

As demonstrated in the table below, the Township fully satisfies its Prior Round obligation with prior cycle credits, completed inclusionary developments, completed alternative living arrangements, completed 100% affordable housing developments, and Prior Round rental bonuses.

Because the Township's Prior Round obligation as agreed to in the 2024 FSHC Agreement is lower than the COAH Second Round Precredited Need addressed in the Township's 2020 Third Round HEFSP, some compliance mechanisms that had been Court-approved toward Prior Round compliance as part of the 2021 Final JOR have been reallocated to address the Third Round in this 2024 Amended Third Round HEFSP or reserved to address the Township's Fourth Round fair share obligation as will be detailed in a future 2025 Fourth Round HEFSP.

Settlement Prior Round/ Third Round Affordable Housing Sites

LOCATION:
South Brunswick, Middlesex County, NJ

DATE:
September 30, 2024

Legend

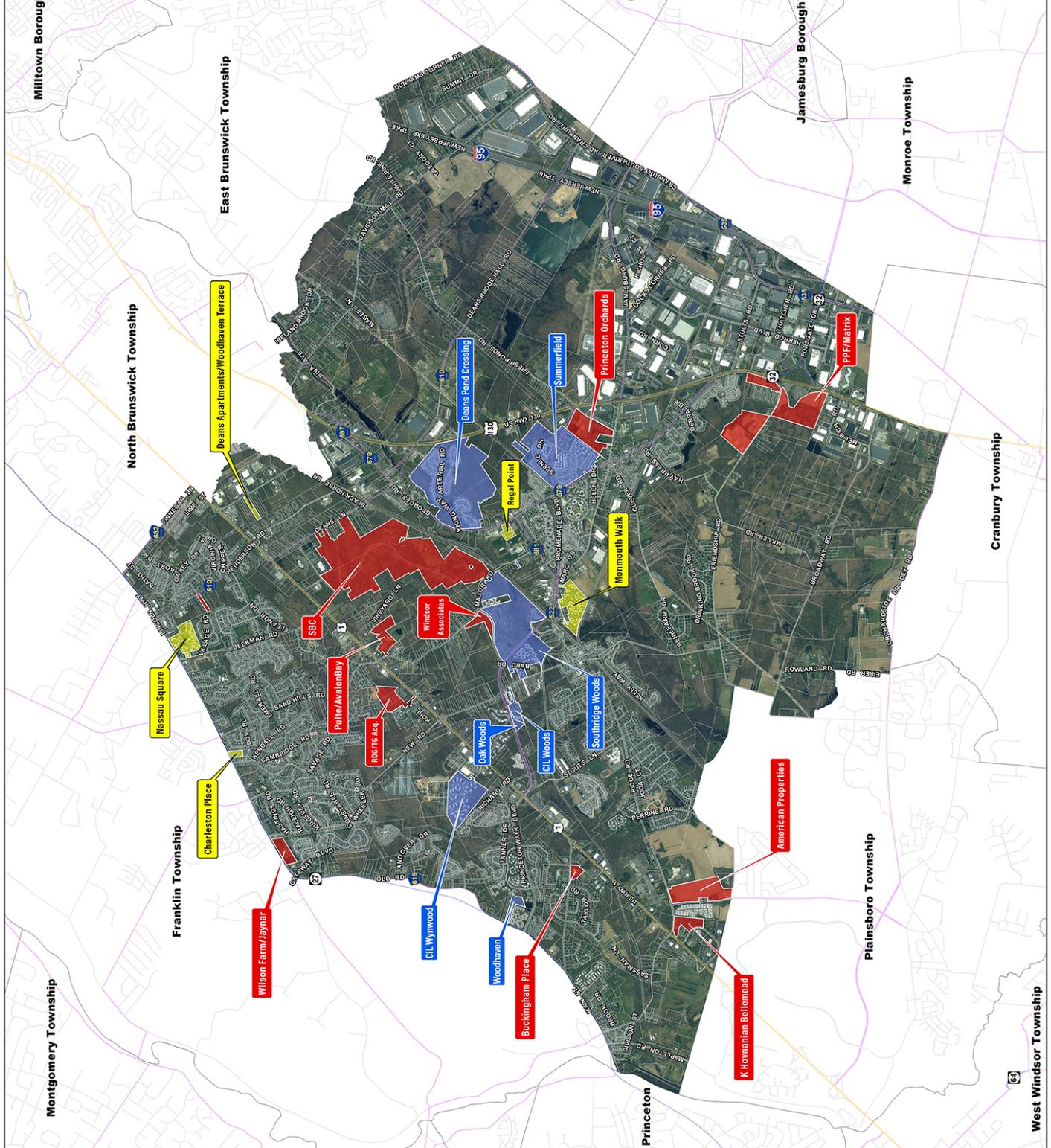
- Prior & Third Round Sites
- Third Round Sites
- Prior Round Sites



2 Miles

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture





South Brunswick's Prior Round Compliance Plan per 2024 Settlement Agreement	Units	Rental Bonuses	Total
Prior Cycle Credits (completed 4.1.80 – 12.15.86)			
Deans Apartments/Woodhaven Terrace – affordable family rentals	40		40
Charleston Place I – affordable senior rentals	54		54
Inclusionary Developments – completed			
Regal Point – affordable family sales	5		5
Monmouth Walk – affordable family sales	43		43
Nassau Square – affordable family sales	49		49
Summerfield – affordable family sales	69		69
Deans Pond Crossing – affordable family sales	20		20
Southridge/Southridge Woods – affordable family rentals	124	124	248
100% Affordable Developments – completed			
Woodhaven – affordable family rentals	80	80	160
Charleston Place II – affordable senior rentals	30		30
Oak Woods – affordable senior rentals	73		73
Alternative Living Arrangements (units or bedrooms) – completed			
Wheeler Road Group Home (Dev. Resources/Delta Comm.)	3	3	6
Major Road Group Home (Dev. Resources/Delta Comm.)	3	3	6
CIL Woods	16	1, cap	17
CIL Wynwood	7		7
Dungarvin (30 Cranston Road)	4		4
Dungarvin (19 Berwick Road)	4		4
Dungarvin (12 Dawson Road)	4		4
Triple C Group Homes (2 of 6; 4 to Third Round)	2		2
TOTAL	630	211	841

CHANGES TO THE PRIOR ROUND COMPLIANCE PLAN

The Township's Prior Round compliance plan as set forth in this 2024 Amended Third Round HEFSP differs somewhat from the Prior Round compliance plan in the Township's Court-approved 2020 Third Round HEFSP as discussed below. Any compliance mechanisms listed in the table above and not discussed below remain unchanged from the Township's Court-approved 2020 Third Round HEFSP.

Summerfield

The 2020 Third Round HEFSP had included 70 affordable family for-sale units at the existing Summerfield inclusionary development. However, one affordable unit has been lost to foreclosure, bringing the total number of units eligible for Prior Round credit to 69.



Sassman

This family affordable for-sale unit, originally included toward Prior Round compliance, will instead be included in the Township's future 2025 Fourth Round HEFSP.

Menowitz (Cambridge Crossing)

These eight family affordable for-sale units, originally included toward Prior Round compliance, will instead be included in the Township's future 2025 Fourth Round HEFSP.

East Meadow Estates

These six family affordable for-sale units, originally included toward Prior Round compliance, will instead be included in the Township's future 2025 Fourth Round HEFSP.

Brandywine/Buckingham Place

These 23 age-restricted affordable rental units in an existing assisted living facility at 155 Raymond Road (Block 97, lot 13.07) and originally included toward Prior Round compliance, are included in this 2024 Amended Third Round HEFSP toward Third Round compliance.

Triple C Group Home

All six bedrooms from this existing special-needs group home at 625 Ridge Road (Block 54.01, lot 7) were approved toward Prior Round compliance. In this 2024 Amended Third Round HEFSP, the Township is claiming two of the six bedrooms toward Prior Round compliance and the remaining four bedrooms will be claimed toward Third Round compliance.

Community Options Group Homes

These 13 existing and one funded special-needs bedrooms in four facilities (38 Constable Drive, Block 333, Lot 5; 63 Henderson Rd., Block 93-08, Lot 6.142; 2 Aldrich Road, Block 326, Lot 21; and 313 New Road, Block 84, Lot 17.18), originally included toward Prior Round compliance, are included in this 2024 Amended Third Round HEFSP toward Third Round compliance.

ARC of Middlesex Group Homes

These 15 existing special-needs bedrooms in four facilities (9 Helen Drive, Block 34, Lot 24.14; 24 Kingsley Road, Block 338, Lot 12; 24 Palmer Road, Block 307, Lot 2; and 125 Kendall Road, Block 322, Lot 7), originally included toward Prior Round compliance, are included in this 2024 Amended Third Round HEFSP toward Third Round compliance.

REACH

These 21 completed market-to-affordable units (REACH program), originally included toward Prior Round compliance, will instead be included in the Township's future 2025 Fourth Round HEFSP.



Formulas Applicable to the Prior Round

Age-Restricted Units: COAH regulations at N.J.A.C. 5:93-5.14 limit the number of age-restricted units a municipality may claim toward Prior Round compliance to 25% of its Prior Round obligation after subtracting any Prior Cycle credits. Thus, South Brunswick is limited to 186 age-restricted units in the Prior Round ($(841 - 94 \text{ Prior Cycle credits}) \times 0.25 = 186.75$, round down). The Township is claiming 157 age-restricted units, below the maximum permitted.

Rental Units: N.J.A.C. 5:93-5.15 requires a minimum of 25% of the affordable obligation to be rental units. South Brunswick must provide at least 211 affordable units as rental units in the Prior Round ($841 \times 0.25 = 210.5$, round up). The Township is claiming credit for 444 completed rental units, well above the minimum required, from special-needs bedrooms, Deans Apartments/Woodhaven Terrace, Charleston Place I and Charleston Place II, Southridge/Southridge Woods inclusionary development, Woodhaven, and Oak Woods.

Rental Bonuses: For the Prior Round, N.J.A.C. 5:93-5.15 permits a municipality to claim one rental bonus for each non-senior affordable rental unit, up to a maximum equal to the municipality's rental obligation. South Brunswick is eligible for the maximum 211 Prior Round rental bonuses for completed affordable rental units at Southridge/Southridge Woods, Woodhaven and several group-home bedrooms.

Satisfaction of the Third Round Obligation

All of the compliance mechanisms listed in the table below were approved toward Prior Round or Third Round compliance as part of the 2021 Final JOR that approved the Township's 2020 Third Round HEFSP. Through settlement, the Township may avail itself of a full complement of Third Round rental bonuses, so although the Township's Third Round "gap" and Prospective Need obligation as agreed to in the 2024 FSHC Agreement is higher than its earlier Court-imposed Third Round "gap" and Prospective Need obligation, some compliance mechanisms that had been approved toward Third Round compliance as part of the 2021 Final JOR are instead able to be included in the Township's future 2025 Fourth Round HEFSP.

As reflected in the 2024 FSHC Agreement and demonstrated in the table below, the Township fully satisfies its Third Round obligation with proposed/ approved/ under construction inclusionary developments, completed alternative living arrangements, completed extensions of controls, and Third Round rental bonuses. Development on several of the sites has begun, and in some cases has been completed.



South Brunswick's Amended Third Round Compliance Plan per 2024 Settlement Agreement	Units	Rental Bonuses	Total
Inclusionary Developments – built, approved, under review			
Princeton Orchard – Court-apprvd settle/PB site aprprd: family rentals	46	46	92
PPF/Matrix – Court-apprvd settle/PB site aprprd: 83 rent/15 sale/family	98	83	181
SBC - Court-approved: 360 total: 336 family and 24 senior - rentals	360	234, cap	594
KHov/Bellemead – Court-approved: 30 family sale, 4 sp nds brs offsite	34		34
American Properties – family sale units	72		72
Pulte – Court- approved: 27 family sale, 4 sp needs brs/1 aff offsite	32		32
Windsor – SHO review: family rentals	13		13
Wilson Farm/Jaynar – PB approved: 151 of 210 senior rentals	151		151
Buckingham Place Assisted Living – built senior rentals	23		23
Extensions of Controls – completed			
Deans Apts/Woodhaven Terrace – family rentals	40		40
Regal Pt, Nassau Square, Monmouth Walk (91 of 97) – family for-sale	91		91
Charleston Place I and II – age-restricted rentals	84		84
Special-needs bedrooms (Wheeler Road, Major Road, Dungarvin)	10		10
Special Needs bedrooms – 32 completed, 1 funded			
Triple C (4 of 6, balance) - completed	4		4
Community Options (13 completed, 1 funded)	14		14
ARC of Middlesex - completed	15		15
TOTAL	1,087	363	1,450
Surplus - RDG/TG Acq. – under SHO review: family afford rentals	32*		32*

*The 2024 FSHC Agreement specifies that the Township address its Third Round obligation of 1,450 units with a 32-unit family rental surplus, which is to be applied to the Fourth Round obligation.

CHANGES TO THE THIRD ROUND COMPLIANCE PLAN

All the compliance mechanisms listed in the table above have full site development descriptions and site suitability analyses in the Township's 2020 Third Round HEFSP, which was approved by the Court as reflected in the 2021 Final JOR, and are relied upon herein. Below is updated information since 2020 on each compliance mechanism, as warranted.



Princeton Orchards

The Princeton Orchards property is located on Route 522, Ridge Road and Griggs Drive (Block 31, Lots 30.012 and 35). In an order dated May 22, 2018, the Court approved a Settlement Agreement between the developer and the Township,

The site plan was approved by the Township Planning Board on February 5, 2020, and Princeton Orchards has secured all necessary approvals to begin construction of the inclusionary development to produce 46 affordable family rental units including 10 very low-income family rentals. The Township is eligible for 46 Third Round rental bonuses as previously approved by the Court.

PPF/Matrix

PPF/Matrix is an approximately 133.7-acre tract of land known as Block 6, Lots 15.021 and 15.022 and Block 11, Lots 13.02 and 15.03. The developer and the Township entered into a Settlement Agreement, approved by the Court in an order dated January 28, 2021, for an inclusionary development including a 30% set-aside for 98 total affordable family units – 83 affordable family rental units and 15 affordable family for-sale units. PPF has received preliminary Planning Board approval of its settlement site plan and is in the process of finalizing other approvals necessary to begin construction. The executed Settlement Agreement, Fairness Order approving the Settlement Agreement, updated zoning ordinance, and May 2023 adopted Planning Board resolution of preliminary major subdivision and site plan approval may be found in Appendix B. Because the Township has secured the required “firm commitment” for 83 family rentals to be provided from this inclusionary development, it is eligible for 83 Third Round rental bonuses.

South Brunswick Center (“SBC”)

The SBC site is approximately 480 acres located at the intersection of Route 1 and Northumberland Way (Block 86, Lots 22.041, 89.13, and 89.023). In an order dated September 8, 2020, the Court approved an inclusionary development including a total of 360 affordable units, with 336 affordable family rental units and 24 affordable age-restricted rental units. The SHO’s findings and recommendations, and the Court’s order of approval, may be found in Appendix C. SBC has begun construction. Upon the Court’s approval of the 2024 FSHC Agreement, the Township will withdraw all objections to the builder’s remedy zoning, site plan approval, development plans, and building permits applied for or issued for the SBC site. The Court approval of the SBC inclusionary development application secures the required “firm commitment” for a maximum of 234 Third Round rental bonuses for the 336 family affordable rentals to be provided.

K.Hovnanian (Bellemead)

The K.Hovnanian (KHov) project is a SHO-approved inclusionary housing site located on a 19.29-acre tract at the corner of U.S. Route 1 and Ridge Road (Block 80, Lot 3.024) that will



produce 34 total affordable housing units, including 30 on-site affordable family for-sale units and four off-site very low-income group home bedrooms. The SHO recommended approval on July 23, 2020. The Court approved the inclusionary development application in an order dated December 9, 2020. The SHO's recommendations and the Court's order of approval may be found in Appendix D. KHov has secured all necessary approvals to begin construction. Upon Court approval of the 2024 FSHC Agreement, the Township will withdraw all objections to the builder's remedy zoning, site plan approval, and development plans for the KHov site.

American Properties

American Properties has a 64-acre parcel along Schalks Crossing Road, composed of Block 79, Lots 1.06, 11, and 12. Although the Township's Court-approved 2020 Third Round HEFSP included 75 affordable units from American Properties, the developer's builder's remedy site plan application proposed a total of 349 residential units, of which 259 would be multi-family condominium units. Of the 259 condominium units, 72 were proposed as affordable, a 20.6% set-aside of the total unit count.

American Properties' site plan was recommended for approval by the SHO on March 7, 2022, and was approved by the Court in an order dated July 21, 2022. The SHO's recommendations and the Court's order of approval may be found in Appendix E. American Properties has secured all necessary approvals to begin construction. Upon Court approval of the 2024 FSHC Agreement, the Township will withdraw all objections to the builder's remedy zoning, site plan approval, and development plans for the American Properties site.

Pulte/AvalonBay

The Pulte 26.5-acre site is on the north side of Major Road (Block 86, Lots 63, 65, and 67-71). The 2020 Third Round HEFSP included 31 affordable units from the Pulte site, a set-aside of 20% of 152 total units. Testimony at the subsequent SHO hearing on the builder remedy site plan application noted that it is difficult to fill very low-income for-sale units, and for this reason it was recommended that Pulte be permitted to provide its required very low-income units off-site as four very low-income special-needs bedrooms plus one additional off-site affordable unit for a total of five off-site affordable units. Ultimately, Pulte agreed to a total of 151 units on-site including 27 affordable for-sale units and five off-site affordable units for a total of 32 affordable units. The proposed configuration for the 27 on-site affordable units would include six one-bedroom units, one more than the 20% maximum permitted.

The SHO recommended Pulte's builder's remedy site plan for approval on November 20, 2020 (modified on January 19, 2021), including a recommendation to grant Pulte a waiver from the 20% maximum one-bedroom requirement. The SHO recommendation was approved by the Court in an order dated February 16, 2021. The SHO's recommendations and the Court's order of approval may be found in Appendix F. Pulte has secured all necessary outside agency approvals to begin construction, with the exception of approval for public water service, which remains the subject of the Township's resolution compliance process.



Upon Court approval of the 2024 FSHC Agreement, the Township will withdraw all objections to the builder's remedy zoning, site plan approval, and development plans for the Pulte site that were previously approved by the trial court. The Township has also agreed to expedite all outstanding items of resolution compliance for the project.

Windsor Associates

The Windsor site is 14.293 acres at the intersection of Major Road and Northumberland Way (Block 85, Lot 17.014). In 2017, Windsor submitted an application to the SHO to develop 84 family rental units, including a 15% affordable housing set-aside for 13 affordable family rental units. Subsequent to the Township's submission of its 2020 Third Round HEFSP, the Township adopted a resolution endorsing the inclusion of the Windsor site in the Sewer Service Area element of the Raritan/Middlesex County Water Quality Management Plan. The New Jersey Department of Environmental Protection ("DEP") approved the site's inclusion in the sewer service area. The DEP's notice of adoption of the amendment to the Water Quality Management Plan, may be found in Appendix G.

Windsor's builder's remedy site plan application is currently under review by the SHO. The 2024 FSHC Agreement requires the Township to withdraw all objections to the builder's remedy and zoning, and, at such time as the SHO recommends approval of and the trial court approves the inclusionary development plans for the Windsor site, the Township must also withdraw all objections to the development plans.

Wilson Farm/Jaynar

The Township owns the Wilson Farm site, which is located at 3614-3668 Route 27 (Block 96.24, Lot 24.002). On June 26, 2019, the Township signed a redeveloper's agreement with Jaynar Construction, a division of Eastern Properties, to develop up to 210 age-restricted affordable units and a skilled nursing facility on the property, and on November 26, 2019, adopted an amended Redevelopment Plan to allow a skilled nursing facility as a permitted use on the site.

Jaynar received preliminary site plan approval for the project, including 210 units of affordable age-restricted housing (plus two superintendent units), in 2021 and anticipates receiving final site plan approval before the end of 2024. The Township is claiming 151 affordable age-restricted units toward Third Round compliance, and will include the remaining 59 units in the Township's future 2025 Fourth Round HEFSP. The 2021 adopted resolution of preliminary site plan approval may be found in Appendix H.

Brandywine/Buckingham Place Assisted Living

Brandywine (formerly Buckingham Place) is an existing 112-unit assisted living residence, which includes 23 affordable units. The 23 age-restricted affordable units were originally included in the Township's Court-approved 2020 HEFSP towards Prior Round compliance



(see above). This 2024 Amended Third Round HEFSP applies them toward Third Round compliance.

Deans Apartments/Woodhaven Terrace, Charleston Place I and II - Extensions of Controls

As noted above, the Court earlier approved 124 extensions of controls from Deans Apartments/Woodhaven Terrace (40 affordable family rentals) and Charleston Place I and II (84 affordable age-restricted rentals) to be applied to the Township’s uncapped “gap” obligation. The 2024 FSHC Agreement subsumes the separate “gap” obligation into the overall Third Round obligation and eliminates the assignment of any portion of the “gap” obligation to the Fourth or Fifth Rounds. Accordingly, the 124 extensions of controls from Deans Apartments/Woodhaven Terrace and Charleston Place I and II, are applied toward overall Third Round compliance in this 2024 Amended Third Round HEFSP.

Regal Point, Monmouth Walk, and Nassau Square - Extensions of Controls

In the Township’s 2020 Third Round HEFSP, the Court had originally approved 97 completed extensions of controls toward Third Round compliance – five from Regal Point, 43 from Monmouth Walk, and 49 from Nassau Square. However, controls on six of the 43 Monmouth Walk units expire after the end of the Third Round, reducing the total number of extensions available for Third Round credit to 91. The remaining six Monmouth Walk extensions of controls will be included in the Township’s future 2025 Fourth Round HEFSP.

Triple C Group Home

All six bedrooms from this existing special-needs group home were approved by the Court toward Prior Round compliance in the Township’s 2020 HEFSP. In this 2024 Amended Third Round HEFSP, the Township is claiming two bedrooms toward Prior Round compliance (see above) and the balance of four bedrooms toward Third Round compliance.

Community Options Group Homes

These 13 existing and one funded special-needs bedrooms in four facilities, originally approved toward Prior Round compliance in the Township’s 2020 HEFSP (see above), are now being claimed as part of this 2024 Amended Third Round compliance plan.

ARC of Middlesex Group Homes

These 15 existing special-needs bedrooms in four facilities, originally approved toward Prior Round compliance in the Township’s 2020 HEFSP (see above), are now being claimed as part of this 2024 Amended Third Round compliance plan.

RDG/ TG Acquisitions

Robertson Douglas Group (“RDG”) is the new contract purchaser for this 27.89-acre site (Block 95, Lots 48.01, 49, 50.02, 50.03, 50.04, 50.06, and 50.07) with frontage on U.S. Route 1. TG Acquisitions (“TG”), the original contract purchaser, had agreed to develop 145 total units with



a set-aside of 25%, resulting in 37 affordable family rental units included in the Township's Court-approved 2020 Third Round HEFSP.

In March 2024 RDG submitted a builder's remedy site plan application that proposed 127 total units, of which 32 would be affordable family rental units, a 25.2% set-aside. Although these 32 units are being applied toward Third Round compliance as Third Round surplus, according to the 2024 FSHC Agreement, these 32 affordable family rental units shall be applied to the Fourth Round obligation and will be included in the Township's future 2025 Fourth Round HEFSP.

RDG's builder's remedy site plan application is currently under review by the SHO. The 2024 FSHC Agreement requires the Township to withdraw all objections to the builder's remedy and zoning, and, at such time as the SHO recommends approval of and the trial court approves the inclusionary development plans for the RDG site, the Township agrees to withdraw all objections to the development plans.

Ridge Road Properties

Ridge Road Properties was granted a builder's remedy to construct an inclusionary development on Block 79, Lots 4.02, 4.032, 4.04, 6.01 and 6.03 that included 264 affordable units which were included in the Township's Court-approved 2020 Third Round HEFSP. Subsequently, Ridge Road Properties entered into a settlement agreement with the Township and the Township Planning Board that allows for the construction of a warehouse/light industrial development on the Ridge Road site. As part of its settlement agreement with the Township, Ridge Road Properties will pay either \$8.065 million or the 2.5% non-residential development fee for the proposed warehouse/light industrial project, whichever is greater. According to the 2024 FSHC Agreement, the Ridge Road funds are to be used toward mechanisms in the Township's Fourth Round HEFSP, which would be determined as part of the Township's 2025 Fourth Round planning efforts.

The Ridge Road settlement agreement with the Township must still be approved at its own fairness hearing, which is yet to be scheduled. FSHC is not a party to the Township's Ridge Road settlement agreement, and is not bound to defend it, and so it has reserved the right to ensure an adequate plan is in place to provide for appropriate buffering and circulation between the proposed warehousing uses on the Ridge Road site and any neighboring proposed inclusionary affordable housing developments. Pursuant to the 2024 FSHC Agreement, should any legal challenge invalidate the Ridge Road settlement agreement with the Township, Ridge Road Properties must construct the inclusionary development for which it was granted a builder's remedy, which the Township may count toward its Fourth Round or any future obligation. Should Ridge Road proceed with the inclusionary development, its site plan application will be reviewed by a SHO.



Harbor/Ciel Assisted Living

The 15 assisted-living units set aside for Medicaid-eligible residents in this facility, approved toward Third Round compliance in the Township's 2020 HEFSP, will instead be included in the Township's future 2025 Fourth Round HEFSP.

RPM Mixed-Income and RPM 100% Affordable

The RPM municipally sponsored mixed-income tax credit development includes 63 affordable family rental units and was approved toward Third Round compliance in the Township's 2020 Court-approved HEFSP. In addition, RPM received tax credits for a 60-unit 100% affordable family and special-needs rental project (eligible for 70 credits including credits by the bedroom for two-bedroom special needs units). Both RPM phases are under construction and will be included in the Township's future 2025 Fourth Round HEFSP.

REACH

The five proposed units (now completed) from the Township's market-to-affordable program, known as REACH, approved toward Third Round compliance in the Township's Court-approved 2020 HEFSP, will instead be included in the Township's future 2025 Fourth Round HEFSP.

New Village Associates/Toll Brothers/Mindel

The Township's 2020 Third Round HEFSP included the New Village/Toll/Mindel site as a site that could potentially produce affordable units. However, the Court had ordered the affordable units proposed for the site removed from the Township's 2020 Third Round compliance plan, noting that, because Toll had abandoned its interest in developing the site and the new owner, New Village Associates, had not pursued the builder's remedy lawsuit, the site no longer presented a realistic opportunity for the production of affordable units. In this 2024 Amended Third Round HEFSP, the site has been removed entirely from the Township's compliance plan.

Stanton Girard

The Stanton Girard site was purchased for open space purposes, thus, the site and the previously proposed affordable units allocated toward Third Round compliance in the Township's 2020 HEFSP have been removed as part of this 2024 Amended Third Round HEFSP.



SATISFACTION OF THE PRIOR ROUND AND THIRD ROUND OBLIGATIONS PER 2024 FSHC SETTLEMENT AGREEMENT																					
Program	Rental	Senior	Family	Total Aff. Units	Prior Round: 841 units			Third Round: 1,450 units													
					Units	Rental Bonuses	Total Credits	Units	Rental Bonuses	Total Credits	Total Credits										
<u>Prior Cycle Credits</u>																					
Deans Apartments	x		x	40	40	0	40	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Charleston Place I	x	x		54	54	0	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<u>Inclusionary Housing Developments</u>																					
Regal Point			x	5	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monmouth Walk			x	43	43	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nassau Square			x	49	49	0	49	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Summerfield			x	69	69	0	69	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Deans Pond Crossing			x	20	20	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Southridge/Southridge Woods	x		x	124	124	124	248	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Windsor Associates	x		x	13	13	0	0	0	0	0	13	0	0	0	0	0	0	0	0	0	13
Princeton Orchards	x		x	46	46	0	0	0	0	0	46	0	0	0	0	0	0	0	0	0	92
South Brunswick Center, 336 of 360	x		x	336	336	0	0	0	0	0	336	0	0	0	0	0	0	0	0	0	570
South Brunswick Center, 24 of 360	x	x		24	24	0	0	0	0	0	24	0	0	0	0	0	0	0	0	0	24
American Properties			x	72	72	0	0	0	0	0	72	0	0	0	0	0	0	0	0	0	72

SATISFACTION OF THE PRIOR ROUND AND THIRD ROUND OBLIGATIONS PER 2024 FSHC SETTLEMENT AGREEMENT												
Program	Rental	Senior	Family	Total Aff. Units	Prior Round: 841 units			Third Round: 1,450 units				
					Units	Rental Bonuses	Total Credits	Units	Rental Bonuses	Total Credits		
Pulte/Avalon (27 affordable family for-sale units, 4 group home bedrooms, 1 aff off-site)	x		x	32	0	0	0	0	0	32	0	32
K. Hovnanian (Bellemead) (30 affordable family sale units, 4 group home bedrooms off-site)			x	34	0	0	0	0	0	34	0	34
PPF Matrix	83		x	98	0	0	0	0	83	98	83	181
Wilson Farm/Jaynar (151 of 210)	x	x		210	0	0	0	0	0	151	0	151
RDG/TG Acq. – Surplus to Fourth Rd	x		x	32	0	0	0	0	0	32, surplus	0	32, surplus
<u>Assisted Living</u>												
Buckingham Place / Brandywine	x	x		23	0	0	0	0	0	23	0	23
<u>Special Needs</u>												
Wheeler Road Group Home	x			3	3	3	3	6	3	0	0	0
Major Road Group Home	x			3	3	3	3	6	3	0	0	0
CIL Woods	x			16	16	16	16	17	1; cap	0	0	0
CIL Wynwood	x			7	7	7	7	7	0	0	0	0
Dungarvin (30 Cranston Road)	x			4	4	4	4	4	0	0	0	0
Dungarvin Group Homes (existing)	x			8	8	8	8	8	0	0	0	0



SATISFACTION OF THE PRIOR ROUND AND THIRD ROUND OBLIGATIONS PER 2024 FSHC SETTLEMENT AGREEMENT													
Program	Rental	Senior	Family	Total Aff. Units	Prior Round: 841 units				Third Round: 1,450 units				
					Units	Rental Bonuses	Total Credits	Units	Rental Bonuses	Total Credits	Units	Rental Bonuses	Total Credits
Triple C Group Homes	x			6	2	0	2	4	0	2	4	0	4
Community Options Group Homes (13 completed, 1 funded)	x			14	0	0	0	14	0	0	14	0	14
ARC of Middlesex Group Homes	x			15	0	0	0	15	0	0	15	0	15
<u>100% Affordable Housing Developments</u>													
Woodhaven	x		x	80	80	80	160	0	0	160	0	0	0
Charleston Place II	x	x		30	30	0	30	0	0	30	0	0	0
Oak Woods	x	x		73	73	0	73	0	0	73	0	0	0
<u>Extension of Controls</u>													
Deans Apartments/Woodhaven Terrace	x		x	40	0	0	0	40	0	0	40	0	40
Charleston Place I and II	x	x		84	0	0	0	84	0	0	84	0	84
Regal Point (5), Monmouth Walk (37 of 43), Nassau Square (49)			x	91	0	0	0	91	0	0	91	0	91
Wheeler Road, Major Road, Dunganwin (30 Cranston Road) Group Homes	x			10	0	0	0	10	0	0	10	0	10
			Total		630	211	841	1,087	363	841	1,450	32**	32**
Surplus Towards Fourth Round													

* FSHC and the Township agree that this compliance chart provides for the Township to address its Third Round obligation of 1,450 units with a 32-unit family rental surplus, that the Township will apply to its Fourth Round obligation.

PRIOR ROUND CREDIT SUMMARY		
	Required	Provided
Prior Round Total Credits	841	841
Prior Round Total Units	630	630
Prior Round Rental Units	211 min.	444
Prior Round Rental Bonuses	211 max.	211
Prior Round Senior Units	186 max.	157

THIRD ROUND and VERY LOW-INCOME CREDIT SUMMARY		
	Required	Provided
Third Round Total Credits	1,450	1,450
Third Round Total Units	1,087	1,087
Third Round Rental Units	363 min.	875
Third Round Family Rental Units	182 min.	550
Third Round Rental Bonuses	363 max.	363
Third Round Senior Units	362 max.	282
Third Round Family Units	560	762
Very Low-Income Units (see below)	115	164
Family Very Low-Income Units (see below)	58	81



INCOME DISTRIBUTION

Affordable units addressing the Prior Round or Third Round obligation and which are subject to UHAC must include a minimum of 50% low income units (see discussion/chart below on the 2008 statutory requirement for very low-income units); the remaining units may be moderate income.

Low-Income Units

The Township is eligible for credit for 1,717 units to satisfy the Prior Round and Third Round obligations, including 225 extensions of controls, which are not subject to income distribution requirements. Of the 1,492 units subject to income distribution requirements, no more than 746, or 50% of 1,492 units, may be affordable to moderate-income households. Of the 1,492 units subject to income distribution requirements, 595 units, or 39.9%, are moderate-income units, and 897 units, or 60.1%, are low-income units.

SATISFACTION OF INCOME DISTRIBUTION						
Program	Rental	Senior	Family	Income Level		
				Very Low	Low	Moderate
<u>Prior Cycle Credits</u>						
Deans Apartments/Woodhaven Terrace	x		x	9	31	0
Charleston Place I	x	x		0	54	0
<u>Inclusionary Housing Developments</u>						
Regal Point			x	0	1	4
Monmouth Walk			x	0	21	22
Nassau Square			x	0	27	22
Summerfield			x	0	35	34
Deans Pond Crossing			x	0	10	10
Southridge / Southridge Woods	x		x	0	62	62
Windsor Associates	x		x	2	5	6
Princeton Orchards	x		x	10	14	22
South Brunswick Center	x		x	44	125	167
South Brunswick Center	x	x		3	9	12



SATISFACTION OF INCOME DISTRIBUTION						
Program	Rental	Senior	Family	Income Level		
				Very Low	Low	Moderate
American Properties			x	10	26	36
Pulte/AvalonBay	x		x	4	12	16
K. Hov (Bellemead)			x	0	11	15+4 surplus
K. Hov (Bellemead) – off-site group home	X			4	0	0
PPF/Matrix			x	11	39	48
Wilson Farm/Jaynar (151 of 210)	x	x		20	56	75
Assisted Living						
Buckingham Place / Brandywine	x	x		0	23	0
Special Needs						
Wheeler Road Group Home	x			3	0	0
Major Road Group Home	x			3	0	0
CIL Woods	x			0	16	0
CIL Wynwood	x			0	7	0
Dungarvin (30 Cranston Road)	x			4	0	0
Dungarvin Group Homes (Existing)	x			8	0	0
Triple C Group Homes	x			0	6	0
Community Options Group Homes	x			14	0	0
ARC of Middlesex Group Homes	x			15	0	0
100% Affordable Housing Developments						
Woodhaven	x		x	0	40	40
Charleston Place II	x	x		0	30	0
Oak Woods	x	x		0	73	0
Extension of Controls						



SATISFACTION OF INCOME DISTRIBUTION						
Program	Rental	Senior	Family	Income Level		
				Very Low	Low	Moderate
Deans Apartments/Woodhaven Terrace	x		x	N/A	N/A	N/A
Charleston Place I and II	x	x		N/A	N/A	N/A
Regal, Monmouth Walk, Nassau Square			x	N/A	N/A	N/A
Wheeler Road, Major Road, Dungarvin (30 Cranston Road) Group Homes	x			N/A	N/A	N/A
Total				164; 155 since 2008	733	595

Very Low-Income Units

One exception to UHAC, pursuant to the 2008 amendments to the FHA via P.L. 2008, c. 46 (codified as N.J.S.A. 52:27D-329.1), requires municipalities to provide very low-income units equal to 13% of all affordable units approved and constructed after July 17, 2008, at 30% of the regional median income, instead of the UHAC standard of 10% at 35% of the regional median income.

The Township has/will have 849 affordable units proposed, approved, and constructed on or after July 17, 2008, including the following, giving it a very low-income obligation of 111 units (0.13 x 849 = 110.37, round up):

VERY LOW-INCOME OBLIGATION CALCULATION	
Project	Affordable Units
Windsor Associates	13
Princeton Orchards	46
South Brunswick Center	360
American Properties	72
Pulte/AvalonBay	32
K.Hovnanian (Bellemead)	34
PPF/Matrix	98
Wilson Farm/Jaynar (Third Round portion)	151
Dungarvin	8



VERY LOW-INCOME OBLIGATION CALCULATION	
Project	Affordable Units
Triple C	6
Community Options	14
ARC Middlesex	15
Total	849
13%	111

As illustrated in the Income Distribution table, the Township far exceeds its very low-income obligation of 111 through a total of 164 very low-income units proposed/created. Additionally, 81 of the Township’s very low-income units approved and constructed since 2008 are family units, not restricted to special needs or age-restricted households.

AFFORDABLE HOUSING ADMINISTRATION

Mandatory Affordable Housing Set-Aside Ordinance

In accordance with the 2024 FSHC Agreement, the Township has agreed to adopt an ordinance requiring a mandatory affordable housing set-aside of 20% for all new multi-family residential development of five units or more at a density of at least six units per acre, that become permissible through either a use variance, a density variance increasing the permissible density at a site, a rezoning permitting multi-family residential housing where not previously permitted, or a new redevelopment plan. This ordinance will not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. This ordinance will not give any developer the right to any such rezoning, variance, or other relief, or establish any obligation on the part of the Township to grant such rezoning, variance, or other relief. A draft of the mandatory set-aside ordinance may be found in Appendix I.

Affirmative Marketing

The Township will update its Third Round Affirmative Marketing Plan to require all units being affirmatively marketed to be posted on the state Housing Resource Center website in accordance with applicable law, and to include all the community and advocacy organizations required by the 2024 FSHC Agreement to be notified of available units. A draft of the updated Affirmative Marketing Plan may be found in Appendix J.



SPENDING PLAN

Per the 2024 FSHC Agreement, the Township’s 2021 adopted and Court-approved Spending Plan has been deemed to be appropriate. FSHC has agreed to support any request by the Township for any needed amendment to its Spending Plan prior to the submission of a Fourth Round Spending Plan as part of its Fourth Round HEFSP in 2025.

MONITORING/STATUS REPORTS

The Township will provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs (“NJDCA”) by February 15 of every year, pursuant to P.L. 2024 c.2, addressing the requirements of N.J.S.A. 52:27D-329.4(b)(2) and N.J.S.A. 40:55D-8.4(c)(4).