Housing Element & Fair Share Plan

Township of Franklin

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MASER CONSULTING P.A.

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Hunterdon County, New Jersey

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The original of this report was signed and sealed in accordance with NJSA 45:14A-12.

TABLE OF CONTENTS

1. INTRODUCTION 3
2. CONTENT OF HOUSING ELEMENT 6
3. FRANKLIN'S POPULATION DEMOGRAPHICS 7
4. FRANKLIN'S HOUSING DEMOGRAPHICS 11
5. FRANKLIN'S EMPLOYMENT DEMOGRAPHICS 16
6. PROJECTION OF HOUSING STOCK 20
7. CAPACITY FOR FAIR SHARE 22
8. FAIR SHARE PLAN 25
9. FRANKLIN'S AFFORDABLE OBLIGATION AND IMPLEMENTING MECHANISMS 26
10. IMPLEMENTATION SCHEDULE 34
11. SETTLEMENT TERMS 35
12. APPENDIX 38

1. INTRODUCTION

According to the Fair Housing Act of 1985, a Housing Plan Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.

This is the Township of Franklin's Housing Element and Fair Share Plan (hereinafter "HEFSP") for the period between 1999 and 2025. On March 10, 2015, the Supreme Court ruled that the New Jersey Council on Affordable Housing (hereinafter "COAH") has failed to act and as a result, the Courts will be assuming jurisdiction over the Fair Housing Act. The Order divides municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned and those that had never participated in the COAH process.

For a municipality like Franklin that petitioned or "participated" in 2008, the Order permitted "participating" towns to file a Declaratory Judgment during a 30-day window (approximately June 8 to July 7, 2015) to alert the Court that the Township wishes to comply with its constitutional mandate to provide affordable housing. Franklin filed a Declaratory Judgement on July 8, 2015. Over the next two years, the Township worked with the Special Master, Elizabeth McKenzie, and Fair Share Housing Center (hereinafter "FSHC") to prepare a plan to address its 1999 to 2025 obligation. The Township executed a Settlement Agreement on October 12, 2017.

This HEFSP is prepared utilizing the Prior Round Rules[1] as well as the guidance provided in the March 10, 2015 Supreme Court Order. As indicated by the Court Order, each municipality in the State still has a three-part obligation:

1. Rehabilitation Obligation,
2. Any remaining Prior Round Obligation that has not been constructed, and
3. Third Round Obligation.

Affordable Housing History

The Township of Franklin has been active in all three rounds of COAH. A summary of Franklin's historic COAH timeline is included below:

- December 7, 1987: Substantive Certification received for First Round
- March 6, 1995: Franklin filed HEFSP
- March 3, 1997: Township petitioned for Substantive Certification for the Second Round
- July 11, 2000: COAH issued a Compliance Report
- August 2, 2000: Substantive Certification received for Second Round
- December 30, 2008: Township petitioned for Substantive Certification for the Third Round
- January 27, 2009: Petition deemed complete by COAH
- March 15, 2009: Public comment period ended with no objections
- July 8, 2015: Declaratory Judgement Action filed

[1] N.J.A.C. 5:91 (Procedural) and N.J.A.C. 5:93(Substantive) Rules. They can be found at: http://www.nj.gov/dca/services/lps/hss/statsandregs/secondroundregs.html

- May 18, 2016: First Court Mediation with FSHC
- September 21, 2017: Second Court Mediation with FSHC
- October 12, 2017: Settlement Agreement executed by the Township Committee
- December 7, 2017: Fairness Hearing before Judge Miller
- December 11, 2017: Order on Fairness Hearing issued by Judge Miller deeming Settlement Agreement fair and reasonable

Municipal Summary

The Township of Franklin is located in Hunterdon County and encompasses 22.9 square miles. Franklin is largely rural in character with many small villages and farmland. The Township is not served by any passenger rail line or State Highway. Exit 15 on Interstate 78 is located in the northern-most area of the Township.

The Township of Franklin is surrounded by the Townships of Alexandria, Union, Clinton, Raritan, Delaware and Kingwood and the Town of Clinton. Between 2000 and 2010, Franklin's population increased by nearly 7% from 2,990 to 3,195 residents.[2] The American Community Survey (hereinafter "ACS") five-year estimate conducted between 2012 and 2016 indicates an additional 36 residents now reside in Franklin Township. Future population estimates provided by the North Jersey Transportation Planning Authority (hereinafter "NJTPA") projects the Township will grow to 3,774 by the year 2045.[3]

Affordable Housing Obligation

The Township's October 12, 2017 Settlement Agreement outlines its three-part obligation. The chart below illustrates Franklin's obligation.

FRANKLIN'S AFFORDABLE HOUSING OBLIGATION			
	Rehabilitation	Prior Round	Third Round
Obligation	0	36	75

Durational Adjustment

Pursuant to N.J.A.C. 5:93-4.3, municipalities that do not have sufficient capacity for water or sewer facilities to support inclusionary development are entitled to a Durational Adjustment. The following evidence supports the Township's need for a Durational Adjustment. This evidence is also located within the Settlement Agreement, which is attached as Appendix B.

- A vast majority of the Township is served by well and septic systems. The few properties with water and sewer service are served by the Town of Clinton Water and Sewer Authority (hereinafter "CWSA"). The CWSA serves the Town of Clinton and portions of Clinton, Franklin and Union Townships. Lebanon Borough receives water from the utility and the Borough of High Bridge and various State Institutions are served by the sewer utility.

[2] https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

[3] https://apps.njtpa.org/plan2045/docs/Demographic%20Appendix.pdf

- The Town of Clinton corresponded in a letter, dated June 15, 2016, that only three parcels within the Township are connected to the utility's water and/or sewer systems. The following properties have water and/or sewer service:
    - Cracker Barrel/Hampton Inn parcel (Block 5, Lot 1) is served by public water and sewer
    - Walmart/Shoprite complex (Block 5, Lot 20) is served by public water and sewer
    - South Ridge Community Church and Crossroads Christian Academy property (Block 5, Lot 25) is served by public sewer
- On June 20, 2016, the Township received an email from the Town of Clinton describing the sewer capacity within Franklin. The three Township parcels within the sewer service area are allocated 38,000 gallons per day (hereinafter "GPD"), distributed accordingly:
    - Cracker Barrel/Hampton Inn – 20,000 GDP
    - Walmart/Shoprite – 12,000 GDP
    - South Ridge Community Church – 6,000 GDP

  The email also notes that both commercial properties use nearly all of their allocated capacity each month while the Church property uses about 1,000 GPD of its allowed capacity.

- A letter from the Suburban Consultant Engineers, Inc., indicates that as of June 30, 2016, there was only 5,848 GPD remaining for all five of the communities within the CWSA service area. Additionally, the Town of Clinton enacted water capacity reservation rules to fairly allocate the remaining capacity.

As shown by the evidence above, the Township has inadequate water and sewer capacity needed to provide for inclusionary housing. Due to the limited utility capacities and confined service areas, Franklin is requesting a Durational Adjustment. As outlined in the Settlement Agreement, Franklin has nine units that have not yet been built for the Prior Round.[4] This, combined with the Third Round Obligation of 75, totals 84 units. Franklin is seeking Court approval for a Durational Adjustment of 84 units.

Borough Goal

It is the overall goal of the HEFSP, in combination with the Land Use Plan, to provide the planning context in which access to low and moderate income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey within the portion of the Township that has sewer and water service or is immediately adjacent to said service areas.

[4] Franklin has 27 credits to apply against its 36-unit Prior Round Obligation, which leaves nine credits to be durationally adjusted.

2. CONTENT OF HOUSING ELEMENT

The Fair Housing Act requires that "the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing". As per the Municipal Land Use Law (hereinafter "MLUL"), specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;

- A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;

- An analysis of the existing and probable future employment characteristics of the municipality;

- A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its housing needs, including its fair share for low and moderate income housing; and

- A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

3. FRANKLIN'S POPULATION DEMOGRAPHICS

Age Distribution of Population

In 2010, nearly 20% of the population was between the ages of 45 and 54. The percentage of school-aged children (5 to 19 years of age) was 22% of Franklin's population. The 2010 Census reported that the median age for the Township was 45 years old. See the table below.

POPULATION BY AGE COHORT		
Age	Total	Percent
Under 5 years	149	4.7%
5 to 9 years	237	7.4%
10 to 14 years	246	7.7%
15 to 19 years	221	6.9%
20 to 24 years	125	3.9%
25 to 34 years	187	5.9%
35 to 44 years	433	13.6%
45 to 54 years	628	19.7%
55 to 59 years	248	7.8%
60 to 64 years	231	7.2%
65 to 74 years	288	9.0%
75 to 84 years	137	4.3%
85 years and over	65	2.0%
Total	3,195	100.0%
Median Age	45	

Source: DP-1 – Profile of General Population and Housing Characteristics 2010

Household Size & Type

According to the 2010 Census, 229 or 20.1% of households were non-family households in Franklin. Non-family households include persons living alone or a householder who is not related to any of the other persons sharing their home. Family households, on the other hand, were more than three times that of non-family households at 79.9% of the households. Slightly more than 30% of the husband-wife family households contained children under the age of 18. See the table on the next page for additional details.

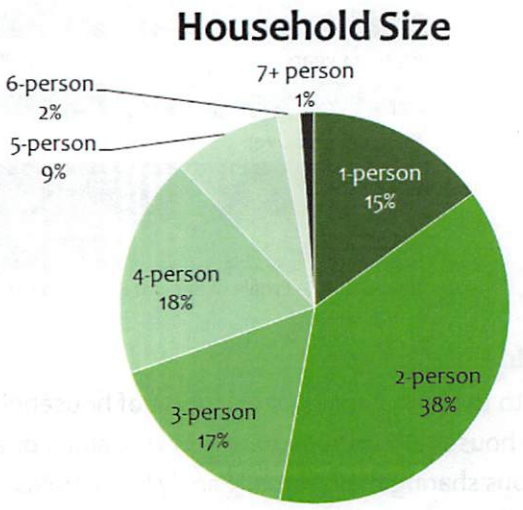
HOUSEHOLD TYPE		
Type	Number	Percent
Family Households	908	79.9%
Husband-Wife Family	807	71.0%
with children under 18	349	30.7%
Male Householder, no wife	41	3.6%
Female Householder, no husband	60	5.3%
Non-family Households	229	20.1%
Male living alone	86	7.6%
Female living alone	86	7.6%
Total	1,137	100.0%

Source: DP-1 – Profile of General Population and Housing Characteristics 2010

The table below illustrates the most common household sizes within Franklin Township in 2010. The two- and four-person households were the two most common household sizes for Franklin at 37.8% and 18.2% respectively. Notably, one-person households comprised 15.1% of the households in the Township.

HOUSEHOLD SIZE		
Size	Total	Percent
1-person	172	15.1%
2-person	430	37.8%
3-person	190	16.7%
4-person	207	18.2%
5-person	103	9.1%
6-person	22	1.9%
7+ person	13	1.1%
Total	1,137	100.0%

Source: HCT6 – Household Size 2010 Census Summary File 2 100%



Income & Poverty Status

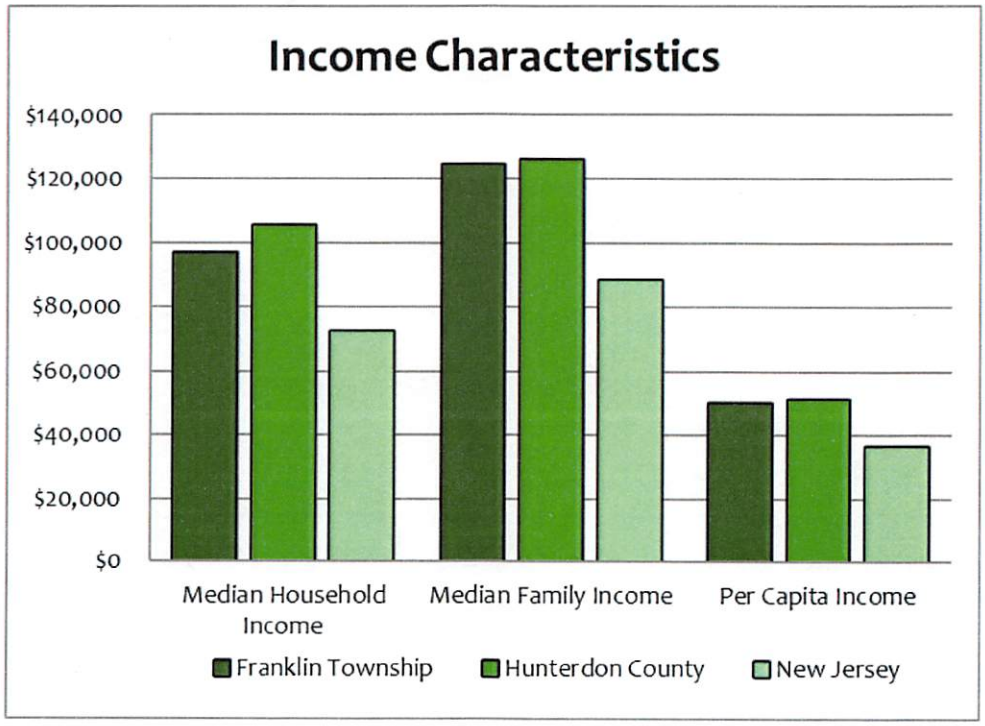
The 2010 Census data has not yet been released for the categories of income and poverty. Therefore, 2015 five-year American Community Survey (hereinafter "ACS") estimates had to be relied upon. The 2015 ACS data indicates the median household income for Franklin was $96,591. This is $24,499 higher than New Jersey but $8,853 lower than Hunterdon County's median household income. Franklin's median family income followed the same trend as the household income falling $1,788 short of the County and $35,870 more than the State's median family income.

The per capita income of Franklin was estimated to be $1,042 less than the County and $13,729 more than the State in 2015.

Finally, after reviewing the poverty status of both individuals and families residing in the Township, Franklin fares much better than the County and the State for poverty status. The ACS estimates that Franklin has a family poverty status of 2.3%. The poverty status of individuals in Franklin is slightly higher at 3.0% compared to 4.4% for the County and 10.8% for the State. See the table and chart below for additional details.

INCOME CHARACTERISTICS			
Income Type	Franklin Township	Hunterdon County	New Jersey
Median Household Income	$96,591	$105,444	$72,092
Median Family Income	$124,205	$125,993	$88,335
Per Capita Income	$50,311	$51,353	$36,582
Poverty Status (Percent of People)	3.0%	4.4%	10.8%
Poverty Status (Percent of Families)	2.3%	2.9%	8.2%

Source: DP03 - Selected Economic Characteristics 2011-2015 American Community Survey 5-Year Estimates



The ACS five-year estimates for 2015 reveal that most of Franklin's households earn over $200,000 per year (20.6%). It is noted that just over half of that households in Franklin make more than

$100,000 per year. In contrast about half as many (22.4%) make less than $50,000 per year. A detailed breakdown of the household income for Franklin is shown below.

HOUSEHOLD INCOME						
	Franklin Township		Hunterdon County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than $10,000	17	1.4%	1,422	3.0%	175,687	5.5%
$10,000 to $14,999	19	1.6%	688	1.5%	120,837	3.8%
$15,000 to $24,999	64	5.4%	2,419	5.2%	259,935	8.1%
$25,000 to $34,999	76	6.4%	2,115	4.5%	247,533	7.8%
$35,000 to $49,999	92	7.7%	3,558	7.6%	336,106	10.5%
$50,000 to $74,999	188	15.7%	6,268	13.4%	504,991	15.8%
$75,000 to $99,999	150	12.5%	5,454	11.6%	399,593	12.5%
$100,000 to $149,999	164	13.7%	9,674	20.6%	547,517	17.2%
$150,000 to $199,999	180	15.1%	6,316	13.5%	276,465	8.7%
$200,000 or more	246	20.6%	8,985	19.2%	320,822	10.1%
Total	1,196	100.0%	46,899	100.0%	3,189,486	100.0%

Source: DP03 -- Selected Economic Characteristics 2011-2015 American Community Survey 5-Year Estimates

4. FRANKLIN'S HOUSING DEMOGRAPHICS

It should be noted that where 2010 Census data has been released and is readily available, it has been used in the housing demographics which follow; otherwise, 2015 ACS estimates are relied upon.

Housing Type

The ACS five-year estimates indicate that there were 1,302 dwelling units in Franklin Township in 2015. The housing stock includes single-family detached units, single-family attached units and multi-family dwellings. Single-family detached dwellings encompassed 1,228 or 94.3% of the Township's housing stock. Franklin also had a total of 60 two- to four-unit structures and five mobile homes in 2015. Of the 1,302 units that existed in 2015, two were affordable.

HOUSING TYPE BY UNITS IN STRUCTURE		
Unit Type	Number of Units	Percent
1, Detached	1,228	94.3%
1, Attached	9	0.7%
2	27	2.1%
3 or 4	33	2.5%
5 to 9	0	0.0%
10 to 19	0	0.0%
20 or more	0	0.0%
Mobile Home	5	0.4%
Other	0	0.0%
Total	1,302	100.0%

Source: DP04 – Selected Housing Characteristics 2011-2015 American Community Survey 5-Year Estimates

Occupancy Status

According to the 2015 ACS estimates, 90.6% of the housing stock in Franklin was owner occupied and 9.4% was renter occupied. The ACS also reported 106 vacant properties with the majority being in the "Other" category (87.7%). The table on the following page shows details of the vacancy status of Franklin's housing units.

OCCUPANCY STATUS		
	Households	Percent
Occupied Total	1,196	91.9%
Owner Occupied	1,083	90.6%
Renter Occupied	113	9.4%
Vacant Total	106	8.1%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For sale	0	0.0%
Sold, not occupied	13	12.3%
Seasonal	0	0.0%
Other	93	87.7%
Total	1,302	100.0%

Source: DP04 – Selected Housing Characteristics & B25004: Vacancy Status 2011-2015 American Community Survey 5-year Estimates

The average household size reported by the 2010 Census in Franklin was 2.80 persons while the average family size was 3.13 persons. Comparing tenure, the average owner occupied household size was 2.85 persons while the average renter occupied household size was 2.35 persons.

Value & Rent of Housing Stock

Census 2010 data for the value and rent of housing stock has yet to be released; therefore, 2015 five-year ACS estimates have been utilized. Out of the 1,083 owner occupied housing units 440 (40.6%) of homes, or the majority, have an approximate value of $300,000 to $499,999. The second highest value category are homes valued $500,000 to $999,999 with 438 or 40.4% of homes. The ACS reports only 4.2% of homes are valued at more than $1,000,000.

VALUE OF OWNER OCCUPIED UNITS		
Value	Number of Units	Percent
Less than $199,999	45	4.2%
$200,000 to $299,999	114	10.5%
$300,000 to $499,999	440	40.6%
$500,000 to $999,999	438	40.4%
$1,000,000 or more	46	4.2%
Total	1,083	100.0%

Source: DP04 – Selected Housing Characteristics 2011-2015 American Community Survey 5-Year Estimates

The 2015 ACS median estimated rent for Franklin is $1,097. Of the 113 rental properties in the Township, 35 units rent for less than $1,000 per month. It is also noted that 22 or 19.5% of the rental properties are not paying rent in Franklin. See the table on the following page for more information.

COST OF RENTALS		
Cost	Number of Units	Percent
Less than $1,000	35	31.0%
$1,000 to $1,499	33	29.2%
$1,500 or more	23	20.4%
No cash rent	22	19.5%
Total	113	100.0%
Median (in dollars)	$1,097	

Source: DP04 – Selected Housing Characteristics 2011-2015 American Community Survey 5-Year Estimates

Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low and moderate income households. The Appellate Division upheld COAH's use of three indicators to determine substandard housing in the State. The first of those three indicators are houses built prior to 1959 and which are overcrowded with more than one person per room. The second indicator is homes lacking complete plumbing and the third indicator are homes lacking kitchen facilities.

The three Census indicators available at the municipal level indicate that all homes within the Township contain plumbing facilities, kitchen facilities, heat and telephone service.

CONDITION OF HOUSING STOCK		
Indicator	Number of Units	Percent
Lack of complete plumbing	0	0.0%
Lack of complete kitchen	0	0.0%
Lack of telephone service	0	0.0%
Lack of adequate heat	0	0.0%
Total	0	0.0%

Source: DP04 – Selected Housing Characteristics 2011-2015 American Community Survey 5-Year Estimates

Housing with 1.01 or more persons per room is an index of overcrowding. In 2015, Franklin did not have any units with more than 1.01 persons per room as shown in the table on the following page.

OCCUPANTS PER ROOM		
Occupants	Number of Units	Percent
1.00 or less	1,196	100.0%
1.01 to 1.50	0	0.0%
1.51 or more	0	0.0%
Total	1,196	100.0%

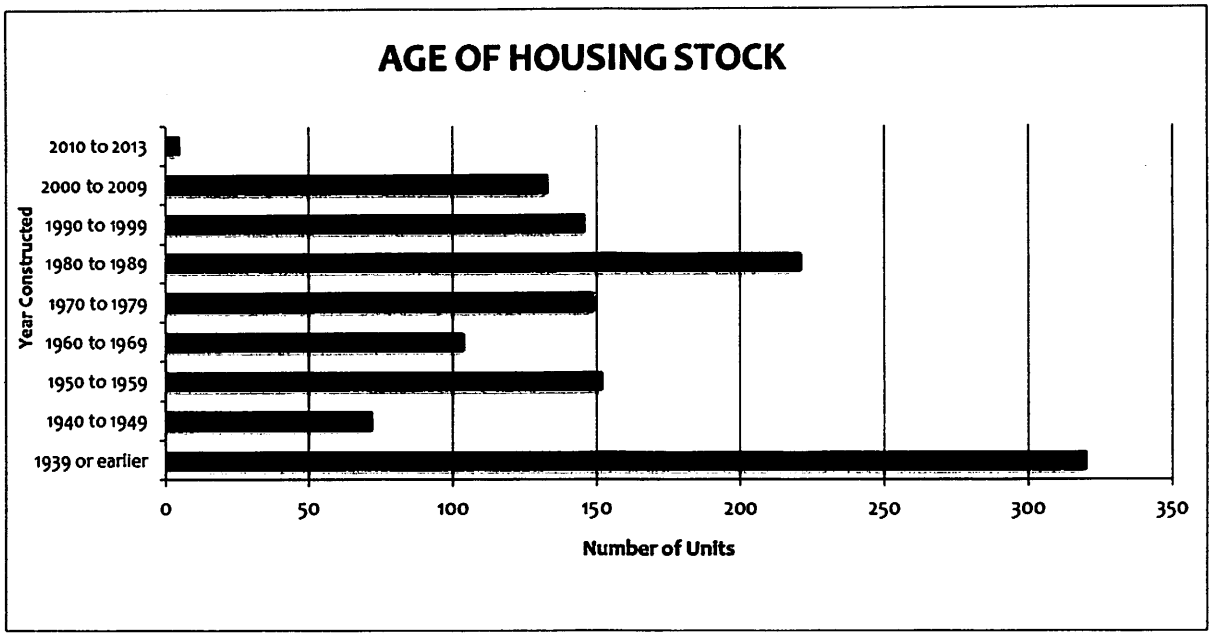
Source: DP04 -- Selected Housing Characteristics 2011-2015 American Community Survey 5-Year Estimates

Housing units built in 1959 or earlier are now flagged instead of units built in 1949 or earlier. Research has demonstrated that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person per living room.

The table (below) and bar graph (page 15) depict the ACS five-year estimates for the age of the housing stock within Franklin Township in 2013. Roughly 29%, or the majority of the housing stock, was built prior to 1940. Furthermore, 47.2% of the housing stock was built in 1959 or earlier. The Township's Rehabilitation Obligation is zero, reflecting the relatively good condition of these older homes. It should be noted Franklin's second largest year built category is in the 1980s when 179 or 14.3% of homes were built.

AGE OF HOUSING STOCK		
Year Built	Number of Units	Percent
1939 or earlier	320	24.6%
1940 to 1949	72	5.5%
1950 to 1959	152	11.7%
1960 to 1969	104	8.0%
1970 to 1979	149	11.4%
1980 to 1989	221	17.0%
1990 to 1999	146	11.2%
2000 to 2009	133	10.2%
2010 to 2013	5	0.4%
2014 or later	0	0.0%
Total	1,302	100.0%

Source: DP04 -- Selected Housing Characteristics 2011-2015 American Community Survey 5-Year Estimates


AGE OF HOUSING STOCK
Year Constructed
2010 to 2013
2000 to 2009
1990 to 1999
1980 to 1989
1970 to 1979
1960 to 1969
1950 to 1959
1940 to 1949
1939 or earlier
0
50
100
150
200
250
300
350
Number of Units

5. FRANKLIN'S EMPLOYMENT DEMOGRAPHICS

Many changes have occurred in the economy between the 2000 and 2010 Census. The stock market crash in 2008 led to many companies either failing or laying off hundreds of workers. Unfortunately, little data regarding employment has been released for the 2010 Census; therefore, 2015 ACS five-year estimates had to be relied on unless otherwise stated.

In 2015, Franklin was estimated to have 1,7412 residents in the workforce. Of those 16 years and older, 96.7% or 1,683 residents were employed and 3.3% or 58 were unemployed.

Private wage and salary workers comprised the majority of workers, with 1,301 or 74.7% of the workers. Additionally, 15.9% of workers were employed by the government and 6.1% of workers were self-employed.

CLASS OF WORKER		
Class of Worker	Number of Workers	Percent
Private wage and salary workers	1,301	74.7%
Government workers	276	15.9%
Self-employed workers	106	6.1%
Unpaid family workers	0	0.0%
Total employed residents	1,683	96.7%
Total unemployed residents	58	3.3%
Total residents in workforce	1,741	100.0%

Source: DP03 -- Selected Economic Characteristics 2011-2015 American Community Survey 5-Year Estimates

Occupational Characteristics

In 2015, the ACS estimates that the Franklin Township employed 937 (55.7%) persons in the management, professional and related field. There were also 376 residents working in the sales and office fields. See the table below for additional details.

EMPLOYED CIVILIAN POPULATION BY OCCUPATION (AGE 16 YEARS OR OLDER)				
Occupation	Franklin Township		Hunterdon County	
	Total	Percent	Total	Percent
Management, professional, and related	937	55.7%	33,488	50.8%
Service	145	8.6%	8,857	13.4%
Sales and office	376	22.3%	15,308	23.2%
Farming, fishing, and forestry	97	5.8%	744	1.1%
Construction, extraction, and maintenance	24	1.4%	3,606	5.5%
Production, transportation, and material moving	104	6.2%	3,915	5.9%
Total	1,683	100.0%	65,918	100.0%

Source: DP03 -- Selected Economic Characteristics 2011-2015 American Community Survey 5-Year Estimates

Employment Projections

The NJTPA estimates that Franklin Township's employment will increase by 1,710 persons or 130% by 2040.[5] This translates to an increase of 57 jobs per year between 2010 and 2040 to reach the projection.

EMPLOYMENT PROJECTION			
Year	Jobs	Change	Percent
2010	1,310	---	---
2040	3,020	1,710	130.5%

Source: NJTPA Employment Forecast by County and Municipality 2010-2040

In-Place Employment By Industry

New Jersey's Department of Labor and Workforce Development is the entity that reports on employment and wages within the State of New Jersey. According to the data presented in the 2015 report, an average of 130 employers provided 827 private-sector jobs within the Township. Note that these are the jobs within Franklin – the daytime working population regardless of where the employee lives.

The agriculture industry provided the most jobs, employing 255 or 21.7% of all the jobs within Franklin. Local Government comprised the second largest industry employing 179 persons or providing 15.3% of jobs. Although the transportation/warehousing industry comprises of less than 1% of the jobs within Franklin, their annual wages were $66,234, which is $10,000 higher than the next highest private industry's annual wages. See the full table on page 18 for more details.

[5] http://www.njtpa.org/getattachment/Data-Maps/Demographics/Forecasts/Forecasts-for-RTP-rounded.pdf.aspx

EMPLOYMENT BY INDUSTRY SECTOR AND NUMBER OF EMPLOYEES (2015)					
Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Agriculture	17	12.3%	255	21.7%	$37,119
Construction	25	18.1%	94	8.0%	$56,749
Manufacturing	-	-	-	-	-
Wholesale Trade	-	-	-	-	-
Retail Trade	-	-	-	-	-
Transp/Warehousing	5	3.6%	11	0.9%	$66,234
Information	-	-	-	-	-
Finance/Insurance	-	-	-	-	-
Real Estate	-	-	-	-	-
Professional/Technical	19	13.8%	83	7.1%	$43,419
Admin/Waste Remediation	17	12.3%	53	4.5%	$31,174
Education	-	-	-	-	-
Health/Social	-	-	-	-	-
Arts/Entertainment	-	-	-	-	-
Accomodations/Food	-	-	-	-	-
Other Services	11	8.0%	25	2.1%	$34,311
Unclassifieds	-	-	-	-	-
Private Sector Total	130	94.2%	827	70.5%	$45,237
Federal Government	2	1.4%	10	0.9%	$52,499
Local Government	4	2.9%	179	15.3%	$58,469
Local Government - Education	2	1.4%	157	13.4%	$63,715
Public Sector Total	8	5.8%	346	29.5%	$58,228

Note: The table values above are sourced from the NJ Department of Workforce Development's Employment and Wages 2015 Annual Report. It is noted that when adding the private establishments this office calculates 96 establishments and when adding the private number of employees this office calculates 523 employees.
Source: NJ Department of Labor and Workforce Development, Employment and Wages, 2015 Annual Report

Travel Time to Work

In 2015, there was almost the same number of workers commuting 15 to 19 minutes (226 workers) as there was commuting 45 to 59 minutes (223 workers) to get to work. Furthermore, 14.2% of workers commuted for 10 to 14 minutes, while 14.1% reached their destination in an hour or more. See the table on the next page for more details.

COMMUTE TIME		
Travel Time (in minutes)	Number of Workers	Percent
Less than 5	19	1.2%
5 to 9	95	6.2%
10 to 14	218	14.2%
15 to 19	226	14.7%
20 to 24	134	8.7%
25 to 29	35	2.3%
30 to 34	196	12.7%
35 to 39	40	2.6%
40 to 44	136	8.8%
45 to 59	223	14.5%
60 to 89	129	8.4%
90 or more	88	5.7%
Total	1,539	100.0%

Source: B08303 -- Travel Time To Work 2011-2015 American Community Survey 5-Year Estimates

6. PROJECTION OF HOUSING STOCK

As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low and moderate income housing for the next ten years, considering, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.

The Department of Community Affairs' Division of Codes and Standards website provides data on Certificates of Occupancy and demolition permits for both residential and non-residential development. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permit, certificate of occupancy and demolition data that is submitted by the municipal construction officials within the State each month. The New Jersey Construction Reporter has information dating back to 2000, which can be used to show the Township's historic development trends.

As shown in the following table, 68 residential properties were issued Certificates of Occupancy (hereinafter "COs") between 2000 and 2017, while 15 Demolition Permits were issued during the same time frame. Between 2005 and 2008, more than 50% of the COs were issued while only 15 (22.1%) COs have been issued since 2010, showing a decline in new housing development. The Construction Reporter's data reveals a declining trend in new housing construction over the 17 year period. See the table below for a yearly breakdown of COs and Demolition Permits issued.

HISTORIC TREND OF RESIDENTIAL CERTIFICATES OF OCCUPANCY & DEMOLITION PERMITS

	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	Total
COs Issued	6	5	4	0	0	16	9	7	6	2	1	2	2	1	2	5	0	2	68
Demolitions	0	0	0	0	2	0	2	2	0	1	1	1	4	0	1	1	0	0	15
Net Development	6	5	4	0	-2	16	7	5	6	1	0	1	-2	1	1	4	0	2	53

Source: "New Jersey Construction Reporter" - New Jersey Department of Community Affairs.

Due to the limited water and sewer service area combined with the limited service capacities, limited residential development is expected. The properties within the water and sewer service area will be rezoned/overlay zoned for inclusionary residential/mixed-use inclusionary residential development as discussed in Chapter 8 of this Plan. However, development of these sites would only occur once water and sewer capacity become available. Outside of the service areas, residential development must rely on wells and septics and the seven-acre minimum lot size that is required in most of the community.

Projecting into the future, the Township has 19 single-family homes that have been approved as part of two development applications (Desiderio and Brinkerhoff). There are no pending applications for the construction residential units. Finally, the Township projects residential development between the present and 2025 based on the number of COs that have been issued between 2010 and 2017. Based on the historic trends, Franklin anticipates issuing 12 residential Certificates of Occupancy between now and 2025. See the table on the following page for details.

PROJECTION OF RESIDENTIAL DEVELOPMENT									
	'18	'19	'20	'21	'22	'23	'24	'25	Total
Pending Applications									0
Projected Development	1	2	1	2	1	1	2	2	12
Desiderio (Previous Approval)			2	2	2	2			8
Brinkerhoff (Previous Approval)					3	3	3	2	11
Total	1	2	3	4	6	6	5	4	31

Of the 31 residences projected to be built between now and 2025, zero of the units are anticipated to be reserved for low and moderate income households. See the table below for details.

PROJECTION OF AFFORDABLE UNITS									
	'18	'19	'20	'21	'22	'23	'24	'25	Total
Pending Applications									0
Projected Development									0
Desiderio (Previous Approval)									0
Brinkerhoff (Previous Approval)									0
Total	0	0	0	0	0	0	0	0	0

7. CAPACITY FOR FAIR SHARE

This chapter of the HEFSP provides the following information as required by the rules:

- The Township's capacity to accommodate its housing needs
- A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing.
- Lands of developers who have expressed a commitment to provide low and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

The ability to accommodate Franklin's affordable housing needs is determined by three components – available land, water capacity and sewer capacity. Land development is limited by environmental constraints, such as wetlands, flood plains, easements (conservation, sewer, water, power utility, etc.), parcel size and municipal regulations.

The majority of the 22.9 square mile Township is zoned AR-7.0 Agricultural Residential with a minimum 7-acre lot size. This is due to the fact that these areas rely on wells and septics. Additionally, Franklin has preserved 2,744 acres of farmland.[6] During the two+ year affordable housing litigation, Franklin Township analyzed the community to determine appropriate locations for affordable housing and concluded that the land capacity to carry high density multi-family is limited to areas currently served by public water and sewer or areas immediately adjacent to said service areas.

Utility Capacity

The Town of Clinton Water and Sewer Authority provides water and sewer treatment to a select few properties within Franklin Township. The following properties are served by water and/or sewer:

- Block 5, Lot 1 – water and sewer service
- Block 5, Lot 20 – water and sewer service
- Block 5, Lot 25 – sewer service only

According to the CWSA, there are 5,848 GPD remaining for the entire water service area. Due to the limited water capacity remaining, the CWSA has implemented rules to fairly allocate the remaining water capacity. The CWSA has allocated 38,000 GPD of sewer treatment service to the properties within Franklin. The capacity is distributed to the above properties as follows: Lot 1 is allowed 20,000 GPD, Lot 20 is allowed 12,000 GPD and Lot 25 is allowed 6,000 GPD. Lots 1 and 20 use nearly all of their sewer capacity while Lot 25 uses roughly 16% of its allocation.

[6] Email from Township Clerk, Ursula Stryker, January 18, 2018.

Anyone seeking to increase their water and/or sewer allocation would have to gain approval from the CWSA.

Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low and moderate income housing includes the following parcels:

1. Cracker Barrel/Hampton Inn (Block 5, Lot 1)
2. Walmart/Shoprite (Block 5, Lot 20)
3. Township Land (Block 5, Lot 2)
4. Township Land (Block 5, Lot 3)

These sites will be discussed in detail in Chapter 9 of this Plan. Existing structures appropriate for conversion to affordable housing include homes in foreclosure. As for structures suitable for rehabilitation, the Township has a Rehabilitation Obligation of zero, therefore there are no homes that are in need of a major system repair that are occupied by a low or moderate income household.

Potential Affordable Housing Developers

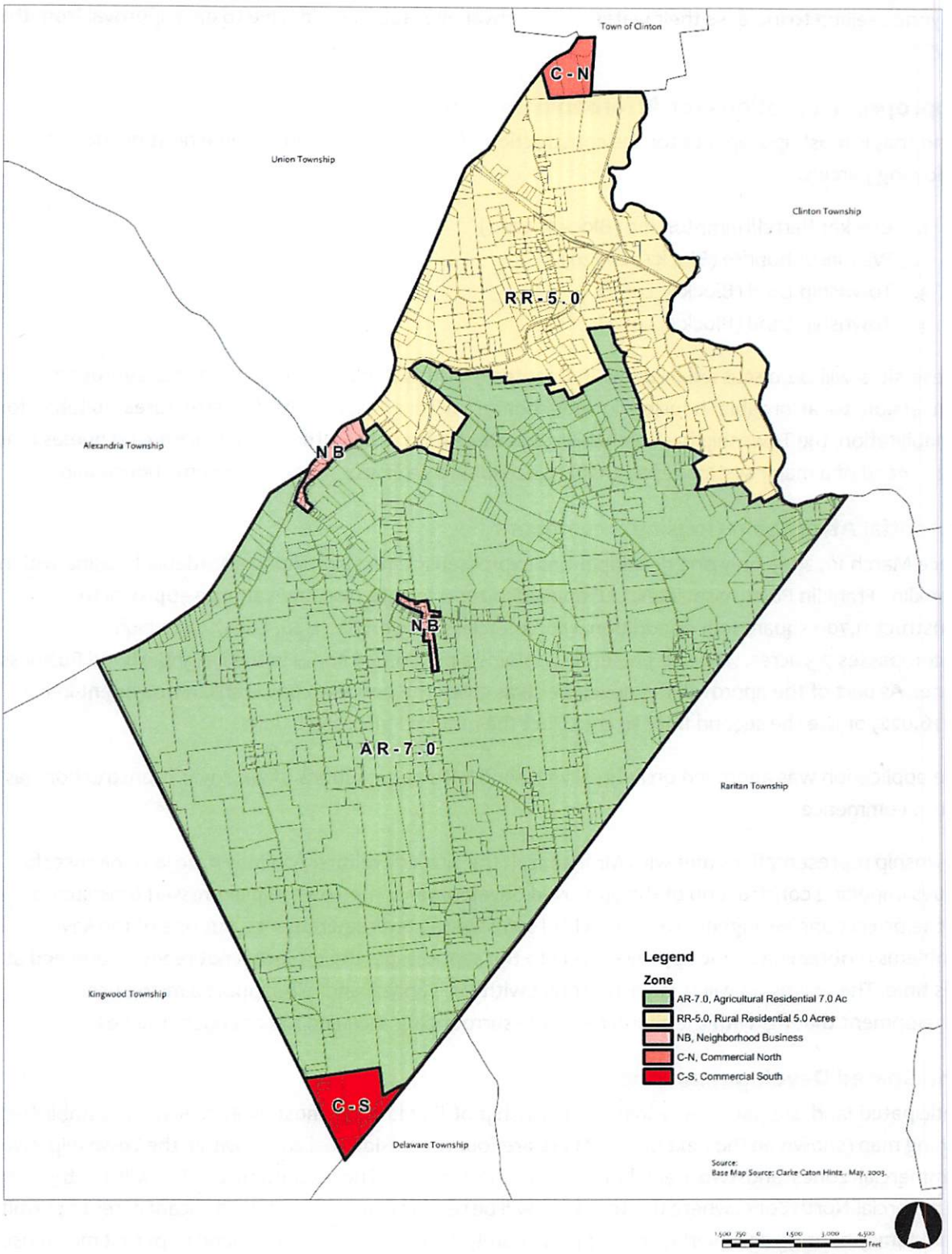
Since March 10, 2015, only one developer has expressed interest in building affordable housing within Franklin. Franklin Point Associates, LLC applied in 2006 for site plan and variance approval to construct 11,700 square feet of additional commercial space on Block 26, Lot 17.08, which encompasses 7.5 acres. The site presently contains a post office and is in the Neighborhood Business Zone. As part of the approval, the developer was given the option to pay Franklin's payment-in-lieu ($176,022) or use the second floor to construct the required affordable units.

The application was approved on February 13, 2008 with 32 conditions of approval. Construction has yet to commence.

Township representatives met with Mr. Papazzi (the site's developer) on May 9, 2016 to discuss the issues impeding construction of the approved development. The Township expressed their support of the project and willingness to assist with Township-related requirements, but one of the key problems is obtaining septic approvals. Due to the septic issue, the project is not ready to proceed at this time. The Township will remain in contact with Mr. Papazzi and will support a mixed-use development that fits with the character of the surrounding area and has adequate utilities.

Anticipated Development Patterns

Anticipated land use patterns within the Township of Franklin will most likely follow the established zoning map (shown on the next page). There are four non-residential zones within the Township, two commercial zones and two neighborhood business zones. The exception to this will be the C-N Commercial-North Zone, where the Township will be rezoning approximately 10 vacant acres to permit multi-family housing and overlay zone approximately 40 acres of commercial land to permit mixed-use inclusionary housing development. These new uses will be dependent upon additional water and sewer capacities from the CWSA.



Zoning

Franklin Township, Hunterdon County, NJ January 2007

Clarke Caton Hintz
Architects
Planners
Landscape Architects

8. FAIR SHARE PLAN

Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

Regional Income Limits

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. COAH historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50%, but less than 80%, of the median gross regional household income. A low income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low income households are those with a gross household income equal to 30% or less of the median gross household income. Franklin is in Region 3, which contains Hunterdon, Middlesex and Somerset County.

Using the 2017 regional income limits, which are attached to the Township's Settlement Agreement, a four-person household moderate income is capped at $84,320. Two-person households could make up to $67,456 to be considered a moderate-income household, or make up to $42,160 to be considered a low-income household. See the table below for greater detail.

REGIONAL INCOME LIMITS FOR REGION 3				
Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	$73,780	$84,320	$94,860	$105,400
Moderate	$59,024	$67,456	$75,888	$84,320
Low	$36,890	$42,160	$47,430	$52,700
Very Low	$22,134	$25,296	$28,458	$31,620

COAH Requirements

The three components that must be addressed by this plan are contained in the table below. See Chapter 1 for a discussion of the Durational Adjustment Franklin Township is seeking.

FRANKLIN'S AFFORDABLE HOUSING OBLIGATION			
	Rehabilitation	Prior Round	Third Round
Obligation	0	36	75

9. FRANKLIN'S AFFORDABLE OBLIGATION AND IMPLEMENTING MECHANISMS

Franklin's Fair Share Plan describes the projects and strategies the Township proposes to address its affordable housing obligation.

Three-Part Obligation

Rehabilitation

The Township of Franklin's Rehabilitation Obligation is zero units.

Prior Round

The Township of Franklin has a Prior Round Obligation of 36 units. This obligation was established by COAH during the Prior Round compliance period.

There are minimum and maximum requirements regarding the development of rentals, age-restricted and RCA units for the Prior Round Obligation. Page 4 of the July 11, 2000 COAH Compliance Report (hereinafter "Compliance Report") indicates that Franklin must follow the formulas in N.J.A.C. 5:93–5.15(a) since the Township did not receive a vacant land adjustment to determine the rental unit requirement. The formula to determine the maximum number of rental is as follows:

= 25% (precredited need – rehabilitation component)

= 25% (53 – 16) = 9.25

As per the Compliance Report, Franklin must provide at least **9 rental units**. It should be noted that the maximum number of rental bonuses is the same as the rental requirement.

Page 4 of the Compliance Report states Franklin must follow the formula in N.J.A.C. 5:93–6.1 for age-restricted units. The formula is as follows:

= 25% (precredited need – rehabilitation component – prior cycle credits – transferred or proposed RCA's)

= 25% (53 – 16 – 0 – 12) = 6.25

As per the Compliance Report, Franklin can provide no more than **6 age-restricted units**.

Pursuant to N.J.A.C. 5:93–6.1(a) the Township may transfer part of its obligation according to the following formula:

= 50% (precredited need – prior cycle credits – rehabilitation credits) – previous RCA agreements

= 50% (53 – 0 – 11) – 0 = 21

As per the Compliance Report, Franklin may transfer no more than **21 units** through a Regional Contribution Agreement (hereinafter "RCA") program.

Third Round

Franklin Township has agreed to a Third Round Obligation of 75 units, which covers the period between 1999 and 2025.

As the Township is seeking a Durational Adjustment for the Third Round, the formulas have not been included.

Existing Credits

The Township of Franklin has a total of 27 existing credits from an RCA, an Accessory Apartment Program and an inclusionary housing development.

Prior Round Credits (27)

The following mechanisms have been built and are allocated to the Prior Round Obligation.

RCA to Lambertville

In 2000, COAH approved a 12-unit RCA between Franklin and the City of Lambertville. Franklin agreed to pay $20,000 per unit, $240,000 in total, to rehabilitate 12 units in Lambertville. This RCA was part of the Township's 2000 Second Round Substantive Certification from COAH.

Based on this information, this RCA is eligible to receive **12 credits.**

Accessory Apartment Program

This Township-sponsored program subsidized the creation of 11 accessory apartments. Each apartment received $10,000 for the temporary conversion and had ten-year affordability controls. The units were created in the 1990s. The following list contains the location of the units and their income levels:

- 442 Pittstown Road – Moderate
- 10 Baptist Town Road – Low
- Quaker Lane PO Box 420 – Moderate
- 59 Kingstown Road – Moderate
- 178 White Bridge Road – Moderate
- 260 Quakertown Road – Moderate
- 91 Stanton Station Road – Moderate
- 1003 Croton Road – Low
- 248 Quakertown Road – Low
- 1 Springhill Road – Moderate
- 289 White Bridge Road - Low

This program was a part of the Township's 2000 Second Round Substantive Certification from COAH. Based on this information, the Accessory Apartment Program is eligible to receive **11 credits.**

Deo Volente

This rental inclusionary development includes two units, each with three-bedrooms. The development was built at the Deo Volente Farm located at 486 Quakertown Road (Block 35, Lot 26). The units were issued Certificates of Occupancy in June of 2009 and are eligible for rental bonuses.

Based on this information, Deo Volente is eligible to receive 2 **credits and 2 bonuses.**

Existing Credit Summary

The above mechanisms address 27 of the 36-unit Prior Round Obligation.

EXISTING PRIOR ROUND CREDITS						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
Accessory Apartment Program	Accessory Apartment	Rental	No	11	0	11
RCA to Lambertville	RCA	-	-	12	0	12
DeoVolente	100% Affordable	Rental	No	2	2	4
Total				**25**	**2**	**27**

Proposed Mechanisms

Rehabilitation Mechanisms

As the Township has no Rehabilitation Obligation, no mechanisms are needed.

Third Round Mechanisms

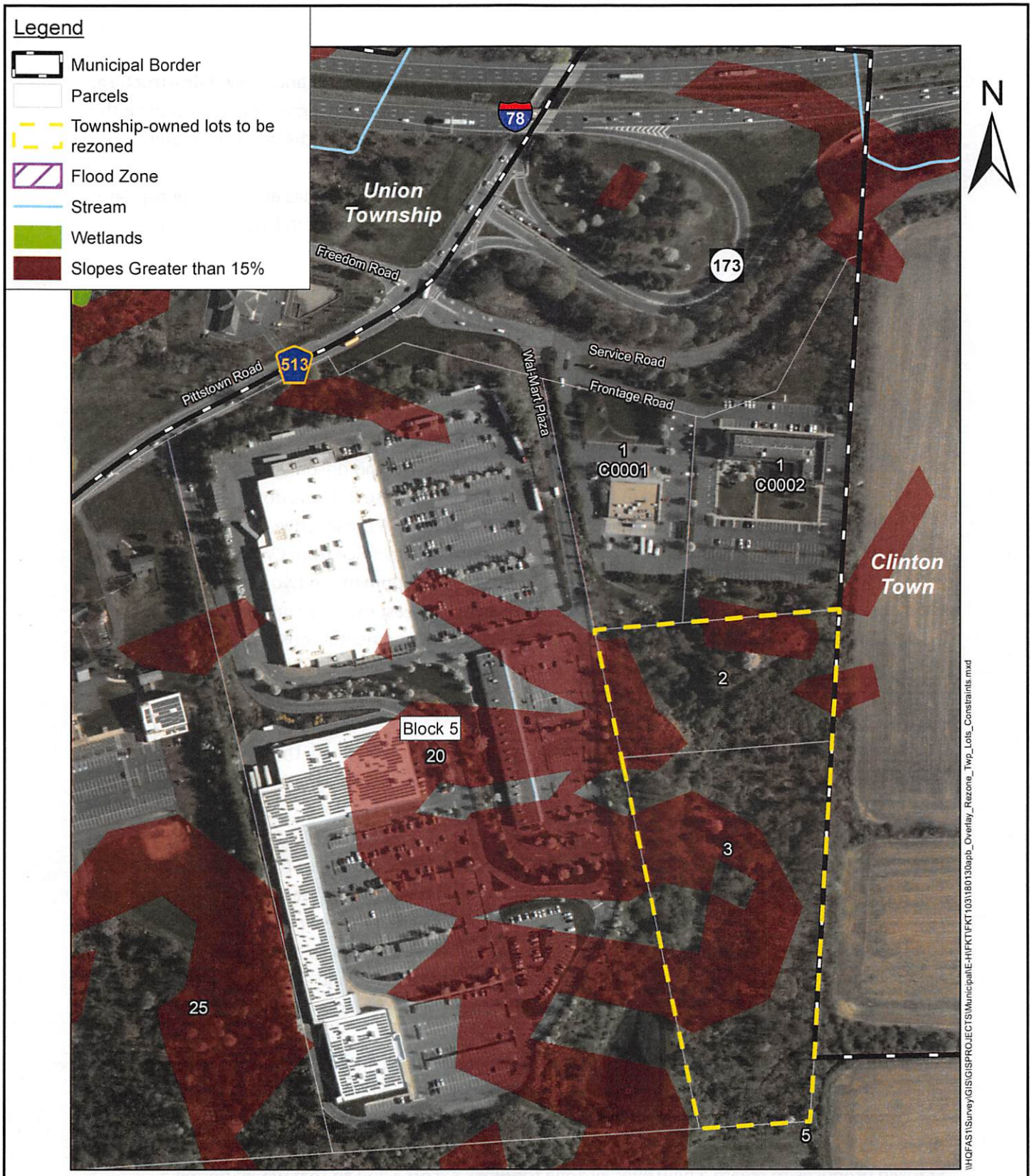
As mentioned in Chapter I of this Plan, the Township is requesting a Durational Adjustment for the remaining nine-unit Prior Round Obligation and for the 75-unit Third Round Obligation. A Durational Adjustment is an acknowledgement by the Court that the Township will be unable to realize inclusionary residential development unless and until sewer and water capacity increases and becomes available. The Township will enact zoning to enable inclusionary residential development to occur on selected sites in the event additional water and sewer treatment capacity becomes available.

Block 5, Lots 2 & 3

Franklin Township proposes to rezone Block 5, Lots 2 and 3 to permit multi-family inclusionary zoning. These Township-owned vacant properties encompass roughly 10.89 acres. (See the map on page 29.) The properties have an access easement through the adjacent Cracker Barrel parcel, which connects to Frontage Road. The properties are currently zoned C-N Commercial North. The lots are adjacent to the Walmart and Cracker Barrel Restaurant complex. The parcels are not currently served by water or sewer facilities nor are they in the service area.

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

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



0 150 300 450 Feet

1 inch = 300 feet

Township-owned Properties Environmental Constraints

Township of Franklin
Hunterdon County, New Jersey

MASER CONSULTING P.A.

January 2018

- 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.
- 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 two properties meet the four prongs of the rules as follows:

- Approvable site – Franklin will rezone the two lots to permit multi-family inclusionary development at a maximum density of eight units per acre. This will enable the sites to be developed for affordable housing. The zoning ordinance adoption process will commence after the HEFSP has been approved. The draft zoning ordinance is included as Appendix C.
- Available site – Both lots are owned by the Township of Franklin with no known encumbrances. The Township is willing to sell the land to a developer that will comply with the terms of the Settlement Agreement and the details of this document.
- Developable site – As noted in the preceding chapters, these two lots do not have sewer or water service, but they are adjacent to the service areas. A prospective developer of the properties would be required to obtain water and sewer service from CWSA.
- Suitable site – The lots are adjacent to commercial development on two sides and preserved lands on the other two sides. The sites have an access easement to connect to Frontage Road, which connects to County Route 513. As for environmental constraints, there are approximately 3.98 acres of steep slopes according to the New Jersey Department of Environmental Protection's (hereinafter "NJDEP") mapping.

To make the public aware that these two parcels are available and rezoned, the Township will issue a Request for Proposals (hereinafter "RFP") to solicit developers. It is anticipated that the RFP will be issued after the Township receives its Judgment of Compliance and Repose. The RFP will be mailed to at least five known affordable housing developers, posted on the Township's website and advertised in the Star Ledger. Approximately two weeks after the release of the RFP, a pre-proposal conference will be held along with a site visit. Roughly two weeks thereafter will be the deadline for respondent questions. The Township will provide responses within three weeks. One month after the Township distributes the responses, the RFP will be due. The Township anticipates it will take approximately one to two months to review the submissions received and schedule interviews. After the interviews, the Township will make a selection if a viable and reasonable proposal is received.

Based on the above information and the proposed rezoning, Block 5, Lot 2 and 3 has the potential to yield 17 affordable units and therefore would be eligible for **17 credits.**

Block 5, Lots 1 & 20

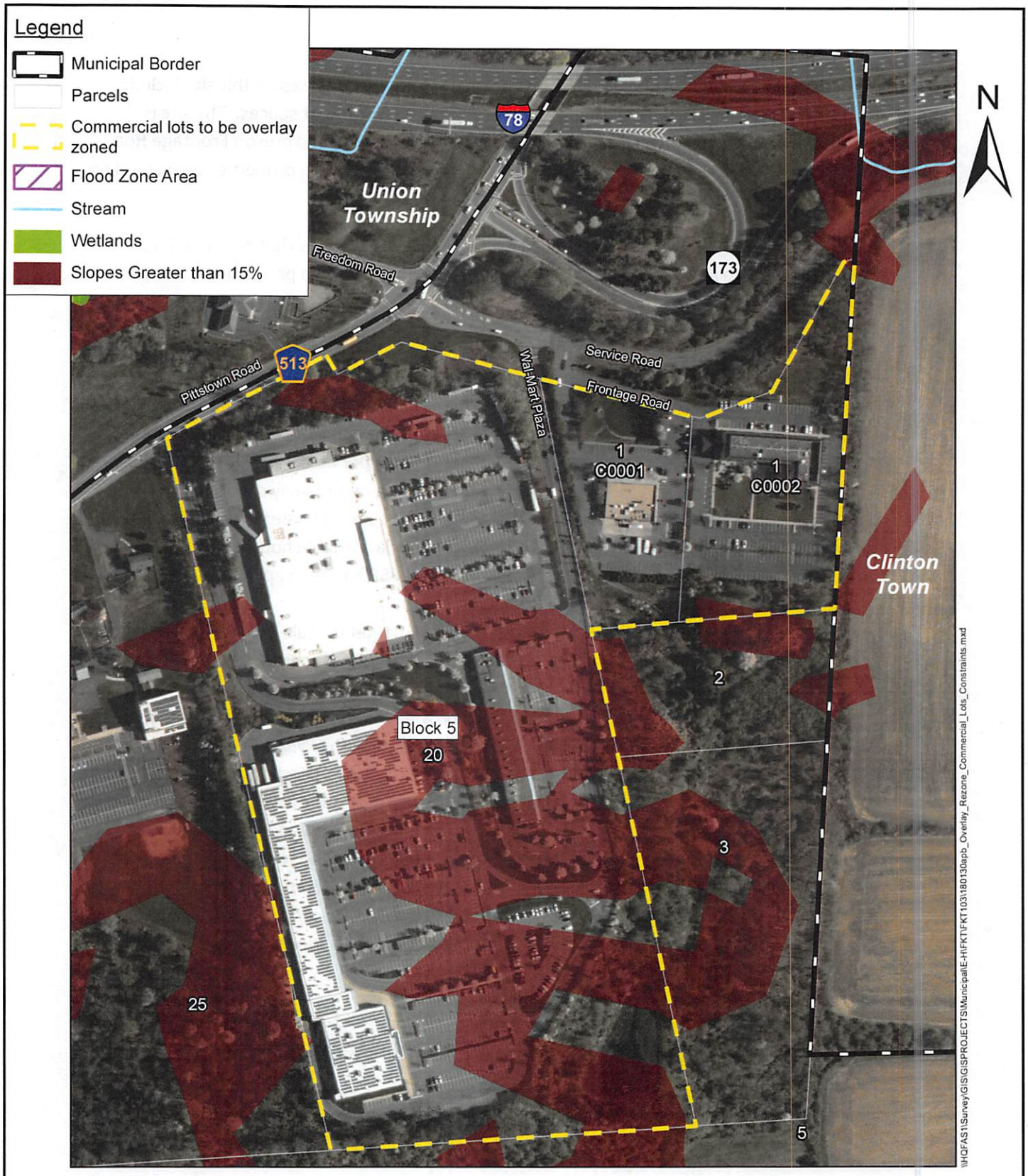
Franklin proposes to create a new overlay zone for Block 5, Lots 1 and 20 that would permit a mixture of uses including multi-family residential. Lot 1 is developed with a stand-alone restaurant and a hotel. This site is accessed via a driveway on Frontage Road. Lot 20 is developed with multiple

commercial buildings and is commonly known as "Walmart Plaza". Businesses on this site include Walmart, ShopRite, TJ Maxx and many smaller retail, service and restaurant spaces. The site is accessible by two entrances, one on Pittstown Road (County Route 513) and one on Frontage Road. (See the map on page 32.) These properties contain roughly 44 acres. Both properties are served by public water and sewer.

As discussed above, the COAH rules require municipalities to designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. The two properties meet the four prongs of the rules as follows:

- Approvable site – The sites are approvable and have already been approved for the commercial development that exists today. Any future mixed-use development will likely redevelop over areas that are currently impervious surfaces. Franklin will create and place an overlay zone over the two lots to permit mixed-use development that includes multi-family inclusionary development at a maximum density of 16 units per acre. The ordinance will require commercial uses on the first floor, while permitting multi-family residential housing above. The development would be limited to a building height of three stories. Therefore, the overlay zone will enable the sites to be developed for affordable housing. The zoning ordinance adoption process will commence after the HEFSP has been approved. The draft zoning ordinance is located in Appendix D.
- Available site – The properties are not currently on the market for sale, but nothing prevents a private transaction between a willing buyer and seller. The Township is not aware of any title issues or encumbrances (outside of utility and roadway easements) on the properties.
- Developable site – The sites are developable and sit within the water and sewer service area. Utility capacity is an issue that would have to be negotiated with CWSA.
- Suitable site – The properties are surrounded by a variety of uses. North of the properties is a bank and Exit 15 on Interstate 78. To the east are two properties owned by the Township of Franklin and farmland located in the Town of Clinton. More farmland is located to the south of the properties and a church/private school is located to the west. The sites have access to both Frontage Road and County Route 513. As for environmental constraints, there steep slope areas according to the NJDEP mapping. However, this mapping is outdated as the site has been developed and terraced to accommodate the various buildings and parking lots that exist.

Based on the above information and the proposed overlay zone, Block 5, Lot 1 and 20 has the potential to yield 108 affordable units if entirely built out. This would translate to **108 credits**.



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1 inch = 300 feet

Commercial Properties Environmental Constraints

Township of Franklin
Hunterdon County, New Jersey

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January 2018

Third Round Mechanism Summary

The proposed rezoning of Block 5, Lots 2 and 3 and overlay zone on Block 5, Lots 1 and 20 would result in a potential yield of 125 affordable units assuming all four lots were developed. See the table below for the credits associated with these mechanisms.

PROPOSED THIRD ROUND CREDITS						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
Walmart/Cracker Barrel (Block 5, Lots 1 & 20)	Inclusionary	TBD	TBD	108	TBD	TBD
Township-Owned Parcels (Block 5, Lots 2 & 3)	Inclusionary	TBD	TBD	17	TBD	TBD
			Total	**125**	**TBD**	**TBD**

Summary of Mechanisms and Credits

The table below provides a summary of the mechanisms, credits and bonuses this HEFSP proposes.

EXISTING AND PROPOSED CREDITS				
	Credit Type	Credit	Bonus	Total
Prior Round				
Accessory Apartment Program	Accessory Apartment	11	0	11
RCA to Lambertville	RCA	12	0	12
DeoVolente	100% Affordable	2	2	4
	Total	**25**	**2**	**27**
Third Round				
Walmart/Cracker Barrel (Block 5, Lots 1 & 20)	Inclusionary	108	TBD	TBD
Township-Owned (Block 5, Lots 2 & 3)	Inclusionary	17	TBD	TBD
	Total	**125**	**TBD**	**TBD**

10. IMPLEMENTATION SCHEDULE

The chart below provides an anticipated implementation schedule for the mechanisms that are proposed.

IMPLEMENTATION SCHEDULE								
Mechanism	2018	2019	2020	2021	2022	2023	2024	2025
Township-Owned (Block 5, Lots 2 & 3)								
Rezone Properties								
Issue RFP								
Site Plan Application								
Review and Approval								
Construction								
Occupancy								
Walmart Cracker Barrel (Block 5, Lots 1 & 20)								
Adopt Overlay Zone								
Site Plan Application								
Review and Approval								
Construction								
Occupancy								

11. SETTLEMENT TERMS

As outlined in the October 12, 2017 Settlement Agreement, Franklin Township agrees to the following terms. Below each term is a description of how each term will be implemented, highlighted in bold.

1. The Township agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:
    a. **13% of the units constructed in the proposed overlay zone on Block 5, Lots 1 and 20 will be reserved for very low income units. This will be implemented through the Township's Affordable Housing Ordinance.**
    b. **13% of the units constructed in the proposed new zone on Block 5, Lots 2 and 3 will be reserved for very low income units. This will be implemented through the Township's Affordable Housing Ordinance.**
2. The Township shall meet its Third Round Obligation in accordance with the following standards as agreed to by the Parties and reflected in the table in the Settlement Agreement:
    a. Third Round Bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
    b. At least 50% of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households. **This will be implemented through the Township's Affordable Housing Ordinance.**
    c. At least 25% of the Third Round Obligation shall be met through rental units, including at least half in rental units available to families. **This will be incorporated through site plan review.**
    d. At least half of the units addressing the Third Round Obligation in total must be available to families. **This will be incorporated through site plan review.**
    e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation. **This will be incorporated through site plan review.**
3. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the Latino Action Network, the New Jersey State Conference of the NAACP, NORWESCAP, the Supportive Housing Association and the Central Jersey Housing Resource Center, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph. **This will be implemented through the Affirmative Marketing Plan and the Township's Administrative Agent.**

4. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10% of affordable units in rental projects being required to be at 35% of median income, 13% of affordable units in such projects shall be required to be at 30% of median income, and all other applicable law. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD.
    a. **The Township will implement the required bedroom distribution through its Affordable Housing Ordinance. Franklin's Administrative Agent will update the income limits as per the Settlement Agreement.**
5. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
    a. **The Township will enforce this requirement during site plan review.**
6. As an essential term of this Agreement, within 120 days of Court's approval of this Agreement, the Township shall introduce an ordinance or ordinances providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
    a. **The Township has drafted these documents and will adopt them after the Planning Board's approval and the Committee's endorsement of the HEFSP.**
7. The Township shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification", and on every anniversary of that date thereafter through July 1, 2025, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. Such forms shall be provided

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

   a. **The Township has prepared a Spending Plan that will be adopted after the HEFSP is approved. Monitoring requirements can be found in the Affordable Housing Ordinance and will be completed by Franklin's Municipal Housing Liaison.**

8. On the first anniversary of the "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification", and every anniversary thereafter through July 1, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by FSHC.
   a. **Monitoring requirements can be found in the Affordable Housing Ordinance and will be performed by the Municipal Housing Liaison.**
9. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this Agreement. The Township agrees to comply with those provisions as follows:
   a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. **The Municipal Housing Liaison, working with the Township Planner will prepare this review.**
   b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification", and every third year thereafter until July 1, 2025, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. **Monitoring requirements can be found in the Affordable Housing Ordinance and will be performed by the Municipal Housing Liaison.**

12. APPENDIX

A. 2000 COAH Substantive Certification and Report
B. October 12, 2017 Settlement Agreement
C. Block 5, Lots 2 and 3 Draft Ordinance
D. Block 5, Lots 1 and 20 Draft Overlay Ordinance
E. Draft Affordable Housing Ordinance
F. Draft Development Fee Ordinance
G. Draft Spending Plan
H. Draft Affirmative Marketing Plan and Resolution
I. Draft Municipal Housing Resolution
J. Draft Administrative Agent Resolution

CHRISTINE TODD WHITMAN
Governor

State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
PO BOX 813
TRENTON NJ 08625-0813
609-292-3000
FAX: 609-633-6056
TDD#: (609) 278-0175

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

August 3, 2000

The Honorable Lawrence S. Potter
Mayor, Franklin Township
202 Sidney Road
Pittstown, New Jersey 08867

Dear Mayor Potter:

Congratulations!

Enclosed is a copy of the resolution approved by the Council on Affordable Housing (COAH) at the August 2, 2000 meeting that granted your municipality substantive certification. Please take note that all implementing ordinances including applicable zoning must be adopted no later than 45-days from the grant of substantive certification.

If you have any questions or need further information, please call Kate Butler, COAH planner, at (609) 292-4338.

Sincerely,

Shirley M. Bishop, P.P.
Executive Director

samp2.doc
enclosure
c: attached service list
Kate Butler, COAH planner

Franklin Township/Hunterdon County as of 7/2000

The Honorable Lawrence Potter
Mayor, Franklin Township
202 Sidney Road
Pittstown, New Jersey 08867

Carolyn Millhiser
Deputy Mayor
202 Sidney Road
Pittstown, New Jersey 08867

Susan Rubright P.P., Esq.
Eric M. Bernstein & Associates
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Lloyd Wismer
Affordable Housing Administrator
202 Sidney Road
Pittstown, New Jersey 08867

Ursula V. Stryker, Clerk
Franklin Township
202 Sidney Road
Pittstown, New Jersey 08867

Ann Mancher, Planning Board Clerk
Franklin Township
202 Sidney Road
Pittstown, New Jersey 08867

COAH SUMMARY FACT SHEET

Municipality	Franklin Township	County	Hunterdon
Region	3	Planning Area	4 and 4B

Date of First Round Substantive Certification	December 7, 1987
Filed Second Round Plan	March 6, 1995
Date of Petition for Second Round Substantive Certification	March 3, 1997
Site Visit	April 20, 2000
COAH Compliance Report	July 11, 2000
Date of Second Round Substantive Certification	August 2, 2000
Staff Reviewer	Kate Butler

Precredited Need		53
New Construction	37	
Rehabilitation	16	
Credits		
Rehabilitation Credits		11
Accessory Apartment Credits		9
Fair Share Obligation		33

Fair Share Plan	
Rehabilitation Program	5
Regional Contribution Agreement (Lambertville City)	12
Accessory Apartment Program	16

RECOMMENDATION

Grant the waiver request to increase the number of accessory apartments and grant substantive certification

EXECUTIVE SUMMARY
SUBSTANTIVE CERTIFICATION
FRANKLIN TOWNSHIP, HUNTERDON COUNTY

July 19, 2000
Kate Butler, Principal Planner

Franklin Township, Hunterdon County, adopted a housing element and fair share plan which addresses its 12-year cumulative obligation. Franklin Township filed its housing element and fair share plan on March 6, 1995 and petitioned the Council on Affordable Housing (COAH) for substantive certification on March 3, 1997. There were no objections to the township's plan.

The township's 1987-1999 obligation is 53 units, including 16 rehabilitation units and 37 new construction units.

The township is eligible to receive 11 credits for previous rehabilitation activity and nine credits for previous accessory apartment activity.

Franklin proposes to address its remaining need of 33 units: five rehabilitation and 28 new construction through a five-unit rehabilitation program, a 12-unit regional contribution agreement (RCA) with Lambertville City, and a 16-unit accessory apartment program. The township requested a waiver to exceed the total number of accessory apartments permitted pursuant to N.J.A.C. 5:93-5.9(a).

Staff recommends that COAH grant Franklin Township the waiver request to increase the number of accessory apartments pursuant to N.J.A.C. 5:93-15.1. In addition, staff recommends that COAH grant Franklin Township substantive certification.

The implementing affirmative marketing ordinance must be adopted within 45-days of COAH's granting substantive certification.

EXHIBIT A

RESOLUTION GRANTING SUBSTANTIVE CERTIFICATION 158-99

WHEREAS, Franklin Township, Hunterdon County, received substantive certification for the first round from the Council on Affordable Housing (COAH) on December 7, 1987; and

WHEREAS, on March 6, 1995, Franklin Township filed its adopted housing element and fair share plan with COAH; and

WHEREAS, on March 3, 1997, Franklin Township petitioned COAH for substantive certification of its housing element and fair share plan for the second round in accordance with N.J.S.A. 52:27D-313 and N.J.A.C. 5:93 et seq.; and

WHEREAS, on March 5, 1997, the township published notice of its petition in the *Hunterdon County Democrat,* a newspaper of general circulation, which initiated a 45-day objector period, as per N.J.A.C. 5:91-1 et seq.; and

WHEREAS, during the comment period, no objections to the township's plan were received by COAH; and

WHEREAS, COAH has established a 1987 – 1999 precredited need for Franklin Township of 53 units (16 rehabilitation units and 37 new construction units); and

WHEREAS, COAH staff reviewed Franklin Township's housing element and fair share plan; and

WHEREAS, a COAH Report Requesting Additional Information was issued on September 30, 1998; and

WHEREAS, COAH issued a COAH Compliance Report (attached as Exhibit A) dated July 11, 2000 which was distributed to the Franklin Township service list for a 14-day comment period; and

WHEREAS, no comments on the COAH Compliance Report were received by COAH; and

WHEREAS, Franklin Township is eligible to receive 11 rehabilitation credits and nine accessory apartment credits; and

WHEREAS, as a result of these 20 eligible credits, Franklin Township's precredited need of 53 is reduced to 33 units: five rehabilitation and 28 new construction; and

WHEREAS, Franklin Township's plan addresses its remaining need of 33 units through a five-unit rehabilitation program, a 12-unit regional contribution agreement (RCA) and a 16-unit accessory apartment program; and

WHEREAS, Franklin Township requested a waiver to exceed the total number of accessory apartments permitted pursuant to N.J.A.C. 5:93-5.9(a); and

WHEREAS, the township has completed nine units during its first round certification, thus demonstrating its ability to administer a viable accessory apartment program; and

WHEREAS, the township has submitted a governing body resolution of intent to bond for any shortfall in funding for its rehabilitation, RCA or accessory apartment programs; and

WHEREAS, COAH finds that with approval of the requested waiver, the housing element and fair share plan submitted by Franklin Township meet the standards set forth at N.J.S.A. 57:27D-314(a)(b).

NOW THEREFORE BE IT RESOLVED that COAH grants Franklin Township a waiver to increase the number of accessory apartments pursuant to N.J.A.C. 5:93-15.1; and

BE IT FURTHER RESOLVED that COAH has reviewed Franklin Township's petition for substantive certification of its housing element and fair share plan and determines that they are consistent with the rules and criteria adopted by COAH and the achievement of the low and moderate income housing needs of the region; and

BE IT FURTHER RESOLVED that the affirmative measures in the housing element and fair share plan make the achievement of the township's fair share of low and moderate income housing realistically possible; and

BE IT FURTHER RESOLVED that COAH grants credits for 20 units (nine credits for accessory apartment activity and 11 credits for rehabilitation activity) based on the submitted documentation; and

BE IT FURTHER RESOLVED that COAH grants substantive certification to Franklin Township for a period of six years from the date of this resolution; and

BE IT FURTHER RESOLVED that Franklin Township shall adopt its affirmative marketing ordinance for new rental lease-ups within 45 days of the grant of this substantive certification; and

BE IT FURTHER RESOLVED that any changes in the facts upon which this certification is based or any deviation from the terms and conditions of this

certification, which affects Franklin Township's ability to provide for the realistic opportunity of its fair share of low and moderate income housing and which Franklin Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution
was duly adopted by
the Council on Affordable Housing
at its meeting on August 2, 2000.

Renee Reiss, Secretary

Council on Affordable Housing

COAH COMPLIANCE REPORT
FRANKLIN TOWNSHIP, HUNTERDON COUNTY
Region 3
Kate Butler, Principal Planner
July 11, 2000

I. INTRODUCTION

Franklin Township, Hunterdon County, is seeking a grant of substantive certification for the second round from the Council on Affordable Housing (COAH). The township filed an adopted housing element and fair share plan with COAH on March 6, 1995. Franklin petitioned on March 3, 1997. The township published notice of its petition on March 5, 1997. COAH received no objections during the 45-day objector period which ended on April 18, 1997.

II. BACKGROUND

Franklin was granted substantive certification on December 7, 1987 for its first round obligation of 34 units. Franklin Township's 1987 - 1999 cumulative precredited need of 53 is composed of two components: 16 units of rehabilitation and 37 units of new construction.

III. HOUSING STOCK AND DEMOGRAPHIC INFORMATION

The 1990 census indicates that the township's population was 2,851 residents. The number of units in the housing stock increased by 6.5 percent in the 1970s and by 35.5 percent in the 1980s. Rental units increased by 22 percent during the 1980s - to total 139 units by 1990.

Housing and rental values tripled between 1980 and 1990. Median owner occupied values increased from $ 81,200 to $ 248,600. The median monthly rent increased from $254 to $796. According to the 1990 census, the average household size was 2.85 persons and the median household income was $ 61,749.

In reviewing Franklin Township's housing element, sufficient information was submitted regarding the housing stock, demographic characteristics, employment characteristics and population trends to satisfy the requirements of N.J.A.C. 5:93 - 5.1 (b) 1-4.

IV. CREDITS

Franklin Township is seeking credit for nine accessory apartments and 11 rehabilitations.

Accessory Apartments
Franklin Township administered an accessory apartment program as a component of its first round plan. The program has subsidized the creation of nine accessory apartments through grants of $ 10,000 per unit. The borough is seeking credit for nine units.

These units were deed restricted for ten years and were rented to households which were income eligible according to N.J.A.C. 5:93-9.1.

Rehabilitation
Franklin Township's existing rehabilitation program has rehabilitated 11 units subsequent to April 1, 1990. The township is seeking credit for 11 units.

Franklin Township's Fair Housing Administrator has verified that these 11 units were deed restricted for six years for owner-occupied units and for 10 years for renter-occupied units and that all of the residents of rehabilitated units were income eligible. The administrator also asserted that these units were below code standard before rehabilitation and raised to code standard, with at least one major system addressed, at an average per unit cost of $ 10,123.

V. PLANNING AREAS

The Office of State Planning (OSP) has designated Franklin Township as Planning Areas (PA) 4A - Rural and PA 4B - Rural/ Environmentally Sensitive. Pursuant to N.J.A.C. 5:93 -5.4 (c), inclusionary development in PA4 and PA5 must be located within centers. As Franklin Township is proposing a regional contribution agreement (RCA) and an accessory apartment program to address its new construction component, center designation is not required.

VI. NUMBER

Franklin Township's precredited 1987 - 1999 obligation of 53 units (37 new construction and 16 rehabilitation) is reduced by 11 rehabilitation credits and nine accessory apartment credits leaving a calculated need of 33 units (28 new construction and five rehabilitation).

VII. FAIR SHARE PLAN

The township proposes to address its remaining 33 unit calculated need through the continuation of its accessory apartment program and rehabilitation program and a 12-unit RCA with Lambertville City, Hunterdon County.

Rehabilitation
The township proposes to meet its remaining five-unit rehabilitation obligation through a continuation of the existing rehabilitation program. Pursuant to N.J.A.C. 5:93 5.2 (h), the township will make a total of five loans up to $ 12,000 each for owner occupied or renter occupied rehabilitation. The township proposes to fund the rehabilitation program with development fees. The township has submitted a resolution of intent to

bond for any shortfall in funds necessary to complete the rehabilitation program. Franklin must provide at least $ 20,000 in the first year to fund two units of its remaining rehabilitation component of five units. During each subsequent year, the township must adhere to the following schedule:

Year	Units	Dollars
2000	2	20,000
2001	2	20,000
2002	1	10,000
TOTAL	**5**	**50,000**

Accessory Apartment Program

Franklin Township proposes the continuation of its accessory apartment program to permit the construction of an additional 16 accessory apartments during the second round. These units would be within existing single family dwelling units or within accessory buildings on the same lot as the principal dwelling. Grants of $ 15,000 will be provided to homeowners agreeing to place 10-year deed restrictions on the units. Grants of $ 20,000 will be provided to homeowners agreeing to place 30-year deed restrictions on the units, thereby rendering them eligible for rental bonuses pursuant to N.J.A.C. 5:93 - 5.9 (e). Rental prices will comply with the requirements of N.J.A.C. 5: 93 - 7.4.

The township has submitted a request to waive the requirements of N.J.A.C. 5:93 -5.9 (a) for the total number of accessory apartments. Pursuant to N.J.A.C. 5:93 - 5.9(a), a municipality is permitted a maximum of 10 accessory apartments. Franklin has completed nine units during its first round certification, thus demonstrating its ability to administer a viable accessory apartment program .

Pursuant to N.J.A.C. 5:93-15, a municipality may request a waiver of COAH's rules. Franklin Township's request for a waiver complies with the requirements for a waiver in N.J.A.C. 5:93-15.1(b) 1,2 and 3. This request would foster the production of low and moderate income housing, and would foster the intent of, if not the letter of COAH's rules. Strict application of the COAH limit of 10 accessory apartments would create an unnecessary hardship on the township.

Regional Contribution Agreement

Pursuant to N.J.A.C. 5:93 - 6.1, Franklin may transfer up to 50 percent of its affordable housing obligation to a receiving municipality within the same housing region (see section X). Franklin has a signed contract with the City of Lambertville to rehabilitate 12 units of housing, at a cost of $ 20,000 per unit and a total cost of $240,000.

COAH approved a 12-unit RCA between Franklin Township and Lambertville City on May 5, 2000.

Summary
Franklin Township has addressed its remaining 33-unit calculated need (28 new construction and five rehabilitation) through a five-unit rehabilitation program, 16 accessory apartments and 12 RCAs.

VIII. RENTAL COMPONENT

Pursuant to N.J.A.C. 5:93 – 5.15 (a), each municipality has an obligation to create a realistic opportunity for rental units. For municipalities not receiving a vacant land adjustment, the rental obligation is determined according to the following formula:

Rental Obligation
= .25 (precredited need - rehabilitation component)
.25 (53 – 16) = 9.25
9 units of rental obligation

The township's 25-unit accessory apartment program has addressed the obligation to provide rental units.

IX. AGE - RESTRICTED UNITS

Pursuant to N.J.A.C. 5:93- 6.1, Franklin may age-restrict units as follows:

Age – Restricted Units
= .25 (precredited need – rehabilitation component - prior cycle credits – transferred or proposed RCA's.)
.25 (53 – 16 – 0 – 12) = 6.25
6 units of the total obligation may be age-restricted.

Franklin has not asked to age-restrict any units in its plan at this time.

X. RCA CALCULATION

Pursuant to N.J.A.C. 5:93 – 6.1(a), Franklin Township may transfer part of its new construction obligation according to the following formula:

RCA = .50 (precredited need – prior cycle credits – rehabilitation credits) – previous RCA agreements.
.50 (53 – 0 –11) – 0
21 units

COAH approved a 12-unit RCA with Lambertville City, Hunterdon County on May 5, 2000.

XI. DEVELOPMENT FEE ORDINANCE

Franklin Township's development fee ordinance was approved by COAH on April 4, 1997. The development fee ordinance was adopted by the municipality on April 17, 1997. The 1999 development fee monitoring form shows that $14,711.91 has been collected as of 12/31/99.

XII. SPENDING PLAN

Franklin Township submitted a spending plan that will be reviewed under separate cover.

XIII. ADMINISTRATIVE AGENCY / AFFIRMATIVE MARKETING

Franklin Township has hired a part-time administrator who will report to the township committee. The duties of the housing administrator are consistent with COAH rules. Franklin Township has experience in administering a rehabilitation and accessory apartment program and will continue to be the administrative entity for these programs.

Franklin Township's affirmative marketing plan is consistent with N.J.A.C. 5:93- 11. The township must market any rental lease-ups to the COAH housing region of Hunterdon, Somerset and Middlesex Counties.

XIV. FAIR SHARE ORDINANCES

The fair share ordinance, reflective of N.J.A.C. 5:93 et seq., must be adopted within 45 days of the grant of substantive certification.

XV. RECOMMENDATIONS

COAH staff recommends the grant of the waiver request to increase the number of accessory apartments pursuant to N.J.A.C. 5:93-15.1.

With approval of the waiver request, Franklin Township's fair share plan and housing element are in compliance with COAH's standards for substantive certification. Franklin Township has addressed its second round obligation of 53 units (37 new construction and 16 rehabilitation) through rehabilitation, an accessory apartment program and an RCA.

COAH staff recommends the grant of substantive certification to Franklin Township.

FAIR SHARE
HOUSING CENTER

Peter J. O'Connor, Esq.
Kevin D. Walsh, Esq.
Adam M. Gordon, Esq.
Laura Smith-Denker, Esq.
David T. Rammler, Esq.
Joshua D. Bauers, Esq.

October 12, 2017

Katrina Campbell
Lavery, Selvaggi, Abromitis & Cohen, P.C.
1001 Route 517
Hackettstown, NJ 07840

Re: In the Matter of the Township of Franklin, County of Hunterdon, Docket No. HNT-L-314-15

Dear Ms. Campbell:

This letter memorializes the terms of an agreement reached between the Township of Franklin (the Township or "Township"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Franklin filed the above-captioned matter on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Township and FSHC have agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review.

Settlement terms

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).

2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

3. FSHC and Franklin hereby agree that Franklin's affordable housing obligations are as follows:

510 Park Blvd. · Cherry Hill, New Jersey 08002 · 856-665-5444 · fax: 856-663-8182 · www.fairsharehousing.org

Rehabilitation Share or Present Need (per Kinsey Report[1])	0
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	36
Third Round (1999-2025) Obligation (per Kinsey Report, as adjusted through this Agreement)	75

4. For purposes of this Agreement, the Third Round Obligation shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), as well as the Prospective Need (2015-2025).

5. As noted above, the Township has a Prior Round prospective need of 36 units, of which 27 units is met through the following completed compliance mechanisms:

PRIOR ROUND MECHANISMS & CREDITS						
Mechanism	Credit Type	Tenure	Age-Restricted	Credit	Bonus	Total
Accessory Apartment Program	Acc. Apt.	Rental	No	11	0	11
RCA to Lambertville	RCA	-	-	12	0	12
DeoVolente	100% Aff.	Rental	No	2	2	4
Total				**25**	**2**	**27**

6. The remaining 9-unit Prior Round Obligation will be addressed as per paragraph 7 below.

7. The municipality will address its Third Round Obligation through a durational adjustment:
   a. As demonstrated by the following facts, the Township does not have sufficient capacity for water or sewer to support inclusionary zoning and thus is entitled to a durational adjustment in accordance with N.J.A.C. 5:93-4.3:
      i. The overwhelming majority of Franklin is served by wells and septic systems. However, there are a limited number of properties connected to the Town of Clinton Water and/or Sewer Utility. According to the Town of Clinton, the Water and Sewer Department provide water and sewer service to Clinton Town, portions of Clinton Township, Franklin Township and Union Township. Lebanon Borough receives water from the utility, while the Borough of High Bridge and various State Institutions are served by the sewer utility.
      ii. A letter dated June 15, 2016 from the Town of Clinton, attached to this Agreement as Exhibit B, indicates that there are only two parcels within Franklin Township connected to the water systems and three parcels connected to the sewer system. All other properties in the Township are outside of the utility system.

[1] David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May, 2016.

iii. The two properties served by the Water Department includes the Cracker Barrel and Hampton Inn parcel (Block 5, Lot 1) and the greater Walmart/Shoprite complex (Block 5, Lot 20).

iv. The three properties served by the Sewer Department includes the Cracker Barrel and Hampton Inn parcel (Block 5, Lot 1), the greater Walmart/Shoprite complex (Block 5, Lot 20) and South Ridge Community Church and Crossroads Christian Academy (Block 5, Lot 25).

v. Franklin received a letter dated June 30, 2016, attached to this Agreement as Exhibit B, from the Town of Clinton indicating the water availability within the system. The letter indicates that as of June 30, 2016 there was only 5,848 gallons per day ("GPD") remaining for all five of the communities in the service area. In order to fairly allocate remaining water capacity within the service area, the Town of Clinton has enacted water capacity reservation rules, which are outlined on the Town's website.

vi. The Township received an email from the Town of Clinton on June 20, 2016, attached to this Agreement as Exhibit $\mathcal{B}$ which describes the remaining sewer capacity. The Township of Franklin is allocated 38,000 GPD, which is divided between the three properties within the sewer service area as follows:

- Cracker Barrel/Hampton Inn – 20,000 GPD
- Walmart/Shoprite – 12,000 GPD
- South Ridge Community Church – 6,000 GPD

The email notes that the two commercial properties use nearly all of their approved capacity each month, but South Ridge Community Church only uses about 1/6 of their approved capacity monthly. The email concludes that there may be entities in other parts of the system that have unused capacity, which is permitted to be sold between entities. However, the email does not indicate an order of magnitude for the unused capacity.

b. The municipality agrees to comply with N.J.A.C. 5:93-4.3 as follows:

i. The Township will seek court approval for, and FSHC will support, a durational adjustment of 84 units (9 Prior Round units and 75 Third Round units) and address the requirements of N.J.A.C. 5:93-4.3 through the following:

1. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address 84 units shall be deferred until adequate water and/or sewer are made available. The Township shall reserve and set aside new water and/or sewer capacity, when it becomes available, for low and moderate income housing, on a priority basis. Municipal officials shall endorse all applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity.
2. As demonstrated in Exhibit $\mathcal{C}$ to this Agreement, Summary of Proposed Fair Share Plan, the Township will rezone/overlay zone the following sites for inclusionary residential/mixed use inclusionary residential development, respectively, conditioned on the future availability of sufficient public water and public sewer service to accommodate such development, at the following densities:

PARCELS TO BE REZONED/OVERLAY ZONED									
Block	Lot	Site Name	Acres	Density	Potential Affordable Yield*	Type of Development	Mechanism	Water	Sewer
5	1	Cracker Barrel/ Hampton Inn	8.31	16 du/ac	20	Mixed-use development, first floor retail, with a	Overlay	Currently Served	Currently Served
5	20	Walmart/ Shoprite	36.51	16 du/ac	88				
5	2	Township-Owned	3.89	8 du/ac	6	Townhome community	Rezone	Next to Service Area	Next to Service Area
5	3	Township-Owned	7	8 du/ac	11				
				Total	125				

*Potential affordable yield based on a 15% set-aside for Block 5, Lots 1 and 20 and a 20% set-aside for Block 5, Lots 2 and 3.

3. The requirements included in N.J.A.C. 5:93-4.3(c)3 and 4 related to inclusion in a fair share plan when the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and moderate income housing in the housing element are hereby waived in accordance with N.J.A.C. 5:93-4.3(c)4, which permits waiver of such requirements when a municipality has a plan that will provide water and/or sewer to sufficient sites to address the municipal housing obligation within the substantive certification period.

8. The Township agrees to require at least 13% of all affordable housing units constructed in Franklin Township, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:
   a. 13% of the units constructed in the proposed overlay zone on each of Block 5, Lot 1 and Block 5, Lot 20 will be reserved for very low income units.
   b. 13% of the units constructed in the proposed rezoning of Block 5, Lots 2 and 3 will be reserved for very low income units.

9. The Township shall meet its Third Round Obligation in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:

   a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).

   b. At least 50% of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.

   c. At 25% of the Third Round Obligation shall be met through rental units, including at least half in rental units available to families.

   d. At least half of the units addressing the Third Round Obligation in total must be available to families.

e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.

10. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the Latino Action Network, the New Jersey State Conference of the NAACP, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center and the New Jersey Housing Resource Center, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

11. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10% of affordable units in rental projects being required to be at 35% of median income, 13% of affordable units in such projects shall be required to be at 30% of median income, and other applicable law. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances as required and approved by the Court to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:
    a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80%of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50%of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30%of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
    b. The income limits attached hereto as Exhibit A are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until the Township updates the income

limits after HUD has published revised determinations of median income for the next fiscal year.

c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.

12. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.

13. As an essential term of this Agreement, within 120 days of Court's approval of this Agreement, the Township shall introduce an ordinance or ordinances providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.

14. The parties agree that if a decision of a court of competent jurisdiction in Hunterdon County, or if no court in Hunterdon County issues a decision on fair share obligations then a court within Vicinage 13 (Hunterdon, Warren, Somerset) or COAH Region 3 (Hunterdon, Somerset, Middlesex), or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than 10% than the Third Round Obligation established by this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's Obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its Third Round Obligation, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

15. The Township shall prepare a Spending Plan within the period referenced above, subject to review by FSHC and approval by the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance

with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification", and on every anniversary of that date thereafter through July 1, 2025, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. . The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

16. On the first anniversary of the "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification", and every anniversary thereafter through July 1, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by FSHC.

17. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this Agreement. The Township agrees to comply with those provisions as follows:
    a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented.
    b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification", and every third year thereafter until July 1, 2025, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein.

18. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.

19. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties agree that, following the Township's preparation and adoption of a compliant Housing

Element and Fair Share Plan and all required implementing ordinances and resolutions consistent with the terms of this Agreement and the Court's approval thereof, the Township will be entitled to either a "Judgment of Compliance and Repose" or "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. The parties agree that the trial court will make the final determination as to the form of final judgment through July 1, 2025, and that neither side will appeal that determination. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.

20. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.

21. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Hunterdon County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.

22. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

23. This Agreement shall be governed by and construed by the laws of the State of New Jersey.

24. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.

25. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

26. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

27. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.

28. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.

29. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
30. No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

31. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.

32. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:
Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:
Katrina Campbell
Lavery, Selvaggi, Abromitis & Cohen, P.C.
1001 Route 517
Hackettstown, NJ 07840
Phone: (908) 852-2600
Telecopier: (908) 852-8225
Email: kcampbell@lsaclaw.com

WITH A COPY TO THE MUNICIPAL CLERK:
Ursula V. Stryker
Franklin Township
202 Sidney Road
Pittstown, NJ 08867
Phone (908) 735-52115
Telecopier (908) 735-7598
Email: UStryker@franklin-twp.org

Please sign below if these terms are acceptable.

Sincerely,

Kevin D. Walsh, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Township of Franklin, with the authorization of the governing body:

Mayor Kathryn Blew
Dated: October 12, 2017

EXHIBIT A: 2017 INCOME LIMITS

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - August 2017

2017 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents**	Max Increase Sales***	Regional Asset Limit****
Region 1	Median	$60,271	$64,576	$68,882	$77,492	$86,102	$89,546	$92,990	$99,878	$106,766	$113,655			
Bergen, Hudson, Passaic and Sussex	Moderate	$48,217	$51,661	$55,105	$61,993	$68,882	$71,637	$74,392	$79,903	$85,413	$90,924	1.7%	1.99%	$166,493
	Low	$30,136	$32,288	$34,441	$38,746	$43,051	$44,773	$46,495	$49,939	$53,383	$56,827			
	Very Low	$18,081	$19,373	$20,664	$23,248	$25,831	$26,864	$27,897	$29,963	$32,030	$34,096			
Region 2	Median	$65,953	$70,663	$75,374	$84,796	$94,218	$97,987	$101,755	$109,293	$116,830	$124,368			
Essex, Morris, Union and Warren	Moderate	$52,762	$56,531	$60,299	$67,837	$75,374	$78,389	$81,404	$87,434	$93,464	$99,494	1.7%	3.25%	$180,755
	Low	$32,976	$35,332	$37,687	$42,398	$47,109	$48,993	$50,878	$54,646	$58,415	$62,184			
	Very Low	$19,786	$21,199	$22,612	$25,439	$28,265	$29,396	$30,527	$32,788	$35,049	$37,310			
Region 3	Median	$73,780	$79,050	$84,320	$94,860	$105,400	$109,616	$113,832	$122,264	$130,696	$139,128			
Hunterdon, Middlesex and Somerset	Moderate	$59,024	$63,240	$67,456	$75,888	$84,320	$87,693	$91,066	$97,811	$104,557	$111,302	1.7%	0.38%	$200,698
	Low	$36,890	$39,525	$42,160	$47,430	$52,700	$54,808	$56,916	$61,132	$65,348	$69,564			
	Very Low	$22,134	$23,715	$25,296	$28,458	$31,620	$32,885	$34,150	$36,679	$39,209	$41,738			
Region 4	Median	$66,022	$70,738	$75,454	$84,885	$94,317	$98,030	$101,862	$109,408	$116,953	$124,498			
Mercer, Monmouth and Ocean	Moderate	$52,817	$56,590	$60,363	$67,908	$75,454	$78,472	$81,490	$87,526	$93,562	$99,599	1.7%	1.53%	$177,413
	Low	$33,011	$35,369	$37,727	$42,443	$47,158	$49,045	$50,931	$54,704	$58,476	$62,249			
	Very Low	$19,807	$21,221	$22,636	$25,466	$28,295	$29,427	$30,559	$32,822	$35,086	$37,349			
Region 5	Median	$58,240	$62,400	$66,560	$74,880	$83,200	$86,528	$89,856	$96,512	$103,168	$109,824			
Burlington, Camden and Gloucester	Moderate	$46,592	$49,920	$53,248	$59,904	$66,560	$69,222	$71,885	$77,210	$82,534	$87,859	1.7%	2.09%	$154,194
	Low	$29,120	$31,200	$33,280	$37,440	$41,600	$43,264	$44,928	$48,256	$51,584	$54,912			
	Very Low	$17,472	$18,720	$19,968	$22,464	$24,960	$25,958	$26,957	$28,954	$30,950	$32,947			
Region 6	Median	$51,085	$54,734	$58,383	$65,681	$72,979	$75,898	$78,817	$84,655	$90,494	$96,332			
Atlantic, Cape May, Cumberland, and Salem	Moderate	$40,868	$43,787	$46,706	$52,545	$58,383	$60,718	$63,054	$67,724	$72,395	$77,066	1.7%	0.00%	$136,680
	Low	$25,543	$27,367	$29,192	$32,840	$36,489	$37,949	$39,409	$42,328	$45,247	$48,166			
	Very Low	$15,326	$16,420	$17,515	$19,704	$21,894	$22,769	$23,645	$25,397	$27,148	$28,900			

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

**This column is used for calculating the pricing for rent increases for units as per N.J.A.C. 5:97-9.3. The increase for 2015 was 2.3%, the increase for 2016 was 1.1% and the increase for 2017 is 1.7% (Consumer price index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015 or 2016 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units as per N.J.A.C. 5:97-9.3. As per 5:97-9.3,(b), The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administive agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Note: Since the Regional Income Limits for Region 6 in 2016 were higher than the 2017 calculations, the 2016 income limits will remain in force for 2017. See N.J.A.C. 5:97-9.2(c).

EXHIBIT B

Letter dated June 15, 2016 from Richard Phelan, Business Administrator to the Town of Clinton regarding the Water and Sewer Service Areas in Franklin Township.

Email dated June 20, 2016 from Richard Phelan, Business Administrator to the Town of Clinton sewer capacity.

Letter dated June 30, 3016 from Andrew Holt, PE, PP, CME regarding Town of Clinton Second Quarter of 2016 Water Availability.

TOWN OF CLINTON
INCORPORATED APRIL 5, 1865
43 Leigh St., P.O. Box 5194
Clinton, N.J. 08809-5194
(908) 735-8616 FAX (908) 735-8082

June 15, 2016

Township of Franklin
202 Sidney Road
Pittstown, NJ 08867
Attn: Mayor Susan Soloway
(Sent via e-mail)

RE: Water and Sewer Service Areas in Franklin Township

Dear Mayor Soloway:

Pursuant to your request, I have attached the locations of the properties located in Franklin Township that are currently served by the Town of Clinton Water Department and the Sewer Utility. As you will see, there are only two (2) properties that are connected to the water system, and three (3) properties connected to the sewer system. The properties in question are located at the end of our water and sewer system. All other properties in Franklin are outside the limitation of the respective system. Additionally, I have attached the "Quarterly Letter of Water Availability" issues by the Town of Clinton Water Department showing the remaining water available for the remaining properties in our service area. It is important to note that this amount is what is available for all of the 5 municipalities that we serve.

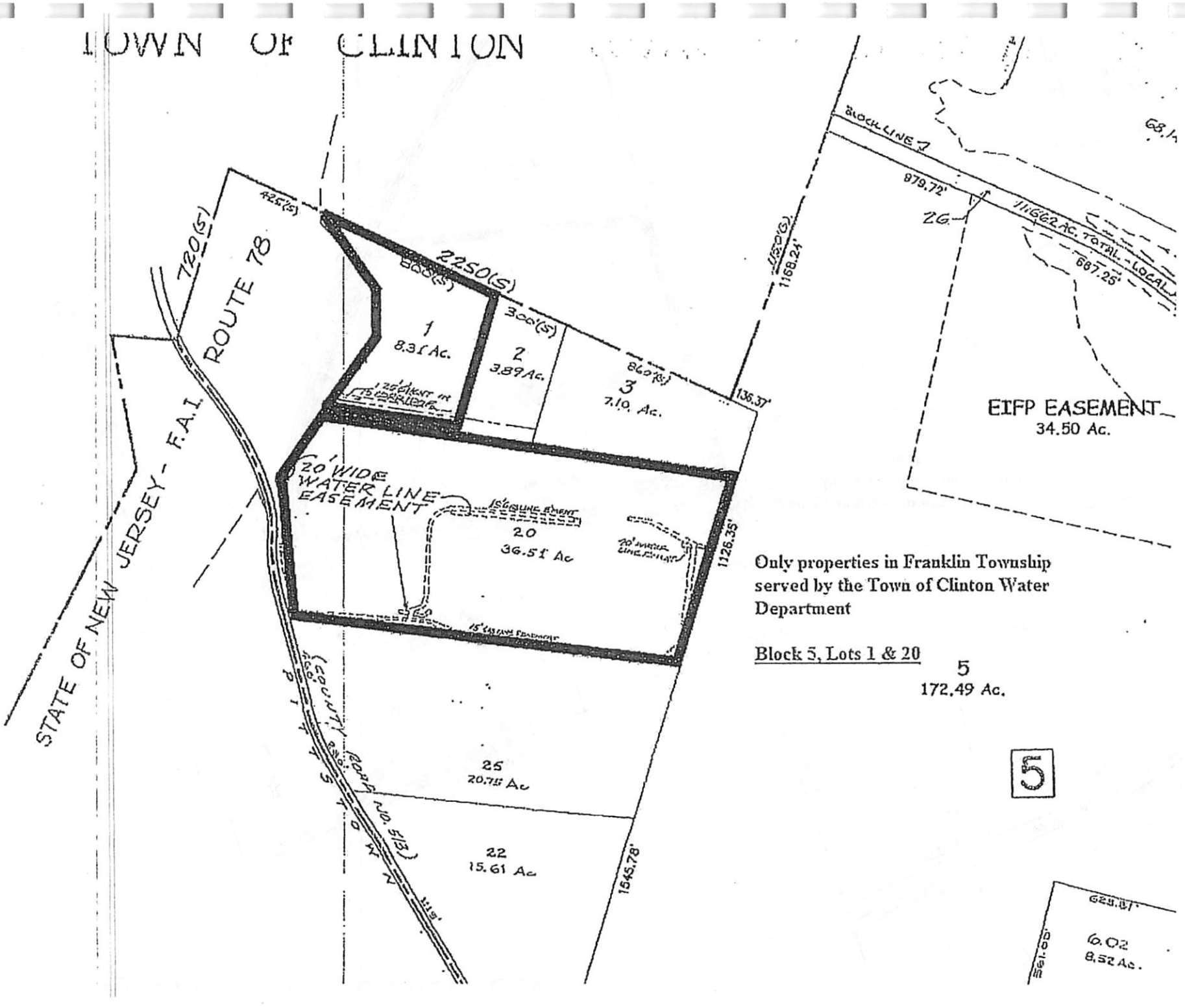
I hope this information is acceptable to you. Should you or any of your professionals have any further questions, please contact me at any time to discuss further.

Sincerely,

Richard D. Phelan

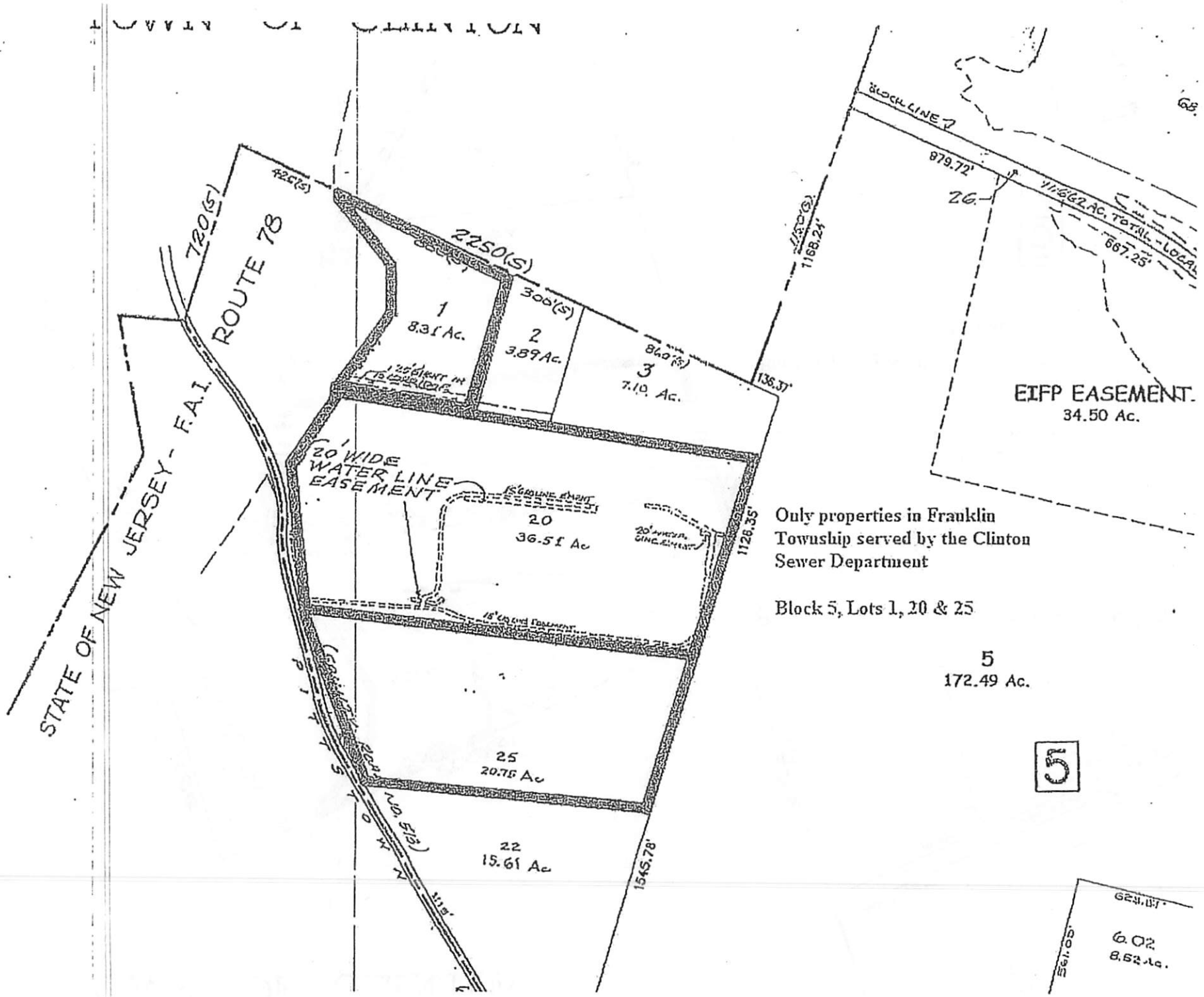
Richard D. Phelan
Business Administrator

CC: Town of Clinton Water Committee (via e-mail)
Town of Clinton Sewer Committee (via e-mail)
Andrew Holt, Town of Clinton Water Engineer (via e-mail)
Robert Martucci, Town of Clinton Sewer Engineer (via e-mail)
Darlene Green, Franklin Township Planner (via e-mail)



Only properties in Franklin Township served by the Town of Clinton Water Department

Block 5, Lots 1 & 20



Only properties in Franklin Township served by the Clinton Sewer Department

Block 5, Lots 1, 20 & 25

5

From:	Richard Phelan
To:	soloway08801@gmail.com
Cc:	"Katrina Campbell"; Darlene Green; tocarchive@clintonnj.gov
Subject:	RE: Water / Sewer Maps regarding Franklin Township
Date:	Monday, June 20, 2016 9:39:09 AM

Mayor,

As a follow-up to our recent conversation regarding sewer capacity, there is the breakdown:

Total plant permitted flow = 2,030,000 GPD

By municipality, the capacities are as follows:

Clinton Township - 560,222 GPD
Franklin Township - 38,000 GPD
High Bridge - 402,000 GPD
State of NJ - 300,000 GPD
Town of Clinton - 527,978 GPD
Union Township - 251,300 GPD

For Franklin, the specific breakdown is as follows:

South Ridge Church – 6,000 GPD
Cracker Barrel/Hampton Inn – 20,000 GPD
Wal-Mart Plaza – 12,000 GPD

Cracker Barrel/Hampton Inn & Wal-Mart Plaza use nearly all of their approved capacity each month. South Ridge Church only uses about 1/6 of their approved capacity each month.

In summary, all of the capacity of the Town's WWTP is currently allocated to the above entities. However, there may be entities in other parts of our system that have unused capacity. This unused capacity may be permitted to be sold between entities in accordance with the terms of their contract with the Town.

I hope this answers your questions. If you have any questions, please let me know.

Rich

Richard D. Phelan
Business Administrator

Town of Clinton
43 Leigh Street
Clinton, NJ 08809
908-735-8616 (phone)
rphelan@clintonnj.gov

Confidentiality Note: This e-mail, and any attachment to it, contains privileged and

SUBURBAN CONSULTING ENGINEERS, INC.

June 30, 2016

Town of Clinton
43 Leigh Street
Clinton, New Jersey 08809

Attn: Richard D. Phelan
Public Works/Business Administrator

Re: Town of Clinton, County of Hunterdon, State of New Jersey
Second Quarter 2016
Quarterly Letter of Water Availability
Our Project No.: SCE-3765

Dear Mr. Phelan:

Suburban Consulting Engineers, Inc. (SCE) offers the following Letter of Water Availability to the Town of Clinton Water Department as a planning tool that may be used by interested parties requesting information of water availability.

The following water availability calculation has been based on a firm capacity calculation as defined by the NJDEP in N.J.A.C. 7:10-11.6(a), using a peak daily demand as defined herein and prescribed under N.J.A.C. 7:10-11.4(a)(7).

Water Availability as of June 30, 2016: **5,848 gallons per day (GPD)**

The above water availability determination is based on actual water system demand and supply conditions, and also incorporates all valid water reservations up to the date of this determination.

Future water system reservation applicants are cautioned that the water availability described herein is subject to variation, and this letter in no way represents a commitment to serve or a guarantee of allocation for a project at the time of application for water reservation.

Should you have any questions, please feel free to contact me.

Very truly yours,
SUBURBAN CONSULTING ENGINEERS, INC.

Andrew S. Holt, PE, PP, CME
Water System Consulting Engineer

cc: Clinton Water Committee
Richard Cushing, Clinton Attorney

96 US Highway 206, Suite 101 • Flanders, New Jersey 07836 • Tel: (973) 398-1776 • Fax: (973) 398-2121
www.suburbanconsulting.com

Exhibit C

Summary of Fair Share Plan

MASER CONSULTING P.A.

Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, NJ 08827
T: 908.238.0900
F: 908.238.0901
www.maserconsulting.com

MEMORANDUM

To: Katrina Campbell, Esq.

From: Darlene A. Green, P.P., AICP

Date: October 17, 2017

Re: Summary of Fair Share Plan
Township of Franklin, Hunterdon County
MC Project No. FKT-103

The Township of Franklin in Hunterdon County has agreed to voluntarily settle its ongoing affordable housing obligation. The obligations to be satisfied by the municipality are as follows:

- Rehabilitation Obligation = 0
- Prior Round Obligation = 36
- Third Round Obligation = 75

The Township has existing credits, derived from three mechanisms, to apply toward its Prior Round Obligation. The first is an RCA. In 2000, the Council on Affordable Housing approved a 12-unit RCA between Franklin and the City of Lambertville. This agreement entailed Franklin paying $20,000 per unit to rehabilitate 12 units in Lambertville for a total cost of $240,000. This was pursuant to N.J.A.C. 5:93-6.1, which authorized the transfer of up to 50% of Franklin's obligation to a receiving municipality.

The second mechanism is an Accessory Apartment Program previously administered by the Township that subsidized the creation of 11 accessory apartments. Each unit received $10,000 for the temporary conversion. Thus, the program is eligible for 11 credits. The units were created in the 1990's and had ten-year controls. The location of the units and their income level are noted below.

- 442 Pittstown Road – Moderate
- 10 Baptist Town Road - Low
- Quaker Lane PO Box 420 – Moderate
- 59 Kingtown Road – Moderate
- 178 White Bridge Road – Moderate
- 260 Quakertown Road – Moderate
- 91 Stanton Station Road – Moderate
- 1003 Croton Road – Low
- 248 Quakertown Road – Low
- 1 Springhill Road – Moderate
- 289 White Bridge Road – Low

The third mechanism is known as DeoVolente. Two affordable three-bedroom rental units were constructed at the DeoVolente Farm, which is located at 486 Quakertown Road (Block 35, Lot 26). Certificates of Occupancy for the units were issued in June of 2009. The units are thus eligible for two (2) credits for 100% affordable housing and are eligible for rental bonuses.

The Township of Franklin is seeking a Durational Adjustment to satisfy nine credits of its Prior Round Obligation and its entire Third Round Obligation. As demonstrated by Exhibits attached to the Settlement Agreement, the Township of Franklin does not have sufficient capacity for water or sewer to support inclusionary zoning and thus is entitled to a Durational Adjustment as per N.J.A.C. 5:93-4.3.

In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address 84 units shall be deferred until adequate water and/or sewer are made available. The Township will reserve and set aside new water and/or sewer capacity, when it becomes available, for low and moderate income housing, on a priority basis. Municipal officials will endorse all applications to the Department of Environmental Protection (DEP) or its agent to provide water and/or sewer capacity.

The Township will rezone/overlay zone the following sites for inclusionary residential/mixed-use inclusionary residential development, respectively, conditioned on the future availability of sufficient public water and public sewer service to accommodate such development, at the following densities:

- The first area is known as Block 5, Lots 2 and 3, which encompass roughly 11 acres. As shown on the map on page 3, the lots are adjacent to the Walmart and Cracker Barrel Restaurant complex. The Township owns both properties. The parcels are not currently served by water or sewer. The Township proposes to rezone the sites to permit multi-family housing at a density of 8 units to the acre. As shown by the map on page 4, the properties do contain steep slopes.
- The second area is known as Block 5, Lots 1 and 20. Lot 1 contains the Cracker Barrel Restaurant and a hotel. Lot 20 contains a Walmart, Shoprite and numerous other stores and shops in multiple buildings. Combined, the two lots total 44.82 acres. Both properties are currently served by sewer and water. The Township proposes to place an overlay zone on the two sites, which would permit mixed-use inclusionary development. The overlay zone would require commercial uses on the first floor and permit inclusionary multi-family residential above. A maximum of three stories and 16 units to the acre would be permitted. As shown by the map on page 4, steep slopes have been identified by NJDEP.

0 150 300 450 Feet

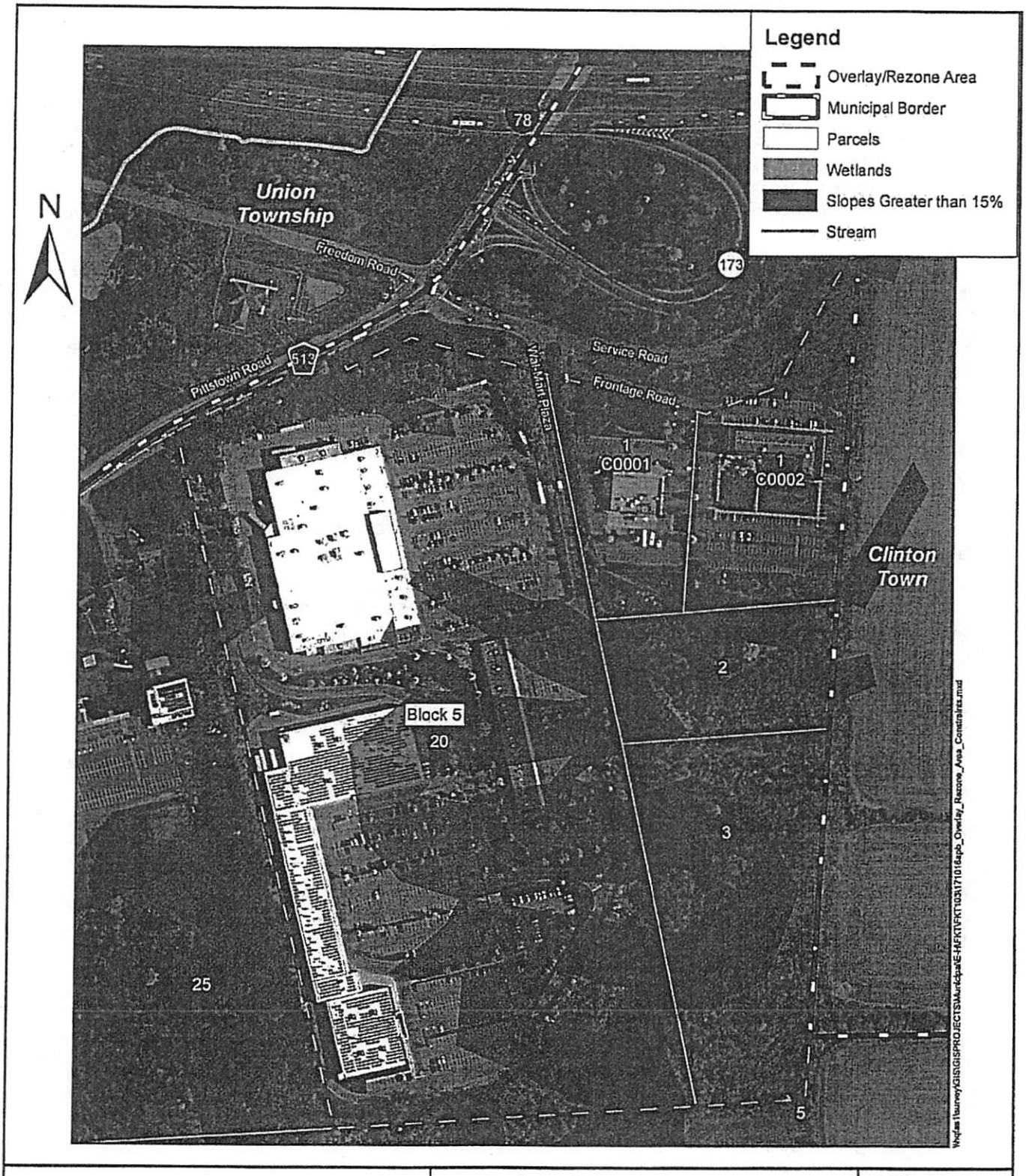
1 inch = 300 feet

Overlay / Rezone Area

Township of Franklin
Hunterdon County, New Jersey

MASER CONSULTING P.A.

October 2017



0 150 300 450 Feet

1 inch = 300 feet

Overlay / Rezone Area
Environmental Constraints
Township of Franklin
Hunterdon County, New Jersey

MASER CONSULTING P.A.
October 2017

ORDINANCE 2018-____
FRANKLIN TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF FRANKLIN TO ESTABLISH A NEW MF MULTI-FAMILY HOUSING DISTRICT AND TO SET FORTH THE STANDARDS AND CRITIERA APPLICABLE THERETO

WHEREAS, Franklin Township has a constitutionally-mandated requirement to provide affordable housing; and

WHEREAS, the Township Committee desires to create opportunities for the creation of affordable housing within the Township; and

WHEREAS, the Township Committee has determined that certain lands comprised of approximately ten acres within the C-N Commercial North Zone commonly referred to as Block 5, Lots 2 and 3 are suitable for inclusionary development; and

WHEREAS, the Township wishes to foster development that provides an affordable housing set-aside that is located near shops and services; and

WHEREAS, the location of the site next to commercial uses and preserved open space eliminates any concern for impacts on residential neighbors within the Township; and

WHEREAS, the site is located in close proximity to the Interstate 78 interchange, providing easy access to commuters; and

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Franklin in the County of Hunterdon and the State of New Jersey as follows:

SECTION 1.

Amend Section 220-5 "Definitions and word usage" to add the following new terms:

MULTI-FAMILY HOUSING
A building containing three or more dwelling units, including units that are located over one another. Units may have separate or joint entrances.

TOWNHOME
A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistance walls.

SIGN, GROUND
A sign in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

SIGN, TEMPORARY

A sign or advertising display that is not permanently mounted and is constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time, which is no longer than 6 months. Temporary signs shall not be illuminated.

SECTION 2.

Amend Section 220-6.A "Districts enumerated", to add Multi-family Housing Zone to the list of districts.

SECTION 3.

Amend the Schedule of Zone Requirements, referred to in 220-8 "Schedule of Zone Requirements" as shown by the underlined text in the attached schedule known as 220 Attachment 1:1

See schedule, which is attached to the end of the ordinance.

SECTION 4.

Amend Chapter 220 Land Use, Article III Land Use Regulations, Subsection 10 "Zone District Use Regulations" to add a new subsection F as follows:

F. Multi-family Housing Zone.

(1) Permitted principal uses and structures.

(a) Townhomes.

(b) Multi-family housing.

(2) Permitted accessory uses and structures.

(a) Signs. See Article IX of this chapter.

(b) Off-street parking.

(c) Garages under or incorporated into the building design.

(d) Non-commercial swimming pools, tennis courts and other indoor and outdoor recreation facilities and amenities.

(e) Management and/or leasing office for the development.

(f) Utilities and essential services

(3) Bulk regulations for the MF Multi-family Housing Zone, in addition to those found in the Schedule of Zone Requirements, are as follows:

(a) Building wall front-to-front setback – 60 feet

(b) Building wall side-to-side setback – 30 feet

(c) Building wall rear-to-rear setback – 60 feet

(d) Building wall other configuration – 45 feet

(e) Maximum building length – 180 feet

(f) Maximum number of stories – 3

(g) Maximum density – 8 units per acre

(h) Accessory buildings shall be set back 10 feet from any property line and shall be a maximum of 15 feet in height. Accessory buildings are not permitted in the front yard.

(4) Affordable housing requirements. Within the MF Multi-family Housing Zone all applications for development shall comply with the following:

(a) A minimum of 20% of for-sale units shall be reserved for affordable housing.

(b) A minimum of 15% of rental units shall be reserved for affordable housing.

(c) All required affordable housing units shall be built on site.

(d) If the required number of affordable units results in a fraction of 0.4 or less, the number shall be rounded down. If the required number of affordable units results in a fraction of 0.5 or greater, the Applicant shall either provide the additional affordable unit or pay an in-lieu-payment for the fractional unit. The payment-in-lieu fee in for 2018 is $100,000. The payment-in-lieu shall increase each year by 3%. Therefore, the fee will be $103,000 in 2019, $106,090 in 2020 and so on.

(e) Affordable units shall comply with the Fair Housing Act, the Uniform Housing Affordability Controls, Chapter 176 entitled "Affordable Housing Ordinance" and shall be deed restricted for a minimum of 30 years.

(f) The developer/property owner shall be responsible for retaining a qualified Administrative Agent to manage their affordable housing units.

(5) Refuse and recycling standards. Refuse and recycling shall be located in a centralized area. These areas shall be located for the convenience of the residents of the development. Outdoor refuse areas shall be screened and fully enclosed with a solid enclosure a minimum of 6 feet in height. Alternatively, refuse and recycling may be stored inside of the building.

(6) Landscape standards.

(a) Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.

(b) There shall be a minimum 10-foot-wide landscaped buffer around the perimeter of the property (excluding driveways and utilities).

(c) Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs. Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.

(d) Buffer plants shall include, at a minimum, the following:

[1] One shade tree for every 75 linear feet of buffer;

[2] One evergreen tree for every 40 linear feet of buffer;

[3] Ten shrubs for every 50 linear feet of buffer.

(e) Buffer plants shall be the following size at the time of planting:

[1] Shade trees shall be planted at a minimum 3-inch caliper and shall be a minimum of 12 to 14 feet in height, balled and burlapped.

[2] Evergreen trees shall be planted at a minimum height of 7 feet, balled and burlapped.

[3] Shrubs shall be planted at a minimum of 36 inches in height. All shrubs shall be evergreen.

(f) No more than 25% of the plantings shall be of the same species and/or variety of plant.

(7) Design parameters.

(a) Building facades shall consist of brick, stone, cast stone or other high-quality material along all sides.

(b) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses shall be used to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers or gables shall be provided to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

(c) The maximum spacing between building wall offsets shall be 35 feet.

(d) The minimum projection or depth of any individual vertical offset shall not be less than 1.5 feet.

(e) The maximum spacing between roof offsets shall be 40 feet.

(f) The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.

(g) Gable and hipped roofs shall be used to the greatest extent possible. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of 6 inches beyond the building wall. Flat roofs are permitted only as part of a green roof or renewable energy system, if all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.

(h) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.

(i) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.

(j) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devise shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

(8) Utility improvements and services.

(a) All utilities shall be underground.

(b) The properties are not currently in the water or sewer service area. Any development permitted under Section 220-10.F. will be conditioned upon the inclusion of the property or properties in the service area and obtaining water and sewer capacity from agencies outside the jurisdiction of Franklin Township. The Township will support any applicant/developer seeking inclusion in the water and/or sewer service area for inclusionary development as permitted under Section 220-10.F.

(c) The applicant/developer shall be responsible for obtaining capacity from agencies outside the jurisdiction of Franklin Township. The Township will support any applicant/developer seeking additional capacity for inclusionary development permitted under Section 220-10.F.

SECTION 5.

Amend Section 220-52 "Off-street parking space requirements", subsection A to add the following underlined text:

Multifamily dwelling	5 for each 2 dwelling units
Multifamily dwellings In the MF Multi-family Housing Zone	Residential Site Improvement Standards
Townhomes	Residential Site Improvement Standards
Farms	As above or 2 for each vehicle used or stored on the premises

SECTION 6.

Amend Section 220-54 "Parking area design standards", to add the following underlined text:

C. General location. No off-street parking or loading area shall be located in a minimum required front yard. All parking shall be located in bays generally perpendicular to driveways or roads. Off-street parking within the MF Multi-family Housing Zone shall be a minimum of 10 feet away from any property line.

SECTION 7.

Amend Section 220-55 "Landscaping and drainage or parking areas", to add a new subsection D as follows:

D. Parking areas in the MF Multi-family Housing Zone shall provide one landscape area for every 20 off-street parking spaces. The landscape area shall be a minimum of 160 square feet. At least half of the landscape areas shall contain a shade tree. The remaining landscape area may contain shrubs. Shade trees shall be a minimum 3-inch caliper and shrubs shall be a minimum 24 inches high at installation.

SECTION 8.

Amend Section 220-56 "Lighting of parking areas", to add the following underlined text:

A. All nonresidential and nonfarm parking areas shall be lighted to provide a minimum of three footcandles at intersections and a total average of illumination of 1 1/2 footcandles throughout the parking area. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.

B. Lighting within the MF Multi-family Housing Zone shall comply with the following standards:

(1) Low-pressure sodium or mercury vapor lighting is prohibited.

(2) Parking lot lighting shall be no more than 20 feet in height.

(3) A minimum of one-half footcandle shall be maintained within the parking lot and over all pedestrian walkways.

SECTION 9.

Create a new Section 220-61.1 "Signs in MF Multi-family Housing Zone", with the following new text:

Signs in the MF Multi-family Housing Zone shall be regulated as follows:

A. Ground sign. One ground sign shall be permitted per parcel, subject to the following limitations:

(1) The maximum sign area shall be 36 square feet, which shall exclude the sign base.

(2) The maximum sign height shall be 6 feet, including the sign base.

(3) The sign shall be set back a minimum of 5 feet from any property line.

(4) A ground sign may be externally illuminated.

B. Temporary signs. Temporary signs shall be permitted identifying the owner, architect, builder, realtor and/or contractor on the premises on which a building is being constructed, altered or repaired, subject to the following limitations:

(1) For each parcel, one temporary construction sign shall be permitted.

(2) Temporary construction signs shall not exceed five square feet in area and four feet in height.

SECTION 10.

WHEREAS, upon adoption of this Ordinance, the Township Planner is directed to amend the official Zoning Map of the Township of Franklin to illustrate the location of the Multi-family Housing Zone.

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

EFFECTIVE DATE. This Ordinance shall not take effect until approved by the Court.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on _____, 2018, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on _____, 2018 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Ursula V. Stryker
Township Clerk

Adopted:

_____
Craig Repmann, Mayor
Township Committee

Attest:

_____
Ursula V. Stryker, RMC
Municipal Clerk

Schedule of Zone Requirements[1]
[Amended 6-26-1985 by Ord. No. 85-1; 9-14-1995 by Ord. No. 95-12; 12-4-1997 by Ord. No. 97-44; 12-4-1997 by Ord. No. 97-44A; 12-4-1997 by Ord. No. 97-44B; 8-21-2003 by Ord. No. 2003-06; 9-16-2004 by Ord. No. 2004-12[4]; 10-31-2006 by Ord. No. 2006-12; 11-14-2006 by Ord. No. 2006-14]

Zone	Principal Permitted Uses	Minimum Lot Area (acres)	Minimum Lot Width at Right-of-Way (frontage) (feet)	Minimum Lot Width at Front Setback (feet)	Minimum Lot Depth (feet)	Minimum Setback for All Structures (feet)			Maximum Height (feet)	Maximum Impervious Coverage (percent of lot)	Maximum Floor Area Ratio (FAR)	Minimum Parking[2] (spaces)	Acreage Added for Each Bedroom in Excess of Four to the Minimum Zone Acreage Requirements[3]
						Front	Rear	Side (each)					
AR-7.0 Agricultural Residential	See § 220-10A	7	400	400	400	150	50	50	35	10%	N/A	2 per dwelling unit	1.75
RR-5.0 Rural Residential	See § 220-10A	5	350	350	350	150	50	50	35	10%	N/A	2 per dwelling unit	1.25
R-3.0 Residential[4]	See § 220-10B	3	250	250	300	100	50	50	35	10%	N/A	2 per dwelling unit	0.75
NB Neighborhood Business	See § 220-10E	7	275	275	300	100	100	50	35	75%	7.5%	1 per 200 square feet gross floor area	___
C-N Commercial North	See § 220-10C	5	250	250	250	100	25	25	35	60%	5.0%	1 per 200 square feet gross floor area	___
C-S Commercial South	See § 220-10D	7	400	400	400	150	50	50	35	60%	5.0%	1 per 200 square feet gross floor area	___
MF- Multi-Family	See § 220-10F	10	N/A	N/A	N/A	30	30	30	35	0.75	N/A	RSIS	N/A

NOTES

[1] For existing, nonconforming lots, see §§ 220-50 and 220-51 of this chapter. For conditional uses, also see particular zone and conditional use requirements.

NOTES (continued)

[2] See § 220-52 for parking requirements for specific uses.

[3] Preliminary approved and all preexisting lots meeting the schedule of requirements as of date of adoption shall be exempt from this requirement, up to an additional two bedrooms (six total).

[4] Setback requirements for lawfully existing lots of less than seven acres in the R-3.0 Zone are preserved (per Ord. No. 2006-14, adopted 11-14-2006). See § 220-108.

[5] Flag lots shall provide a front yard setback. The front yard shall commence at the end of the stem and be perpendicular to the stem or in alignment with the front entrance to the dwelling. Lots on a lane shall provide a front yard setback with the front yard setback back immediately adjacent to the lane.

[6] The front yard setback shall be measured from the bordering edge of the road right-of-way.

[7] Side and rear setbacks defined in a new subdivision shall be adjusted to allow a minimum of 150 feet separation from existing structures on adjacent lots.

[8] A new residential structure being constructed in the R-3 Zone which exceeds a total of 3,000 square feet of interior area shall conform with the R-7 setbacks.

[9] Road frontage (as measured at curb) cul-de-sac: 100 feet.

ORDINANCE 2018-____

FRANKLIN TOWNSHIP

HUNTERDON COUNTY, NEW JERSEY

ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF FRANKLIN TO ESTABLISH A NEW MXD MIXED-USE DEVELOPMENT OVERLAY ZONE AND TO SET FORTH THE STANDARDS AND CRITIERA APPLICABLE THERETO

WHEREAS, Franklin Township has a constitutionally-mandated requirement to provide affordable housing; and

WHEREAS, the Township Committee desires to create opportunities for the creation of affordable housing within the Township; and

WHEREAS, the Township Committee has determined that certain lands comprised of approximately 44 acres within the C-N Commercial North Zone commonly referred to as Block 5, Lots 1 and 20 are suitable for inclusionary development; and

WHEREAS, the Township wishes to foster development that provides an affordable housing set-aside that is located above shops and services; and

WHEREAS, the location of the site next to church and preserved farmland eliminates any concern for impacts on residential neighbors within the Township; and

WHEREAS, the site is located in close proximity to the Interstate 78 interchange, providing easy access to commuters; and

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Franklin in the County of Hunterdon and the State of New Jersey as follows:

SECTION 1.

Amend Section 220-5 "Definitions and word usage" to add the following new terms:

SIGN, WALL

A sign fastened to the wall of a building in such a manner that the wall becomes the supporting structure for the sign and that does not project more than 8 inches from such building.

SECTION 2.

Amend Section 220-6.A "Districts enumerated", to add MXD Mixed-Use Development Overlay Zone to the list of districts.

SECTION 3.

Amend Chapter 220 Land Use, Article III Land Use Regulations, Subsection 10 "Zone District Use Regulations" to add a new subsection G. as follows:

G. MXD Mixed-use Development Overlay Zone.

(1) Permitted principal uses and structures.

(a) Uses permitted in the C-N Commercial North Zone on the ground floor only. This excludes motor vehicle garages and service stations and any establishment with a drive-through facility.

(b) Multi-family housing on the second and third floor only.

(c) A mixture of the above uses.

(2) Permitted accessory uses and structures.

(a) Signs. See Article IX of this chapter.

(b) Off-street parking.

(c) Indoor and outdoor recreation facilities and amenities for the multi-family tenants.

(d) Management and/or leasing office for the development.

(e) Walk-up automated teller machines, incorporated into a building's design.

(f) Outdoor dining, outside of the public right-of-way.

(g) Utilities and essential services.

(3) Prohibited uses.

(a) Any use not specifically permitted is prohibited.

(b) Motor vehicle garages and service stations.

(c) Establishments with a drive-through facility.

(4) Bulk regulations in the MXD Mixed-use Development Overlay Zone are as follows:

(a) Minimum lot area – 10 acres

(b) Minimum lot width at right-of-way – 250 feet

(c) Minimum front yard setback – 100 feet

(d) Minimum side yard setback – 25 feet

(e) Minimum rear yard setback – 25 feet

(f) Maximum height – 3 stories and 40 feet

(g) Maximum impervious coverage – 75%

(h) Maximum residential density – 16 units per acre

(i) Building wall front-to-front setback – 70 feet

(j) Building wall side-to-side setback – 30 feet

(k) Building wall rear-to-rear setback – 60 feet

(l) Building wall other configuration – 45 feet

(m) Maximum building length – 200 feet

(n) Accessory buildings shall be set back 10 feet from any property line and shall be a maximum of 15 feet in height. No accessory building shall be located in a front yard.

(5) Affordable housing requirements. Within the MXD Mixed-use Development Overlay Zone all applications including residential development shall comply with the following:

(a) A minimum of 20% of for-sale units shall be reserved for affordable housing.

(b) A minimum of 15% of rental units shall be reserved for affordable housing.

(c) All required affordable housing units shall be built on site.

(d) If the required number of affordable units results in a fraction of 0.4 or less, the number shall be rounded down. If the required number of affordable units results in a fraction of 0.5 or greater, the Applicant shall either provide the additional affordable unit or pay an in-lieu-payment for the fractional unit. The payment-in-lieu fee in for 2018 is $100,000. The payment-in-lieu shall increase each year by 3%. Therefore, the fee will be $103,000 in 2019, $106,090 in 2020 and so on.

(e) Affordable units shall comply with the Fair Housing Act, the Uniform Housing Affordability Controls, Chapter 176 entitled "Affordable Housing Ordinance" and shall be deed restricted for a minimum of 30 years.

(f) The developer/property owner shall be responsible for retaining a qualified Administrative Agent to manage their affordable housing units.

(g) The developer shall be responsible for paying the required development fees as outlined by the Statewide Non-residential Development Fee Act applicable to the non-residential portion of the development.

(6) Market-rate residential unit standards.

(a) Market-rate residential units shall have the following minimum unit sizes:

[1] One-bedroom – 600 square feet

[2] Two-bedroom – 750 square feet

[3] Three-bedroom – 950 square feet

(7) Refuse and recycling standards. Refuse and recycling shall be in a centralized area. These areas shall be located for the convenience of the residents of the development and shall be screened from the public right-of-way and fully enclosed. Outdoor refuse areas shall be screened and fully enclosed with a solid enclosure a minimum of 6 feet in height. Alternatively, refuse and recycling may be stored inside of the building.

(8) Circulation.

(a) Sidewalks shall be provided along all public street frontages. In addition, sidewalks and/or walkways shall link all buildings within the development to the sidewalks of all adjoining public streets.

(b) Where sidewalks traverse vehicular driveways, crosswalks shall be provided and marked with textured paving in a contrasting material and color.

(c) All sidewalks shall have minimum clear paved walking width of at least 5 feet; however, sidewalks in front of all commercial storefronts and in other areas with high pedestrian traffic shall have a minimum width of at least 7 feet.

(d) Sidewalks adjacent to streets shall also include a landscape strip with street trees and grass. Where street trees are thus required, they shall be planted no more than 50 feet apart, on center, on average. Street trees shall be a minimum of 3 inches caliper.

(9) Landscape standards.

(a) Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.

(b) There shall be a minimum 10-foot-wide landscaped buffer around the perimeter of the property (excluding driveways and utilities).

(c) Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs. Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.

(d) Buffer plants shall include, at a minimum, the following:

[1] One shade tree for every 75 linear feet of buffer;

[2] One evergreen tree for every 40 linear feet of buffer; and

[3] Ten shrubs for every 50 linear feet of buffer.

(e) Buffer plants shall be the following size at the time of planting:

[1] Shade trees shall be planted at a minimum 3-inch caliper and shall be a minimum of 12 to 14 feet in height, balled and burlapped.

[2] Evergreen trees shall be planted at a minimum height of 7 feet, balled and burlapped.

[3] Shrubs shall be planted at a minimum of 36 inches in height. All shrubs shall be evergreen.

(f) No more than twenty-five percent (25%) of the plantings shall be of the same species and/or variety of plant.

(10)Design parameters.

(a) Building facades shall consist of brick, stone, cast stone or other high-quality material along all sides.

(b) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses shall be used to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers or gables shall be provided to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

(c) The maximum spacing between building wall offsets shall be 40 feet.

(d) The minimum projection or depth of any individual vertical offset shall not be less than 1.5 feet.

(e) The maximum spacing between roof offsets shall be 50 feet.

(f) The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.

(g) Gable and hipped roofs shall be used to the greatest extent possible. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of 6 inches beyond the building wall. Flat roofs are permitted only as part of a green roof or renewable energy system, if all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.

(h) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.

(i) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.

(j) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devise shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

(11)Utility improvements and services.

(a) All utilities shall be underground.

(b) The properties are currently in the water and sewer service area. However, any development permitted under Section 220-10.G. will be conditioned upon obtaining the necessary water and sewer capacity from agencies outside the jurisdiction of Franklin Township. The Township will support any applicant/developer seeking additional capacity for inclusionary development under Section 220-10.G.

SECTION 4.

Amend Section 220-52 "Off-street parking space requirements", subsection A as follows:

Multifamily dwelling	5 for each 2 dwelling units
Multifamily dwellings in the MF Multi-family Housing Zone and the MXD Mixed-use Development Overlay Zone	Residential Site Improvements Standard
Farms	As above or 2 for each vehicle used or stored on the premises.

SECTION 5.

Amend Section 220-52 "Off-street parking space requirements", adding new subsection D as follows:

D. Shared parking. Nothing in the above requirements or in this Subsection shall be construed to prevent the employment of shared parking, which may be implemented in one of two manners:

(1) On-site shared parking. For parcels containing a mixed-use building(s), on-site shared parking may be implemented.

(a) A 50% shared parking allowance shall be permitted for combining weekday uses with evening/weekend uses in the same building. Office and retail uses are weekday uses, while residential and restaurant uses are evening/weekend uses.

(b) Up to 50% of the parking requirement of the evening/weekend use of the building may be met through parking already provided for the weekday use. For example, a building contains retail space that requires 20 parking spaces and residential units that require 8 parking spaces. The residential parking is permitted to be reduced by 50% or 4 parking spaces. Therefore, the development would only be required to construct 24 parking spaces instead of 28.

SECTION 6.

Amend Section 220-54 "Parking area design standards", to add new language as follows:

C. General location. No off-street parking or loading area shall be located in a minimum required front yard. All parking shall be located in bays generally perpendicular to driveways or roads. Off-street parking within the MF Multi-family Housing Zone and MXD Mixed-use Development Overlay Zone shall be a minimum of 10 feet away from any property line.

SECTION 7.

Amend Section 220-55 "Landscaping and drainage or parking areas", to add a new language to subsection D as follows:

D. Parking areas in the MF Multi-family Housing Zone and the MXD Mixed-use Development Overlay Zone shall provide one landscape area for every 20 off-street parking spaces. The landscape area shall be a minimum of 160 square feet. At least half of the landscape areas shall contain a shade tree. The remaining landscape area may contain shrubs. Shade trees shall be a minimum 3-inch caliper and shrubs shall be a minimum 24 inches high at installation.

SECTION 8.

Amend Section 220-56 "Lighting of parking areas", to amend the text as follows:

A. All nonresidential and nonfarm parking areas shall be lighted to provide a minimum of three footcandles at intersections and a total average of illumination of 1 1/2 footcandles throughout the parking area. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.

B. Lighting within the MF Multi-family Housing Zone and the MXD Mixed-use Development Overlay Zone shall comply with the following standards:

(1) Low-pressure sodium or mercury vapor lighting is prohibited.

(2) Parking lot lighting shall be no more than 20 feet in height.

(3) A minimum of one-half footcandle shall be maintained within the parking lot and over all pedestrian walkways.

SECTION 9.

New Section 220-61.2 Signs in MXD Mixed-use Development Overlay Zone.

Signs in the MXD Mixed-use Development Overlay Zone shall be regulated as follows:

A. Wall sign. One wall sign shall be permitted per entrance, subject to the following limitations:

(1) The maximum sign area shall be 6 square feet.

(2) A wall sign may be illuminated.

SECTION 10.

WHEREAS, upon adoption of this Ordinance, the Township Planner is directed to amend the official Zoning Map of the Township of Franklin to illustrate the location of the MXD Mixed-use Development Overlay Zone.

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

EFFECTIVE DATE. This Ordinance shall not take effect until approved by the Court.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on _____, 2018, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on _____, 2018 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Ursula V. Stryker

Township Clerk

Adopted:

Craig Repmann, Mayor
Township Committee

Attest:

Ursula V. Stryker, RMC
Municipal Clerk

DRAFT

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ORDINANCE NO. _____
TOWNSHIP OF FRANKLIN
HUNTERDON COUNTY, NEW JERSEY

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF FRANKLIN TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Code of the Township of Franklin is hereby amended to include provisions addressing Franklin's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

WHEREAS, that the Franklin Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by the Committee. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

NOW, THEREFORE BE IT ORDAINED, that Chapter 176 "Fair Housing" is hereby deleted and replaced with the following text:

Article I. Affordable Housing Requirements

176-1. Title

The title of this chapter shall be the "Affordable Housing Ordinance."

176-2. Statutory authorization.

The Legislature of the State of New Jersey has, in the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., delegated the authority to local governments to adopt an ordinance to provide a realistic opportunity for sound shelter for low- and moderate-income households. Therefore, the Committee of the Township of Franklin does ordain as follows:

176-3. Monitoring and Reporting Requirements

The Township of Franklin shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

A. Beginning on the first anniversary of the Judgment of Compliance and Repose, and on every anniversary of that date through July 1, 2025, the Township agrees to provide annual reporting of

its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

B. Beginning on the first anniversary of the Judgment of Compliance and Repose, and on every anniversary of that date through July 1, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the FSHC.

C. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented.

D. Within 30 days of the third anniversary of the Judgment of Compliance and Repose, and every third year thereafter until July 1, 2025, as required by N.J.S.A. 52:27D-329.1, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements.

176-4. Definitions.

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

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

ADAPTABLE
Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT
The entity designated by the Township 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
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
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
A sales price or rent level that is within the means of a 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
A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)
Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT
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
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
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
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
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
A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

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

DCA
The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT
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
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
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
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
A household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

LOW-INCOME UNIT
A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM
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
Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME
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
A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

MODERATE-INCOME UNIT
A restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE
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
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
The maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

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

RENT
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
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
The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY LOW-INCOME HOUSEHOLD
A household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

VERY LOW-INCOME UNIT
A restricted unit that is affordable to a very low-income household.

WEATHERIZATION
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.

176-5. Applicability.

A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Franklin pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.

B. Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

176-6. 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.

176-7. Inclusionary Zoning.

A. To implement the fair share plan in a manner consistent with the terms of the October 12, 2017 Settlement Agreement, ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning shall be permitted on the following properties consistent with the provisions of Franklin's Housing Element and Fair Share Plan and the terms of the Settlement Agreement.

(1) The Township site known as Block 5, Lots 2 and 3, shall be rezoned to permit multi-family housing at a density of 8 units to the acre.

(2) The Wal-Mart/Cracker Barrel site, known as Block 5, Lots 1 and 20 shall have an overlay zone placed on them, which would permit mixed-use inclusionary development. The overlay zone would require commercial uses on the first floor and permit inclusionary multi-family residential above. A maximum of three stories and 16 units to the acre will be permitted.

176-8. Phasing Schedule for Inclusionary Zoning.

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

176-9. New Construction.

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

(1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very low-income units (affordable to a household earning 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 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 20% of the total low- and moderate-income units;

(b) At least 30% of all low- and moderate-income units shall be two bedroom units;

(c) At least 20% of all low- and 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 low- and 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 (2)(a) through (2)(d) 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 (2)(a) through (2)(d) 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, or evidence that Franklin has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

[2] To this end, the builder of restricted units shall deposit funds within the Township of Franklin's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

[3] The funds deposited under paragraph (f)[2] above shall be used by the Township of Franklin for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Franklin for the conversion of adaptable to accessible entrances.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

[6] 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, low- and moderate-income units shall be integrated with the market units.

(2) In inclusionary developments, low- and 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 most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the Settlement Agreement dated October 12, 2017.

(2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 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 13% of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

(4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 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 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 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 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 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 rents 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 Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

176-10. 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.

176-11. Occupancy Standards.

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:

A. Provide an occupant for each bedroom;

B. Provide children of different sexes with separate bedrooms;

C. Provide separate bedrooms for parents and children; and

D. Prevent more than two persons from occupying a single bedroom.

176-12. 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 30 years, until Franklin 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.

176-13. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

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:

A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

D. 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 176-16.

176-14. 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 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.

B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Committee, 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 33% of the household's eligible monthly income.

176-15. 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 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).

176-16. 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.

176-17. 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 30 years, until Franklin 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 Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within 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.

176-18. 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 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

176-19. 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 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 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 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 35% (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 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

(2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

(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.

Article II. Municipal Housing Liaison.

176-20. Purpose

The purpose of this article is to create the administrative mechanisms needed for the execution of the Township of Franklin's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.

176-21. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

ADMINISTRATIVE AGENT
The entity duly designated and responsible for administering the affordability controls on low and moderate income units created in the Township of Franklin to ensure that the restricted units are affirmatively marketed and sold or rented, as applicable, only to very low-, low- and moderate-income households.

MUNICIPAL HOUSING LIAISON
The municipal employee duly designated by the governing body with the responsibility for monitoring, reporting oversight and general administration of the affordable housing program for the Township of Franklin.

176-22. Establishment of position and compensation; powers and duties.

A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Township of Franklin.

B. Subject to the approval of the Court, the Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.

C. The Municipal Housing Liaison shall be responsible for monitoring, reporting, oversight and general administration of the affordable housing program for the Township of Franklin, including the following responsibilities which may not be contracted out to an Administrative Agent:

(1) Serving as the Township of Franklin's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;

(2) Monitoring the status of all restricted units in the Township of Franklin's Housing Element and Fair Share Plan;

(3) Compiling, verifying and publishing on the Township's website all referenced monitoring reports as required by the Court;

(4) Coordinating meetings with affordable housing providers and the administrative agent(s) as applicable; and

(5) Attending continuing education programs as required to obtain and maintain certification as a Municipal Housing Liaison.

D. Subject approval by the Court, the Township of Franklin may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of the Township of Franklin. If the Township of Franklin contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.

E. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of Municipal Housing Liaison.

Article III. Administrative Agent

176-23. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of the Township of Franklin's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.

176-24. Establishment of position; powers and duties.

An Administrative Agent may be an independent entity serving under contract to and reporting to 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 Franklin 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 Franklin 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 Franklin: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, the Central Jersey Housing Resource Center and the New Jersey 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 Hunterdon County Register of Deeds or Hunterdon 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 to the municipality's Affordable Housing Trust Fund; 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 Committee 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.

Article IV. Affirmative Marketing Requirements.

176-25. Affordable Marketing Requirements.

A. The Township of Franklin 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 3 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 3, comprised of Hunterdon, Middlesex and Somerset Counties.

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Franklin shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

F. 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.

G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the Hunterdon County Library Headquarters; 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.

I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Franklin to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, the Central Jersey Housing Resource Center and the New Jersey Housing Resource Center.

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

176-26. 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 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 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 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 low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Franklin Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(c) In the case of an Owner who has rented a 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 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 low- and 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 low- and 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 low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and 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 low- and 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 low- and 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 low- and 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.

176-27. Appeals.

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

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

EFFECTIVE DATE. This Ordinance shall not take effect until approved by the Court.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on _____, 2018, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on _____, 2018 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Ursula V. Stryker

Township Clerk

Adopted:

_____

Craig Repmann, Mayor
Township Committee

Attest:

_____

Ursula V. Stryker, RMC
Municipal Clerk

ORDINANCE 2018-___
FRANKLIN TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 176 "AFFORDABLE HOUSING ORDINANCE" WITH A NEW ARTICLE V "AFFORDABLE HOUSING DEVELOPMENT FEES," TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT

WHEREAS, In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from residential and non-residential development;

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of Franklin, Hunterdon County, New Jersey, that Chapter 176 "Affordable Housing Ordinance" be supplemented with a new Article V "Affordable Housing Development Fees" as outlined on the following pages regulating the collection and disposition of development fees to be used in connection with the Township's affordable housing programs, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Article V. Affordable Housing Development Fees.

§179-28. Purpose.

This Ordinance 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 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§179-29. Basic Requirements.

A. This Ordinance shall not be effective until approved by the Court.

B. The Township of Franklin shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

§179-30. Definitions.

The following terms, as used in this Ordinance, shall have the following meanings:

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 municipal construction project or a 100 percent affordable housing development.

COAH OR THE COUNCIL

The New Jersey Council on Affordable Housing established under the Fair Housing Act.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Township, 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.

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.

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 (C.54:1-35a through C.54:1-35c).

GREEN BUILDING STRATEGIES

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

§179-31. Residential Development Fees.

A. Imposition of Fees.

(1) Within the Township of Franklin, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

(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% percent 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.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

(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 Franklin, shall be exempt from the payment of development fees.

(2) Improvements or additions to existing one- and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.

(3) Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

§179-32. Non-Residential Development Fees.

A. Imposition of Fees.

(1) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, 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) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

(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 pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

B. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development.

(1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.

(2) The 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) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form

N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.

(4) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.

(5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Franklin as a lien against the real property of the owner.

§179-33. Collection Procedures.

A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.

B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/ Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential 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 Construction Permit shall notify the Township Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.

D. Within 15 days of receipt of such notification, the Township Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.

E. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Township 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 Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

G. Should the Township of Franklin 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 (C.40:55D-8.6).

H. Half (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected prior to the issuance of the

Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.

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 the Township of Franklin. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, *et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

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

§179-34. 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 of the Township of Franklin for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

(1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Township of Franklin;

(2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multi-story attached dwelling unit development accessible;

(3) Rental income from municipally-operated units;

(4) Repayments from affordable housing program loans;

(5) Recapture funds;

(6) Proceeds from the sale of affordable units; and

(7) Any other funds collected in connection with Franklin's affordable housing program.

C. In the event of a failure by the Township of Franklin 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 Franklin, or, if not practicable, then within the County or the Housing Region.

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 non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, 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.

§179-35. Use of Funds.

A. The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Township of Franklin'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 non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.

B. Funds shall not be expended to reimburse the Township of Franklin 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 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 3, in which Franklin 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 percent 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, if permitted by Ordinance or by Agreement with the Township of Franklin, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

D. The Township of Franklin may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation 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 the Township's executes Settlement Agreement requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

§179-36. Monitoring.

The Township of Franklin shall provide annual reporting of Affordable Housing Trust Fund Activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Township), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Township-owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Franklin's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

§179-37. Ongoing Collection of Fees.

A. The ability for the Township of Franklin to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Township of Franklin has first 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 Franklin fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).

C. The Township of Franklin shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Township of Franklin retroactively impose a development fee on such a development. The Township of Franklin also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance.

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

EFFECTIVE DATE. This Ordinance shall not take effect until approved by the Court.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on _____, 2018, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on _____, 2018 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Ursula V. Stryker

Township Clerk

Adopted:

_____

Craig Repmann, Mayor
Township Committee

Attest:

_____

Ursula V. Stryker, RMC
Municipal Clerk

2018

TOWNSHIP OF FRANKLIN

2018 Affordable Housing Trust Fund Spending Plan

1) INTRODUCTION

The Township of Franklin, Hunterdon County is in the processing of preparing a new Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the October 12, 2017 Settlement Agreement. On February 13, 1997 via Ordinance 97-035 the Township Committee adopted a development fee ordinance, which was approved by COAH on April 4, 1997. A revised development fee ordinance was adopted by the Township on May 28, 2009, via Ordinance 2009-04, which was approved by COAH on March 26, 2009.[1]

2) REVENUES FOR CERTIFICATION PERIOD

As of December 31, 2017, the Township of Franklin has collected $399,650.91 and expended $0, resulting in a balance of $399,650.91. 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 Unity Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of third round substantive certification, the Township of Franklin considered the following:

(a) Development fees:

1. Residential and non-residential projects that have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

[1] COAH approval dates from COAH Tracking and Monitoring website.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: *None. However, PIL are not currently anticipated to be collected or assessed, except as they may incidentally flow from obligations for fractions of units in inclusionary developments.*

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income and proceeds from the sale of affordable units. *No funds are anticipated at this time.*

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

The Township of Franklin projects a total of $281,092.50 in revenue to be collected between January 1, 2018 and December 31, 2025. This projected amount, when added to the Township of Franklin's trust fund balance as of December 31, 2017, results in an anticipated total revenue of $680,743.41 available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

Projected Revenues – Affordable Housing Trust Fund									
Source of Funds	2018	2019	2020	2021	2022	2023	2024	2025	Total
(a) Development fees:									
Development Pending Approval									$0
Approved Development	$0.00	$0.00	$18,000.00	$18,000.00	$45,000.00	$45,000.00	$27,000.00	$18,000.00	$171,000.00
Projected Development	$9,000.00	$18,000.00	$9,000.00	$18,000.00	$9,000.00	$9,000.00	$18,000.00	$18,000.00	$108,000.00
(b) Payments in Lieu of Construction									$0
(c) Other Funds									$0
(d) Interest	$67.50	$135.00	$202.50	$270.00	$405.00	$405.00	$337.50	$270.00	$2,092.50
Total	$9,067.50	$18,135.00	$27,202.50	$36,270.00	$54,405.00	$54,405.00	$45,337.50	$36,270.00	$281,092.50

*For purposes of projecting revenues, we have utilized historic residential Certification of Occupancy data that occured between 2010 and 2017. Projections assume the estimated value of a new home is $600,000. The value is then multipled by 1.5%.

3) 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 Franklin:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Township of Franklin's development fee ordinance for both residential and non-residential developments in accordance with COAH'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) and with the October 12, 2017 Settlement Agreement.

(b) Distribution of development fee revenues:

The Administration forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of the funds requires the adoption of the governing body resolution in accordance with the Court-approved spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

4) DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects**

The Township of Franklin will dedicate $0 to rehabilitation as the Township presently has no Rehabilitation Obligation. The Township will dedicate approximately $330,000 to new construction programs as follows:

Rehabilitation program: $0

New construction project(s): Up to $340,371.71, which is dependent upon the realization of the development fees that have been projected.

The Township of Franklin projects that a maximum of $320,000 will be available to assist a group home provider that decides to locate within the municipality. The Township would provide up to $40,000 per eligible bedroom in exchange for a creditable unit with a 30-year deed restriction. This is not a mechanism within the HEFSP, but the Township would like to capitalize upon the opportunity to generate affordable housing due to its limited water and sewer capacities.

Franklin is reserving a maximum of $20,371.71 for a future unknown affordable housing opportunity. The Township would like flexibility to fund a new construction project that complies with the rules to create creditable units if the opportunity arises between now and December 31, 2025.

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Municipalities are required to spend a minimum of 30% of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30% of the regional

median income). The actual affordability assistance minimums will be calculated on an ongoing basis in the CTM (COAH Tracking and Monitoring) system based on actual revenues if COAH will give the Township's new CFO access to the CTM system.

According to the chart below, the Township of Franklin is required to dedicate $204,223.02 from the affordable housing trust fund to render units more affordable, including $68,074.34 to render units more affordable to households earning 30% or less of median income by region, as follows:

- DeoVolente. This property contains two affordable units. The Township will provide rental assistance to cover a portion of the tenant's monthly rent.
- Rental Assistance. Franklin will set aside up to $50,000 for rental assistance. Assistance will be provided on a first-come, first-serve basis to income-eligible renters with good credit standing who qualify for an affordable unit.
- Security Deposit Assistance. Franklin will set aside up to $50,000 as a revolving Security Deposit Assistance Fund. An interest-free loan from the fund will be received by an income-eligible renter with good credit standing who qualifies for an affordable unit. The security deposit assistance will be in the form of a loan equal to 1.5 months' rent as a security deposit paid to the landlord on behalf of the tenant. At the termination of the lease, the landlord will return the portion of the security deposit it determines to Franklin along with the interest earned. The tenant will repay any difference between the original security deposit amount and the portion returned by the landlord. Funds returned to the municipality will be placed in the affordable housing trust fund to be used for future security deposit assistance.
- Other Programs. Depending on the tenure of development that occurs on Block 5, Lots 1, 2,3, and 20, the Township will reserve funding for programs such as closing cost down-payment assistance, homeowner associate fee subsidy, special assessment fee assistance, assistance with emergency repairs, solar panel installations, energy efficient heating/cooling systems, etc.
- Very-low Income Rental Assistance. Franklin will set aside a portion of the $68,074.34 reserved for very-low income households for rental assistance. Assistance will be provided on a first-come, first-serve basis to income-eligible renters with good credit standing who qualify for an affordable unit.
- Very-low Income Assistance. Franklin will set aside a portion of the $68,074.34 reserved for very-low income households for closing cost down-payment assistance, security deposit assistance and homeowner association fee subsidy.

AFFORDABILITY ASSISTANCE CALCULATION			
Actual development fees through 12/31/2017		$	380,304.00
Actual interest earned through 12/31/2017	+	$	19,346.91
Development fees projected 2018-2025	+	$	279,000.00
Interest projected 2018-2025	+	$	2,092.50
Less housing activity expenditures through 12/31/2017	-	$	-
Total	=	$	680,743.41
Calculate 30 percent	x .30 =	$	204,223.02
Less Affordability assistance expenditures through 12/31/2017	-	$	-
Projected Minimum Affordability Assistance Requirement 1/1/2018 through 12/31/2025	=	$	204,223.02
Projected Minimum Very Low-Income Affordability Assistance Requirement 1/1/2018 through 12/31/2025	÷ 3 =	$	68,074.34

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

Municipalities are permitted to use affordable housing trust fund revenue for related administrative costs up to a 20% limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis in the CTM system based on actual revenues.[2]

[2] This assumes COAH grants access to the CTM system to the Township's new CFO.

ADMINISTRATIVE EXPENSE CALCULATION		
Actual dev fees and interest thru 12/31/2017		$399,650.91
Projected dev fees and interest 2018 thru 2025	+	$281,092.50
Payments-in-lieu of construction and other deposits thru 12/31/2017	+	$0.00
Less RCA expenditures thru 12/31/2017	-	$0.00
Total	=	$680,743.41
Calculate 20 percent	x .20 =	$136,148.68
Less admin expenditures thru 12/31/2017	-	$0.00
Projected Maximum available for administrative expenses 1/1/2018 thru 12/31/2025	=	$136,148.68

The Township of Franklin projects that $136,148.68 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20% cap, are as follows:

- Township Attorney, Engineer and Planner fees as well as consulting fees related to the administration and implementation of the Township's affordable housing program(s).
- Salaries and benefits for municipal employees for administration and implementation of the housing plan and program(s).
- Municipal Housing Liaison and Administrative Agent training and on-going continuing education.
- Completion of annual trust fund and affordable housing activity monitoring as detailed in the October 12, 2017 Settlement Agreement.
- Completion of very-low income monitoring every three years as detailed in the October 12, 2017 Settlement Agreement.
- Completion of the mid-point realistic opportunity review due on July 1, 2020 as detailed in the October 12, 2017 Settlement.

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5) EXPENDITURE SCHEDULE

The Township of Franklin intends to use affordable housing trust fund revenues for the creation and/or preservation of affordable housing units.

Projects/Programs	Number of Units Projected	2018	2019	2020	2021	2022	2023	2024	2025	Total
Alternative Living Arrangement (group home)	8			$160,000				$160,000		$320,000.00
Reserve for Future Unknown Affordable Opportunity							$20,372			$20,371.71
Affordability Assistance		$10,000	$10,000	$10,000	$10,000	$10,000	$30,000	$30,000	$26,149	$136,148.68
Very-Low Income							$20,000	$25,000	$23,074	$68,074.34
Administration		$17,000	$17,000	$17,000	$17,000	$17,000	$17,000	$17,000	$17,149	$136,148.68
Total		$27,000	$27,000	$187,000	$27,000	$27,000	$87,372	$232,000	$66,372	$680,743.41

6) EXCESS OF FUNDS

In the event more funds than anticipated are collected, projected funds exceed the amount necessary to implement the Fair Share Plan, or where the Township of Franklin is reserving funds for affordable housing projects to meet a future affordable housing obligation, these excess funds will be used to either fund additional group homes or will be reserved for a future unknown affordable opportunity.

7) BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Township of Franklin's Affordable Housing Ordinance, in accordance with N.J.A.C. 5:97-8.

8) SUMMARY

The Township of Franklin intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Housing Plan Element and Fair Share Plan dated _____, 2018.

The Township of Franklin has a balance of $399,650.91 as of December 31, 2017, and anticipates an additional $281,092.50 in revenues through 2025 for a total of $680,743.41. To date, the Township has expended a total of $0. This Spending Plan demonstrates the Township's **commitment to expend** $680,743.41 through December 31, 2025, including a commitment to expend with respect to the following:

- Commitment to expend up to $320,000 towards alternative living arrangements;
- Commitment to expend up to $20,371.71 towards an unknown future affordable housing opportunity;
- Commitment to expend up to $204,223.02 towards affordability assistance; and
- Commitment to expend up to $136,148.68 towards administrative costs.

SPENDING PLAN SUMMARY		
Balance as of December 31, 2017		$399,650.91
Projected Revenue 2018-2025		
Development fees	+	$279,000.00
Payments in lieu of construction	+	$0.00
Other funds	+	$0.00
Interest	+	$2,092.50
TOTAL REVENUE	=	$680,743.41
Projected Expenditures 2018-2025		
Funds used for Rehabilitation	-	$0.00
Funds used for Projects		
1. Alternative Living Arrangement	-	$320,000.00
2. Future Unknown Opportunity	-	$20,371.71
Affordability Assistance	-	$204,223.02
Administration	-	$136,148.68
Total Projected Expenditures	=	$680,743.41
Remaining Balance	=	$0.00

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ATTACHMENT A
AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in **(REGION 3)**

I. APPLICANT AND PROJECT INFORMATION
(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number	1b. Development or Program Name, Address Township of Franklin 202 Sidney Road, Pittstown, NJ 08867	
1c. Number of Affordable Units: TBD Number of Rental Units: TBD Number of For-Sale Units: TBD	1d. Price or Rental Range From TBD To TBD	1e. State and Federal Funding Sources (if any) TBD
1f. TBD Age Restricted TBD Non-Age Restricted	1g. Approximate Starting Dates Advertising: Will vary Occupancy: Will vary	
1h. County **Hunterdon, Middlesex, Somerset**	1i. Census Tract(s): WILL VARY	
1j. Managing/Sales Agent's Name, Address, Phone Number TBD by project		
1k. Application Fees (if any): TBD by project		

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received. Random selection is conducted when a unit is available and only certified households seeking the type and bedroom size of the available unit are placed in the lottery. The process is as outlined in the Model Operating Manual.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic X Black (non-Hispanic) X Hispanic ☐ American Indian or Alaskan Native

X Asian or Pacific Islander ☐ Other group:

3b. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE COAH REGION 3			
Daily Newspaper			
☐		Star-Ledger	
TARGETS PARTIAL COAH REGION 3			
Daily Newspaper			
☐		Home News Tribune	Middlesex, Somerset, Union
☐		Courier News	Somerset and Hunterdon
Weekly Newspaper			
☐		Beacon	Hunterdon
☐		Delaware Valley News	Hunterdon
X		Hunterdon County Democrat / Hunterdon Observer	Hunterdon
☐		Hunterdon Review	Hunterdon
☐		Amboy Beacon	Middlesex
☐		Colonia Corner	Middlesex
☐		Cranbury Press	Middlesex
☐		East Brunswick Sentinel	Middlesex
☐		Edison Sentinel	Middlesex
☐		South Brunswick Post	Middlesex
☐		South Plainfield Observer	Middlesex
☐		Suburban, The	Middlesex
☐		Princeton Packet	Middlesex, Somerset
☐		Sentinel, The	Middlesex, Somerset
☐		Atom Tabloid & Citizen Gazette	Middlesex, Union
☐		Parsippany Life	Morris

☐		Echoes Sentinel	Morris, Somerset
☐		Bernardsville News	Somerset
☐		Branchburg News	Somerset
☐		Chronicle	Somerset
☐		Hills-Bedminster Press	Somerset
☐		Hillsborough Beacon	Somerset
☐		Manville News	Somerset
☐		Messenger-Gazette	Somerset
☐		Reporter	Somerset
☐		Somerset Spectator	Somerset
Monthly Newspaper			
☐		About Our Town/Community News	Middlesex, Somerset

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
☐		2 WCBS-TV CBS Broadcasting, Inc.	
☐		3 KYW-TV CBS Broadcasting, Inc.	
☐		4 WNBC NBC Telemundo License Co. (General Electric)	
☐		5 WNYW Fox Television Stations, Inc. (News Corp.)	
☐		6 WPVI-TV American Broadcasting Companies, Inc. (Walt Disney)	
☐		7 WABC-TV American Broadcasting Companies, Inc. (Walt Disney)	
☐		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
☐		10 WCAU NBC Telemundo License Co. (General Electric)	
☐		11 WPIX WPIX, Inc. (Tribune)	
☐		12 WHYY-TV WHYY, Inc.	
☐		13 WNET Educational Broadcasting Corporation	
☐		17 WPHL-TV Tribune Company	

☐		31 WPXN-TV Paxson Communications License Company, LLC	
☐		35 WYBE Independence Public Media Of Philadelphia, Inc.	
☐		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	
☐		41 WXTV WXTV License Partnership, G.P. (Univision Communications, Inc.)	
☐		48 WGTW-TV Trinity Broadcasting Network	
☐		50 WNJN New Jersey Public Broadcasting Authority	
☐		52 WNJT New Jersey Public Broadcasting Authority	
☐		57 WPSG CBS Broadcasting, Inc.	
☐		58 WNJB New Jersey Public Broadcasting Authority	
☐		61 WPPX Paxson Communications License Company, LLC	
☐		63 WMBC-TV Mountain Broadcasting Corporation	
☐		65 WUVP-TV Univision Communications, Inc.	
☐		68 WFUT-TV Univision New York, LLC	Spanish
TARGETS PARTIAL COAH REGION 3			
☐		16 WNEP-TV New York Times Co.	Hunterdon
☐		46 W46BL Maranatha Broadcasting Company, Inc.	Hunterdon
☐		51 WTVE Reading Broadcasting, Inc.	Hunterdon (Christian)
☐		25 W25BB New Jersey Public Broadcasting Authority	Hunterdon, Middlesex
☐		22 WYOU Nexstar Broadcasting, Inc.	Hunterdon, Somerset
☐		28 WBRE-TV Nexstar Broadcasting, Inc.	Hunterdon, Somerset
☐		44 WVIA-TV Ne Pa Ed TV Association	Hunterdon, Somerset
☐		56 WOLF-TV Wolf License Corp.	Hunterdon, Somerset
☐		60 WBPH-TV Sonshine Family Television Corp.	Hunterdon, Somerset
☐		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Hunterdon, Somerset

☐		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Middlesex, Somerset
☐		47 WNJU NBC Telemundo License Co. (General Electric)	Middlesex, Somerset
☐		66 WFME-TV Family Stations of New Jersey, Inc.	Middlesex, Somerset (Christian)
☐		25 WNYE-TV New York City Dept. of Info., Technology & Telecommunications	Somerset

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 3			
☐		Comcast of Northwest NJ, Southeast Pennsylvania	Partial Hunterdon
☐		Patriot Media & Communications	Partial Hunterdon, Somerset
☐		Service Electric Cable TV of Hunterdon	Partial Hunterdon
☐		Cablevision of Raritan Valley	Partial Middlesex, Somerset
☐		Comcast of Central NJ, NJ (Union System)	Partial Middlesex
☐		Comcast of Plainfield	Partial Middlesex, Somerset

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
AM			
☐		WFAN 660	
☐		WOR 710	
☐		WABC 770	
☐		WCBS 880	
☐		WBBR 1130	
☐		WWTR 1170	
☐		WTTM 1680	Spanish, Asian, etc.
FM			
☐		WFNY-FM 92.3	
☐		WPAT-FM 93.1	Spanish
☐		WNYC-FM 93.9	
☐		WPST 94.5	

☐		WFME 94.7	
☐		WPLJ 95.5	
☐		WQXR-FM 96.3	
☐		WQHT 97.1	
☐		WSKQ-FM 97.9	Spanish
☐		WRKS 98.7	
☐		WAWZ 99.1	Christian
☐		WBAI 99.5	
☐		WPHI-FM 100.3	
☐		WCBS-FM 101.1	
☐		WKXW-FM 101.5	
☐		WQCD 101.9	
☐		WNEW 102.7	
☐		WPRB 103.3	
☐		WKTU 103.5	
☐		WWPR-FM 105.1	
☐		WDAS-FM 105.3	
☐		WLTW 106.7	
TARGETS PARTIAL COAH REGION 3			
AM			
☐		WFIL 560	Hunterdon
☐		WIP 610	Hunterdon
☐		WAEB 790	Hunterdon
☐		WCHR 1040	Hunterdon
☐		WGPA 1100	Hunterdon
☐		WEEX 1230	Hunterdon
☐		WKAP 1470	Hunterdon
☐		WRNJ 1510	Hunterdon
☐		WWJZ 640	Hunterdon, Middlesex
☐		WPHY 920	Hunterdon, Middlesex

☐		WPHT 1210	Hunterdon, Middlesex
☐		WBUD 1260	Hunterdon, Middlesex
☐		WMCA 570	Middlesex (Christian)
☐		WIMG 1300	Middlesex
☐		WCTC 1450	Middlesex, Somerset
FM			
☐		WRTI 90.1	Hunterdon
☐		WCVH 90.5	Hunterdon
☐		WHYY-FM 90.9	Hunterdon
☐		WXTU 92.5	Hunterdon
☐		WAEB-FM 104.1	Hunterdon
☐		WFKB 107.5	Hunterdon
☐		WMMR 93.3	Hunterdon, Middlesex
☐		WYSP 94.1	Hunterdon, Middlesex
☐		WBEN-FM 95.7	Hunterdon, Middlesex
☐		WRDW-FM 96.5	Hunterdon, Middlesex
☐		WOGL 98.1	Hunterdon, Middlesex
☐		WUSL 98.9	Hunterdon, Middlesex
☐		WIOQ 102.1	Hunterdon, Middlesex
☐		WMGK 102.9	Hunterdon, Middlesex
☐		WJJZ 106.1	Hunterdon, Middlesex
☐		WKDN 106.9	Hunterdon, Middlesex (Christian)
☐		WAXQ 104.3	Hunterdon, Middlesex, Somerset
☐		WNTI 91.9	Hunterdon, Somerset
☐		WZZO 95.1	Hunterdon, Somerset
☐		WCTO 96.1	Hunterdon, Somerset
☐		WLEV 100.7	Hunterdon, Somerset
☐		WNJT-FM 88.1	Middlesex
☐		WRSU-FM 88.7	Middlesex
☐		WWFM 89.1	Middlesex
☐		WWPH 107.9	Middlesex

☐		WDVR 89.7	Middlesex, Somerset
☐		WVPH 90.3	Middlesex, Somerset
☐		WMGQ 98.3	Middlesex, Somerset
☐		WBLS 107.5	Middlesex, Somerset

3c. 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 3				
Weekly				
		Nuestra Communidad	Central/South Jersey	Spanish-Language
Monthly				
☐		Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL COAH REGION 3				
Daily				
☐		24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly				
☐		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
☐		Catholic Advocate, The	Essex County area	Catholic
☐		La Voz	Hudson, Union, Middlesex Counties	Cuban community
☐		Amerika Magyar Nepszava (American Hungarian Peoples' Voice)	Central/North Jersey	Hungarian-Language
☐		New Jersey Jewish News	Northern and Central New Jersey	Jewish
☐		Nuestra Communidad	Central/South Jersey	Spanish-Language
☐		Desi NJ	Central Jersey	South Asian
☐		Ukrainian Weekly	New Jersey	Ukrainian Community

3d. 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
Hunterdon County			
☐		Merck & Co.	1 Merck Dr., Whitehouse Station

X		Hunterdon Medical Center	2100 Wescott Drive, Flemington, NJ 08822
☐		Foster Wheeler	Perryville Corporate Park, Clinton, NJ 08809-4000
☐		Chubb Insurance Co.	202 Halls Mill Rd., Whitehouse Station, NJ 08889
X		Exxon-Mobil Research & Engineering	1545 US Highway 22 E., Annandale, NJ 08801
☐		New York Life	110 Cokesbury Rd, Lebanon
Middlesex County			
☐		Bristol-Myers Squibb	1 Squibb Dr, New Brunswick, NJ 08901
☐		Merrill Lynch & Company	800 Scudders Mill Rd, Plainsboro
☐		Johnson & Johnson	1 Johnson & Johnson Plaza, New Brunswick
☐		Prudential Insurance Company	44 Stelton Rd. # 130, Piscataway
☐		Robert Wood Johnson University Hospital	1 Robert Wood Johnson Pl., New Brunswick, NJ 08901
☐		Silverline Building Products	207 Pond Ave, Middlesex, NJ 08846
☐		St. Peter's University Hospital	254 Easton Ave., New Brunswick
☐		Telecordia Technology	444 Hoes Ln., Piscataway
☐		J.F.K. Medical Center	65 James Street, Edison, NJ 08818
☐		Raritan Bay Medical Center	530 New Brunswick Av., Perth Amboy, NJ 08861
☐		Amerada Hess Corporation	405 Main St., Woodbridge and 679 Convery Blvd., Perth Amboy
☐		Dow Jones & Company	54 Eddington Ln., Monroe Twp
☐		Siemens AG	755 College Rd. E., Princeton
☐		AT&T	1 Highway Ter., Edison
☐		Engelhardt Corporation	101 Wood Ave. S., Metuchen
Somerset County			
☐		AT&T	1414 Campbell St., Rahway
☐		ABC Limousine	574 Ferry St., Newark
☐		Bloomberg LP	1350 Liberty Ave., Hillside
☐		Courier News	1091 Lousons Road, PO Box 271, Union, NJ
☐		Emcore Corp.	800 Rahway Ave. Union, NJ
☐		Ethicon, Inc.	1515 West Blancke Street, Bldgs 1501 and 1525, Linden, NJ
☐		Fedders Corp.	27 Commerce Drive, Cranford, NJ

☐		ICI Americas, Inc.	450 West First Ave., Roselle, NJ
☐		ITW Electronic Component Packaging	600 Mountain Ave., Murray Hill, NJ
☐		Johnson & Johnson	1 Merck Drive, PO Box 2000 (RY60-200E), Rahway, NJ
☐		Tekni-Plex, Inc.	865 Stone Street, Rahway, NJ
		Ortho-Clinical Diagnostics, Inc.	1401 Park Ave. South, Linden
☐		Hooper Holmes, Inc.	170 Mount Airy Rd., Basking Ridge, NJ 07920

3e. 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	Duration & Frequency of Outreach
Fair Share Housing Center	Statewide	1 notice when units available
Latino Action Network	Statewide	1 notice when units available
New Jersey State Conference of NAACP	Statewide	1 notice when units available
NORWESCAP	Hunterdon, Sussex & Warren County	1 notice when units available
Supportive Housing Association	Statewide	1 notice when units available
Central Jersey Housing Resource Center	Somerset County	1 notice when units available
New Jersey Housing Resource Center	Statewide	1 notice when units available

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 applies)

	BUILDING	LOCATION
☐	Middlesex County Administration Bldg.	75 Bayard Lane, New Brunswick, NJ 08903
☐	Somerset County Admin. Bldg.	20 Grove Street, Somerville, NJ 08876
☐	Somerset County Library Headquarters	1 Vogt Drive, Bridgewater, NJ 08807
X	Hunterdon County Library Headquarters	314 State Highway 12, Flemington, NJ 08822

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Municipal Building, 202 Sidney Road, Pittstown, NJ, 08867

4c. Sales/Rental Office for units (if applicable)
Will vary based on development

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)

_____

Title/Municipality

_____

Signature Date

TOWNSHIP OF FRANKLIN
HUNTERDON COUNTY

RESOLUTION 2018 – ___

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Township of Franklin is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Township of Franklin, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 3, the COAH Housing Region encompassing the Township of Franklin.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin, County of Hunterdon, in meeting assembled as follows:

Affirmative Marketing Plan

A. All affordable housing units in the Township of Franklin shall be marketed in accordance with the provisions herein.

B. The Township of Franklin has a Prior Round Obligation and a Third Round Obligation covering the years from 1999-2025. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Township's Prior Round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.

C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Township of Franklin. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Franklin, shall undertake, at the minimum, all of the following strategies:

1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.

2. At least one additional regional marketing strategy using one of the other sources listed below.

E. 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 that region. It is a continuing

program that directs all marketing activities toward the COAH 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 Franklin is located in COAH Housing Region 3, consisting of Hunterdon, Somerset and Middlesex Counties.

F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements and requests for applications for very low, low and moderate income units shall appear in the *Hunterdon Democrat*.

2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

3. The advertisement shall include a description of the:

   a. Location of the units;

   b Directions to the units;

   c. Range of prices for the units;

   d. Size, as measured in bedrooms, of units;

   e. Maximum income permitted to qualify for the units;

   f. Location of applications;

   g. Business hours when interested households may obtain an application; and

   h. Application fees.

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Franklin Township Municipal Building

2. Franklin Township Web Site

3. Developer's Sales/Rental Offices

4. Hunterdon County Library Headquarters

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Hunterdon, Somerset and Middlesex 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 major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's ***Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 3*** (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, the New Jersey Housing Resource Center and the Central Jersey Housing Resource Center.

1. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Hunterdon, Somerset and Middlesex:

   Welfare or Social Service Board (via the Director)
   Rental Assistance Office (local office of DCA)
   Office on Aging

2. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

3. In addition, specific notification of the availability of affordable housing units in Franklin shall be provided to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, the New Jersey Housing Resource Center and the Central Jersey Housing Resource Center.

I. The following is a listing of community contact person(s) and/or organizations in Hunterdon, Somerset and Middlesex Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low, low and moderate income units:

1. Central Jersey Housing Resource Center, 600 First Avenue, Suite 3, Raritan, NJ 08869

2. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865

J. A random selection method to select occupants of very low, low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low, low and moderate income households that live and/or work in COAH Housing Region 3, comprised of Hunterdon, Somerset and Middlesex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311),

a preference for very low, low and moderate income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Township prior to the affirmative marketing of the units.

K. The Administrative Agent shall administer the Affirmative Marketing Plan. The 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 as per N.J.A.C 5:80-26-1, *et seq.*

L. The Administrative Agent 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.

M. All developers/owners of very low, low and moderate income housing units 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 the Administrative Agent.

N. 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 the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

O. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

Approved this day of _____, 2018

_____
Craig Repmann, Mayor
Township Committee

Attest:

_____
Ursula V. Stryker, RMC
Municipal Clerk

TOWNSHIP OF FRANKLIN
HUNTERDON COUNTY

RESOLUTION 2018 – _____

WHEREAS, the Township of Franklin has petitioned the Superior Court of New Jersey for a Declaratory Judgment that its adopted 2018 Housing Element and Fair Share Plan is compliant with its constitutional obligation to provide its fair share of the regional need for very low-, low-, and moderate-income housing; and

WHEREAS, the Township's adopted 2018 Housing Element and Fair Share Plan will result in the creation of housing units affordable to and intended for occupancy solely by qualified very low-, low-, and moderate-income households; and

WHEREAS, the Township Committee of the Township of Franklin has determined to appoint and designate Cameron Keng as its Municipal Housing Liaison, to fulfill the duties set forth in Ordinance ___-___, creating the position of Municipal Housing Liaison;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Hunterdon, that the Township of Franklin hereby appoints Cameron Keng as its designated Municipal Housing Liaison.

Approved this ____ day of _____, 2018

_____
Craig Repmann, Mayor
Township Committee

Attest:

_____
Ursula V. Stryker, RMC
Municipal Clerk

TOWNSHIP OF FRANKLIN
HUNTERDON COUNTY

RESOLUTION 2018 – _____

WHEREAS, the Township of Franklin has petitioned the Superior Court of New Jersey for a Declaratory Judgment that its adopted 2018 Housing Element and Fair Share Plan is compliant with its constitutional obligation to provide its fair share of the regional need for very low-, low-, and moderate-income housing; and

WHEREAS, the Township's adopted 2018 Housing Element and Fair Share Plan will result in the creation of housing units affordable to and intended for occupancy solely by qualified very low-, low-, and moderate-income households; and

WHEREAS, the Township Committee of the Township of Franklin has determined to retain Cameron Keng as its Administrative Agent, to fulfill the duties set forth in Ordinance ___-___, creating the role of Administrative Agent; and

WHEREAS, Mr. Keng shall be required to complete all training to achieve an Affordable Housing Professional Certificate, which is provided by the Affordable Housing Professionals of New Jersey and the Center for Government Services at Rutgers. This Certificate will serve as the qualification to serve as the Township's Administrative Agent. Mr. Keng shall obtain said Certificate by August 1, 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Hunterdon, that the Township of Franklin hereby retains Cameron Keng as its designated Administrative Agent.

Approved this ____ day of _____, 2018

_____
Craig Repmann, Mayor
Township Committee

Attest:

_____
Ursula V. Stryker, RMC
Municipal Clerk