

**2019  
THIRD ROUND HOUSING ELEMENT AND  
FAIR SHARE PLAN  
AMENDED 2022  
TOWNSHIP OF MOUNT HOLLY  
BURLINGTON COUNTY, NEW JERSEY**



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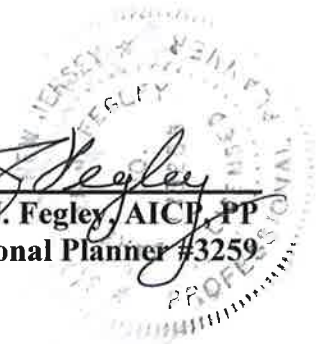
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# HOUSING ELEMENT AND FAIR SHARE PLAN

## HOUSING ELEMENT

### TABLE OF CONTENTS

	<i>Page</i>
<b>I. INVENTORY OF MUNICIPAL HOUSING STOCK</b>	<b>1</b>
<b>A. Age of Housing Stock</b>	<b>1</b>
<b>B. Owner Occupied Housing Values</b>	<b>1</b>
<b>C. Mortgage Status and Selected Monthly Owner Costs</b>	<b>2</b>
<b>D. Monthly Owner Costs</b>	<b>3</b>
<b>E. Gross Rent</b>	<b>4</b>
<b>F. Gross Rent and Household Income</b>	<b>4</b>
<b>G. Housing Tenure</b>	<b>6</b>
<b>H. Units in Structure</b>	<b>6</b>
<b>I. Occupants per Room</b>	<b>6</b>
<b>J. Number of Rooms</b>	<b>8</b>
<b>K. Number of Bedrooms</b>	<b>8</b>
<b>L. Home Heating Fuel</b>	<b>9</b>
<b>M. Selected Characteristics</b>	<b>9</b>
<b>II. DEMOGRAPHIC CHARACTERISTICS</b>	<b>10</b>
<b>A. Income Characteristics and Poverty Levels</b>	<b>10</b>
<b>B. Vehicles per Household</b>	<b>12</b>
<b>C. Persons by Age and Sex</b>	<b>12</b>
<b>D. Household Size and Household Type</b>	<b>13</b>
<b>III. EMPLOYMENT CHARACTERISTICS</b>	<b>15</b>
<b>A. Commuting to Work</b>	<b>15</b>
<b>B. Employment Characteristics</b>	<b>15</b>
<b>C. Labor Force Estimates</b>	<b>16</b>
<b>D. Annual Average Labor Force Estimates</b>	<b>16</b>
<b>E. Employment and Wages</b>	<b>16</b>
<b>IV. PROJECTIONS AND TRENDS</b>	<b>21</b>
<b>A. Employment and Population Projections</b>	<b>21</b>
<b>B. Certificates of Occupancy Issued</b>	<b>21</b>
<b>C. Housing Projections</b>	<b>23</b>

## **HOUSING ELEMENT TABLE OF TABLES**

	<i>Page</i>
<b>TABLE 1 AGE OF HOUSING STOCK</b>	<b>1</b>
<b>TABLE 2 OWNER OCCUPIED HOUSING VALUES</b>	<b>2</b>
<b>TABLE 3 SELECTED MONTHLY OWNER COSTS (SMOC)</b>	<b>3</b>
<b>TABLE 4 SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME (SMOCAPI) HOUSING WITH A MORTGAGE</b>	<b>4</b>
<b>TABLE 5 GROSS RENT</b>	<b>5</b>
<b>TABLE 6 GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPHI)</b>	<b>5</b>
<b>TABLE 7 OCCUPIED UNITS BY HOUSING TENURE</b>	<b>6</b>
<b>TABLE 8 UNITS IN STRUCTURE</b>	<b>7</b>
<b>TABLE 9 OCCUPANTS PER ROOM</b>	<b>7</b>
<b>TABLE 10 NUMBER OF ROOMS</b>	<b>8</b>
<b>TABLE 11 NUMBER OF BEDROOMS</b>	<b>9</b>
<b>TABLE 12 HOUSE HEATING FUEL</b>	<b>10</b>
<b>TABLE 13 SELECTED CHARACTERISTICS</b>	<b>10</b>
<b>TABLE 14 HOUSEHOLD INCOME</b>	<b>11</b>
<b>TABLE 15 PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL</b>	<b>12</b>
<b>TABLE 16 AVAILABLE VEHICLES PER HOUSEHOLD</b>	<b>12</b>
<b>TABLE 17 PERSONS BY AGE AND SEX</b>	<b>13</b>
<b>TABLE 18 HOUSEHOLD SIZE AND HOUSEHOLD TYPE</b>	<b>14</b>
<b>TABLE 19 COMMUTING TO WORK</b>	<b>15</b>
<b>TABLE 20 EMPLOYMENT CHARACTERISTICS BY OCCUPATION</b>	<b>16</b>
<b>TABLE 21 EMPLOYMENT CHARACTERISTICS BY INDUSTRY</b>	<b>17</b>
<b>TABLE 22 ANNUAL AVERAGE LABOR FORCE ESTIMATES, 1990-2018</b>	<b>18</b>
<b>TABLE 23 ANNUAL AVERAGE LABOR FORCE ESTIMATES 2013-2018</b>	<b>19</b>
<b>TABLE 24 EMPLOYMENT AND WAGES BY SECTOR-2018</b>	<b>20</b>
<b>TABLE 25 EMPLOYMENT AND POPULATION PROJECTIONS</b>	<b>21</b>
<b>TABLE 26 POPULATION TRENDS</b>	<b>22</b>
<b>TABLE 27 CERTIFICATES OF OCCUPANCY</b>	<b>23</b>
<b>TABLE 28 HOUSING UNITS AUTHORIZED BY BUILDING PERMITS FOR NEW CONSTRUCTION SOURCES, 2000-2018</b>	<b>24</b>

***FAIR SHARE PLAN TABLE OF CONTENTS***

<b>I.</b>	<b>INTRODUCTION</b>	<b>25</b>
<b>II.</b>	<b>BACKGROUND INFORMATION</b>	<b>26</b>
<b>III.</b>	<b>AFFORDABILITY REQUIREMENTS</b>	<b>28</b>
<b>IV.</b>	<b>HOUSING ELEMENT/FAIR SHARE PLAN REQUIREMENTS</b>	<b>30</b>
<b>V.</b>	<b>MOUNT HOLLY’S AFFORDABLE HOUSING OBLIGATION</b>	<b>31</b>
	<b>A. Introduction</b>	<b>31</b>
	<b>B. Prior Round Obligation and Third Round Obligation</b>	<b>31</b>
	<b>C. Third Round Rehabilitation Obligation</b>	<b>31</b>
	<b>D. Mount Holly’s Housing Obligation</b>	<b>32</b>
<b>VI.</b>	<b>COURT MASTER CONDITIONS</b>	<b>32</b>
<b>VII.</b>	<b>FAIR SHARE PLAN</b>	<b>33</b>
	<b>A. Introduction</b>	<b>33</b>
	<b>B. Satisfaction of the Rehabilitation Obligation</b>	<b>34</b>
	<b>C. Satisfaction of the Prior Round and Third Round Obligation</b>	<b>34</b>
	<b>D. Inclusionary Overlay Zoning District Site Suitability Pursuant to NJAC 5:93-5.3</b>	<b>34</b>
	<b>E. Site A</b>	<b>36</b>
	<b>F. Site B</b>	<b>42</b>
	<b>G. Site C</b>	<b>47</b>
	<b>H. Site D</b>	<b>52</b>
<b>VIII.</b>	<b>AFFORDABLE HOUSING ADMINISTRATION AND AFFIRMATIVE MARKETING</b>	<b>55</b>
<b>IX.</b>	<b>AFFORDABLE HOUSING TRUST FUND</b>	<b>57</b>
<b>X.</b>	<b>COST GENERATION</b>	<b>58</b>
<b>XI.</b>	<b>MONITORING</b>	<b>58</b>

# **FAIR SHARE PLAN**

## **APPENDICES**

- Appendix A December 13, 2021 Letter Memorializing the Terms of An Agreement with Fair Share Housing Center and the Township of Mount Holly along with February 11, 2019 Letter Memorializing the Terms of An Agreement with Fair Share Housing Center and the Township of Mount Holly**
- Appendix B February 2, 2022 Master’s Report on an Amended Settlement Agreement and Amended Compliance Mechanisms for the Mount Laurel Fairness Hearing, Township of Mount Holly, Burlington County, New Jersey**
- Appendix C February 22, 2022 Conditional Judgment of Compliance and Repose**
- Appendix D Ordinance 2022-6**
- Appendix E Ordinance 2022-7**
- Appendix F Ordinance 2022-8**

# HOUSING ELEMENT

## I. INVENTORY OF MUNICIPAL HOUSING STOCK

### A. Age of Housing Stock

The Township of Mount Holly has a relatively older housing stock as shown in Table 1. Approximately 79.1% of the Township’s housing was constructed since 1969 as opposed to 41.1% for the County in the same period. Approximately 20.9% of the Township’s housing was constructed since 1970 as opposed to 58.7% for the County. Housing construction reached its peak in the Township during 1950-1959 with a decrease from that peak to a low of 0% between 2010-2013.

**TABLE 1  
AGE OF HOUSING STOCK**

**Township of Mount Holly and Burlington County, NJ**

Decade	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Pre 1939	1,424	35.4%	19,700	11.1%
1940-1949	205	5.1%	5,138	3.0%
1950-1959	1,152	28.6%	22,402	12.6%
1960-1969	404	10.0%	25,991	14.6%
1970-1979	139	3.5%	29,821	16.7%
1980-1989	349	8.7%	26,167	14.7%
1990-1999	243	6.0%	26,101	14.6%
2000-2009	65	1.6%	19,080	10.7%
2010-2013	0	0.0%	2,505	1.4%
2014 or later	46	1.1%	1,093	0.6%
<b>Total</b>	<b>4,027</b>		<b>178,178</b>	

*Source: Selected Housing Characteristics, 2013-2017 American Community Survey 5 Year Estimates, Table DP04.*

### B. Owner Occupied Housing Values

Table 2 shows that the median housing value for the Township was estimated to be \$190,200 for the 2013 to 2017 period. This is significantly lower than the median County value of \$245,300. The predominant housing values in the Township were in the \$150,000 to \$299,999 range, with 66.4% of the owner occupied units in this value range as shown in Table 2. Approximately 24.5% of the homes were valued between below this range and 9.2% were valued above that range. In the County, the majority of units were valued within the \$200,000 to \$299,999 range. Comparing the Township and County, the County had 34.1% of the units valued at \$300,000 and over which is significantly more than the Township's 9.2% of units valued over \$300,000.

**TABLE 2**  
**OWNER OCCUPIED HOUSING VALUES**  
**Township of Mount Holly and Burlington County, NJ**

Value	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Owner-occupied units	<b>2,256</b>		<b>125,557</b>	
Less than \$50,000	90	4.0%	3,998	3.2%
\$50,000 to \$99,999	146	6.5%	4,543	3.6%
\$100,000 to \$149,999	316	14.0%	13,467	10.7%
\$150,000 to \$199,999	733	32.5%	22,354	17.8%
\$200,000 to \$299,999	764	33.9%	38,415	30.6%
\$300,000 to \$499,999	165	7.3%	32,806	26.1%
\$500,000 to \$999,999	37	1.6%	9,061	7.2%
\$1,000,000 or more	5	0.2%	913	0.7%
Median (Dollars)	\$190,200	(x)	\$245,300	(x)

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**C. Mortgage Status and Selected Monthly Owner Costs**

Table 3 indicates selected monthly owner costs for those with a mortgage and those without a mortgage in the Township and the County. In the Township, the median mortgage estimated in the 2013 to 2017 period was \$1,707, which was moderately lower than \$2,069 in the County. There was significantly more housing with a mortgage (1,646 or 73.0%) than without a mortgage (610 or 27.0%) in the Township. This compares to 89,006 or 70.9% in the County with a mortgage and 36,551 or 29.1% in the County without a mortgage.

**TABLE 3**  
**SELECTED MONTHLY OWNER COSTS (SMOC)**  
**Township of Mount Holly and Burlington County, NJ**

Value	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Housing with a Mortgage	1,646		89,006	
Less than \$500	0	0.0%	103	0.1%
\$500 to \$999	144	8.7%	3,535	4.0%
\$1000 to \$1499	445	27.0%	15,450	17.4%
\$1500 to \$1,999	622	37.8%	22,742	25.6%
\$2,000 to \$2,499	201	12.2%	18,977	21.3%
\$2,500 to \$2,999	190	11.5%	11,943	13.4%
\$3,000 or More	44	2.7%	16,196	18.2%
Median (Dollars)	\$1,707	(x)	\$2,069	(x)
Housing without a Mortgage	610		36,551	
Less than \$250	10	1.6%	740	2.0%
\$250 to \$399	50	8.2%	975	2.7%
\$400 to \$599	42	6.9%	3,922	10.7%
\$600 to \$799	281	46.1%	8,688	23.8%
\$800 to \$999	161	26.4%	9,567	26.2%
\$1000 or More	66	10.8%	12,659	34.6%
Median (Dollars)	\$755	(x)	\$877	(x)

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

#### **D. Monthly Owner Costs**

Table 4 estimates Selected Monthly Owner Costs as a percentage of Household Income for Households with a Mortgage in the 2013 to 2017 period. In the Township, the greatest percentage of households (37.7%) spent less than 20.% on owner costs. The greatest percentage of County households (36.2%) also spent less than 20% of their income on owner costs. The second and third largest percentage of household costs for the Township, respectively, were in the 35.0% or more and 20.0 to 24.9% of household income categories. For the County, likewise, the second largest percentage of owner costs was in the 35.0% or more category and the third largest was in the 20.0 to 24.% category. The figures indicate that generally, Township residents spent approximately the same range of household income on owner costs as County residents.

**TABLE 4**  
**SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF**  
**HOUSEHOLD INCOME (SMOCAPI)**  
**HOUSING UNITS WITH A MORTGAGE**  
**Township of Mount Holly and Burlington County, NJ**

Percentage	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Housing Units with a Mortgage (Excluding Units Where SMOCAPI Cannot be Computed)	1,646		88,730	
Less than 20.0 Percent	620	37.7%	32,161	36.2%
20.0 to 24.9 Percent	265	16.1%	15,668	17.7%
25.0 to 29.9 Percent	143	8.7%	11,144	12.6%
30.0 to 34.9 Percent	156	9.5%	7,231	8.1%
35.0 Percent or More	462	28.1%	22,526	25.4%
Not Computed	0	(x)	276	(x)

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**E. Gross Rent**

Table 5 shows the estimated Gross Rent for Mount Holly Township and Burlington County residents. Median rent for Township residents was \$1,118 as opposed to \$1,263 for County residents. The majority of Township residents (50.8%) paid between \$1,000 to \$1,499 for rent.

**F. Gross Rent and Household Income**

Table 6 compares Gross Rent as a percentage of household income for Township and County residents. In the Township, 49.0% of renters spent 35.0% or more on rent as compared to a slightly smaller, 40.9%, of County renters spending this amount.

**TABLE 5  
GROSS RENT**

**Township of Mount Holly and Burlington County, NJ**

Gross Rent	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Occupied Units Paying Rent	1,245	(x)	37,249	(x)
Less than \$500	9	0.7%	1,402	3.8%
\$500 to \$999	413	33.2%	8,485	22.8%
\$1,000 to \$1,499	633	50.8%	15,026	40.3%
\$1,500 to \$1,999	148	11.9%	7,922	21.3%
\$2,000 to \$2,499	42	3.4%	3,564	9.6%
\$2,500 to \$2,999	0	0.0%	565	1.5%
\$3,000 or More	0	0.0%	285	0.8%
No Rent Paid	22	(x)	1,598	(x)
Median (Dollars)	\$1,118	(x)	\$1,263	(x)

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**TABLE 6  
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME  
(GRAPI)**

**Township of Mount Holly and Burlington County, NJ**

Value	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Occupied Units Paying Rent (Excluding Units where GRAPI Cannot be Computed)	1,245		36,831	
Less than 15.0 Percent	68	5.5%	3,824	10.4%
15.0 to 19.9 Percent	147	11.8%	4,967	13.5%
20.0 to 24.9 Percent	100	8.0%	5,413	14.7%
25.0 to 29.9 Percent	130	10.4%	4,033	11.0%
30.0 to 34.9 Percent	190	15.3%	3,514	9.5%
35.0 Percent or More	610	49.0%	15,080	40.9%
Not Computed	22	(x)	2,016	(x)

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

## G. Housing Tenure

Occupied Units by Housing Tenure is shown in Table 7. The figures indicate there were a relatively less renters in the County (23.6%) as in the Township (36.0%) and there were less owners in the Township (64.0%) as in the County (76.4%). Table 7 also indicates that average household size of renter occupied units in the Township and County are comparable with average renter household size of 2.36 for the Township and 2.37 for the County. For owner occupied units, County average household size (2.75) exceed average Township household size (2.59).

**TABLE 7**  
**OCCUPIED UNITS BY HOUSING TENURE**  
**Township of Mount Holly and Burlington County, NJ**

Unit Type	Mount Holly Township			Burlington County		
	Estimated Number of Units	Percent	Average Household Size	Estimated Number of Units	Percent	Average Household Size
Owner Occupied	2,256	64.0%	2.59	125,557	76.4%	2.75
Renter Occupied	1,267	36.0%	2.36	38,847	23.6%	2.37
Total Occupied Units	3,523	100.0%		164,404	100.0%	

*Source: Selected Housing Characteristics, 2013-2017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

## H. Units in Structure

The Number of Units in Structure is shown in Table 8. The data indicates that the 1-unit detached dwelling category had the largest percentage of unit types for both Mount Holly (55.3%) and the County (65.2%), although the percentage was larger for the County. The 1-unit attached category was the second largest for both Mount Holly (19.6%) and the County (15.2%). The Township had more units in the 3 or 4 unit category (8.8%) than the County (3.1%). However, in the 5 to 9, 10 to 19 and 20 or more unit category, the County had a greater percentage of units in each of these categories than did the Township.

## I. Occupants per Room

Table 9 shows that the greatest percentage of occupants per room was 1.0 or less in both the Township (98.4%) and the County (98.5%) for the 2013-2017 period. The County had a greater percentage (0.4%) of more than 1.51 occupants per room than the Township (0.0%) during this period.

**TABLE 8  
UNITS IN STRUCTURE**

**Township of Mount Holly and Burlington County, NJ**

Unit Type	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
1-Unit, Detached	2,225	55.3%	116,156	65.2%
1-Unit, Attached	788	19.6%	27,132	15.2%
2 Units	298	7.4%	3,690	2.1%
3 or 4 Units	355	8.8%	5,606	3.1%
5 to 9 Units	126	3.1%	7,692	4.3%
10 to 19 Units	60	1.5%	7,618	4.3%
20 or More Units	135	3.4%	8,000	4.5%
Mobile Home	40	1.0%	2,265	1.3%
Boat, RV, Van, Etc.	0	0.0%	19	0.0%
<b>Total Housing Units</b>	<b>4,027</b>	<b>100.0%</b>	<b>178,178</b>	<b>100.0%</b>

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**TABLE 9  
OCCUPANTS PER ROOM**

**Mount Holly Township and Burlington County, NJ**

Occupants Per Room	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
1.00 or Less	3,467	98.4%	161,992	98.5%
1.01 to 1.50	56	1.6%	1,779	1.1%
1.51 or More	0	0.0%	633	0.4%
<b>Occupied Housing Units</b>	<b>3,523</b>	<b>100.0%</b>	<b>164,404</b>	<b>100.0%</b>

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**J. Number of Rooms**

The median number of rooms in Township housing units for 2013-2017 was approximately 5.9, which was somewhat less than the County estimate of 6.5 rooms (Table 10). The greatest percentage of units in the Township contained 7 rooms (21.1%) while in the County, the greatest percentage of units had 9 or more rooms (19.9%). Table 10 indicates that in the County, 57.5% of the units contained 4 to 7 rooms while in the Township, 72.5% of the units contained 4 to 7 rooms. In the Township, 18.1% of the units contained 8 or more rooms whereas in the County, 34.2% of the units contained 8 or more rooms.

**TABLE 10  
NUMBER OF ROOMS**

**Mount Holly Township and Burlington County, NJ**

Rooms	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Total Housing Units	4,027		178,178	
1	26	0.6%	1,185	0.7%
2	64	1.6%	2,167	1.2%
3	291	7.2%	11,098	6.2%
4	576	14.3%	19,238	10.8%
5	768	19.1%	25,585	14.4%
6	727	18.1%	30,368	17.0%
7	848	21.1%	27,555	15.5%
8	354	8.8%	25,493	14.3%
9 or more	373	9.3%	35,489	19.9%
Median	5.9	(x)	6.5	(x)

*Source: Selected Housing Characteristics, 2013-2017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey.  
Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**K. Number of Bedrooms**

For both the Township and the County, Table 11 indicates that the greatest percentage of units contained 3 bedrooms. Table 11 indicates that in the Township, 80.4% of the housing units contained between 2 and 4 bedrooms as opposed to 85.0% of the units in the County. However, the Township had 66.1 percent and the County had 57.3% of the units in the 2 to 3 bedroom category. Conversely, the Township had 63.8% and the County had 68.2% of the units in the 3 or more bedroom categories.

**L. Home Heating Fuel**

Information contained in Table 12 indicates that in both the Township and the County, utility gas was the fuel of choice with 71.6% and 70.2% respectively of the units heated by that fuel source. Electricity is the next preferred source of fuel in the Township (14.6% percent) followed by Fuel Oil or Kerosene (11.0%). In the County, electricity is the next preferred source of fuel in the (16.6%), followed by Fuel Oil or Kerosene (9.5%).

**TABLE 11  
NUMBER OF BEDROOMS**

**Mount Holly Township and Burlington County, NJ**

Rooms	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
No Bedroom	35	0.9%	1,332	0.7%
1	614	15.2%	16,901	9.5%
2	810	20.1%	38,489	21.6%
3	1,853	46.0%	63,595	35.7%
4	576	14.3%	49,293	27.7%
5+	139	3.5%	8,568	4.8%
Total Housing Units	4,027		178,178	

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey.  
Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**M. Selected Characteristics**

Tables 12 and 13 show selected housing characteristics that can describe substandard conditions. These include lack of plumbing, lack of kitchen facilities and lack of fuel. There were 0.3% of households without fuel in the Township and 0.4% in the County. In the Township, 0.8% of units lack complete plumbing as opposed to 0.2% in the County. In the Township, no units lack complete kitchen facilities as opposed to 0.3% in the County that lack complete kitchen facilities. The percentage of units without telephone service is lower in the Township (0.8%) than in the County (1.1%).

**TABLE 12**  
**HOUSE HEATING FUEL**  
**Mount Holly Township and Burlington County, NJ**

Fuel Type	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Occupied Housing Units	3,523		164,404	
Utility Gas	2,521	71.6%	115,492	70.2%
Bottled, Tank or LP Gas	39	1.1%	3,134	1.9%
Electricity	514	14.6%	27,262	16.6%
Fuel Oil, Kerosene, etc.	387	11.0%	15,679	9.5%
Coal or Coke	7	0.2%	62	0.0%
Wood	10	0.3%	1,252	0.8%
Solar Energy	12	0.3%	442	0.3%
Other Fuel	24	0.7%	438	0.3%
No Fuel Used	9	0.3%	643	0.4%

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**TABLE 13**  
**SELECTED CHARACTERISTICS**  
**Mount Holly Township and Burlington County, NJ**

Selected Characteristic	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Occupied Housing Units	3,523		164,404	
Lacking Complete Plumbing Facilities	28	0.8%	257	0.2%
Lacking Complete Kitchen Facilities	0	0.0%	534	0.3%
No Telephone Service	29	0.8%	1,794	1.1%

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

## II. DEMOGRAPHIC CHARACTERISTICS

### A. Income Characteristics and Poverty Level

Table 14 shows household income for Township and County residents as reported in the 2013-2017 American Survey 5-Year Estimates. Median household income for the Township was \$60,656 as opposed to \$82,839 for the County and Mean Household Income in the Township was \$82,843 as opposed to \$104,955 for the County. In Mount Holly, the average household size for owner-occupied units was 2.59 persons and for renter-occupied units, it was 2.36 persons (Table 7) as reported in the US Census 2013-2017 5-Year Estimates. The 2018 Income Limits for Affordable Housing By Household Size for Region 5 are shown on Exhibit B in *Appendix A: 2018 Income Limits*. 2019 Income Limits are included on the page following page

**TABLE 14**  
**HOUSEHOLD INCOME**  
**Mount Holly Township and Burlington County, NJ**

Income and Benefits (In 2017 Inflation-Adjusted Dollars)	Mount Holly Township		Burlington County	
	Estimate of Households	Percent	Estimate of Households	Percent
Less than \$10,000	185	5.3%	5,491	3.3%
\$10,000-14,999	118	3.3%	4,018	2.4%
\$15,000-24,999	266	7.6%	9,945	6.0%
\$25,000-34,999	383	10.9%	10,734	6.5%
\$35,000-49,999	454	12.9%	16,430	10.0%
\$50,000-74,999	708	20.1%	28,100	17.1%
\$75,000-99,999	458	13.0%	23,620	14.4%
\$100,000-149,999	641	18.2%	32,253	19.6%
\$150,000-199,999	181	5.1%	16,865	10.3%
\$200,000 or More	129	3.7%	16,948	10.3%
Median Household Income	\$60,656	(x)	\$82,839	(x)
Mean Household Income	\$82,843	(x)	\$104,955	(x)
Total Households	3,523	100.0%	164,404	100.0%

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

The Township's percentage of families and people whose income in the past 12 months was below the poverty level (2013-2017 5-Year Estimates) are shown in Table 15 for all people and all families (12.8%% and 5.7%, respectively). For the County, the percentage of all people and all families whose income in the past 12 months was below the poverty level was 6.4% and 4.4% respectively.

**TABLE 15**

**PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL**

**Mount Holly Township and Burlington County, NJ**

	<b>Mount Holly Township</b>	<b>Burlington County</b>
All People	12.8%	6.4%
All Families	5.7%	4.4%

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP03, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**B. Vehicles per Household**

Table 16 shows the available vehicles per household in the Township and the County. An estimated 77% percent of the Township’s households have one or two vehicles available and 55.3% have 2 to 3+ vehicles. In Burlington County, an estimated 72.2% of the households have one or two vehicles available and 64.5% have 2 to 3+ vehicles available. In the Township, 7.1% of households have no vehicle available while in the County, only 4.5% have no vehicle available.

**TABLE 16**

**AVAILABLE VEHICLES PER HOUSEHOLD**

**Mount Holly Township and Burlington County, NJ**

<b># Vehicles</b>	<b>Mount Holly Township</b>		<b>Burlington County</b>	
	<b>Estimate</b>	<b>Percent</b>	<b>Estimate</b>	<b>Percent</b>
Occupied housing units	3,523		164,404	
No Vehicle Available	251	7.1%	7,324	4.5%
1 Vehicle Available	1,326	37.6%	51,081	31.1%
2 Vehicles Available	1,387	39.4%	67,657	41.2%
3+ Vehicles Available	559	15.9%	38,342	23.3%

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DP04, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

**C. Persons by Age and Sex**

A review of the age distribution of the population can give insight into future demands on services, schools and housing trends. In the Township the median age is 37.8 as opposed to 41.4 in the County. In the group 19 and under, 28.9% of the Township population is in this category which is similar to 30.1% for the County. The largest group of Township residents is within the 35 to 44 age category (16.7%). In the County, the

largest group of residents is in the 45-54 age group (15.5%). In the retirement age group of 65 and older, 17.0% of Township residents and 20.2% percent of County residents were within these ages.

**TABLE 17**  
**PERSONS BY AGE AND SEX**  
**Mount Holly Township and Burlington County, NJ**

Age Group	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Estimated %
Less than 5	509	5.3%	23,276	5.2%
5 to 9	549	5.8%	26,567	5.9%
10 to 14	605	6.3%	28,393	6.3%
15 to 19	530	5.6%	28,065	6.2%
20 to 24	616	6.5%	29,396	6.5%
25 to 34	1,324	13.9%	54,531	12.1%
35 to 44	1,594	16.7%	55,747	12.4%
45 to 54	1,159	12.2%	69,581	15.5%
55 to 59	717	7.5%	35,106	7.8%
60 to 64	645	6.8%	27,062	6.0%
65 to 74	876	9.2%	39,775	8.8%
75 to 84	292	3.1%	21,836	4.8%
85+	120	1.3%	9,857	2.2%
Median	37.8	(x)	41.4	(x)
Male 18+ Years	3,979	52.5%	172,185	48.8%
Female 18+ Years	3,599	47.5%	180,787	51.2%
Total	7,578		352,972	

*Source: Selected Housing Characteristics, 2013-1017 Community Survey 5-Year Estimates, Tables DP05 and S0101, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol: (x)-The estimate is not applicable or not available.*

#### **D. Household Size and Household Type**

Household size and type information is useful in understanding the family and non-family composition of the Township and relative household size. In the Township, family households comprise 62.7% of all households and non-family households comprise 37.% of the total. The percentage of family households in the Township is somewhat lower than that of the County (70.1%). Of the occupied units in the Township, the greatest percentage of the households were 2-person households (34.8%) and the largest percentage of Family Households were married-couple families (43.1%).

**TABLE 18**  
**HOUSEHOLD SIZE AND HOUSEHOLD TYPE**  
**Mount Holly Township and Burlington County, NJ**

Subject	Mount Holly Township Occupied Housing Units	Burlington County Occupied Housing Units
	Estimate	Estimate
Occupied Housing Units	3,523	164,404
Household Size		
1-person Household	29.1%	25.0%
2-person Household	34.8%	33.3%
3-person Household	16.8%	16.9%
4-or-more person Household	19.3%	24.8%
Household Type		
Family Household	62.7%	70.1%
Married-Couple Family	43.1%	53.9%
Other Family	19.6%	16.2%
Nonfamily Households	37.3%	29.9%

*Source: Occupancy Characteristics, 2013-2017 American Community Survey 5-Year Estimates, Table S2501, Mount Holly and Burlington County.*

### III. EMPLOYMENT CHARACTERISTICS

#### A. Commuting to Work

As Table 19 below shows, workers from Mount Holly Township were almost as likely to drive to work alone (80.2 percent) and less likely to carpool (8.1 percent) as workers across the County (83.1 percent and 7.1 percent, respectively). Township workers were slightly less likely to take public transportation than County workers. Additionally, 3.7 percent of Township workers worked from home and 3.1 percent walk to work.

**TABLE 19  
COMMUTING TO WORK**

**Mount Holly Township and Burlington County, NJ**

Industry	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
<b>Workers 16 years and older</b>	<b>4,129</b>		<b>222,712</b>	
Car, truck, or van-drove alone	3,311	80.2%	185,111	83.1%
Car, truck, or van-carpooled	334	8.1%	15,870	7.1%
Public transportation (excluding taxicab)	121	2.9%	7,931	3.6%
Walked	129	3.1%	3,164	1.4%
Other means	82	2.0%	2,240	1.0%
Worked at home	152	3.7%	8,396	3.8%
Mean travel time to work (Minutes)	25.4	(x)	29.3	(x)

*Source: Selected Economic Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DPO3, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol(s): (x) - The estimate is not applicable or not available.*

#### B. Employment Characteristics

Table 20 shows Employment Characteristics by Occupation. Management, business, science and arts were the predominant occupations in both the Township (34.9%) and County (43.8%) with Sales and office occupations as the second most predominant occupation (25.2% Township and 25.3% County).

Table 21 shows a summary of Employment Characteristics for Mount Holly Township and Burlington County residents by type of industry. In the Township, the top three industries are educational services, health care, social assistance (26.2%); retail trade (16.1%); and Arts, entertainment, recreation, accommodation and food services (10.3%). The top three industries for the County are educational services health care, and social assistance (25.6 %); professional, scientific, management, administrative, and waste management services (12.3%); and retail trade (11.8%).

**TABLE 20**  
**EMPLOYMENT CHARACTERISTICS BY OCCUPATION**  
**Mount Holly Township and Burlington County, NJ**

Occupation	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Civilians Employed, Population 16 years and over	4,048		223,990	
Management, business, science and arts occupations	1,411	34.9%	98,137	43.8%
Service occupations	920	22.7%	32,609	14.6%
Sales and office occupations	1,020	25.2%	56,638	25.3%
Natural resources, construction and maintenance occupations	195	4.8%	14,872	6.6%
Production, transportation, and material moving occupations	502	12.4%	21,734	9.7%

*Source: Selected Economic Characteristics, 2013-2017 Community Survey 5-Year Estimates, Table DPO3, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol(s): (x) - The estimate is not applicable or not available.*

**C. Labor Force Estimates**

The New Jersey Department of Labor reports annual average labor force estimates which are shown in Table 22. The data indicates that in the 1990 to 2000 period, the unemployment rate reached a high of 12.3 in 1992, after which there was a steady decline to 4.7 in 2000. The unemployment rate began to increase in 2001 to 2003 and then remained relatively the same from 2004 to 2007. In 2008 it began to increase to a high of 14.5 in 2010 after which it decreased to 5.5 in 2018.

**D. Annual Average Labor Force Estimates**

The New Jersey Department of Labor tracks the annual average labor force estimates throughout the state by municipality and county. Table 23 shows Mount Holly Township and Burlington County Labor Force, Employment, Unemployment and the Unemployment Rate for 2013 to 2018. As seen in Table 22 and 23, the Unemployment Rate for the Township has been decreasing during this time period.

**E. Employment and Wages**

Table 24 shows Employment and Wages by Sector for the Township in 2018. The Health/Social sector average employment in the Township far exceeds any other sector in 2018. The second most prominent employment sector was Local Government.

Annual wages were highest in the federal government sector (\$87,972 annually) with manufacturing second highest (\$85,287).

**TABLE 21  
EMPLOYMENT CHARACTERISTICS BY INDUSTRY  
Mount Holly Township and Burlington County, NJ**

Industry	Mount Holly Township		Burlington County	
	Estimate	Percent	Estimate	Percent
Civilian employed population 16 years and over	4,048		223,990	
Agriculture, forestry, fishing, hunting, and mining	0	0.0%	993	0.4%
Construction	204	5.0%	11,390	5.1%
Manufacturing	304	7.5%	17,258	7.7%
Wholesale trade	73	1.8%	7,537	3.4%
Retail trade	652	16.1%	26,334	11.8%
Transportation and warehousing, and utilities	254	6.3%	11,894	5.3%
Information	39	1.0%	5,283	2.4%
Finance, insurance, real estate, rental, and leasing	160	4.0%	18,456	8.2%
Professional, scientific, management, administrative, and waste management services	375	9.3%	27,576	12.3%
Educational services, health care and social assistance	1,061	26.2%	57,258	25.6%
Arts, entertainment, recreation, accommodation, food services	418	10.3%	15,229	6.8%
Other services, except public administration	125	3.1%	8,503	3.8%
Public administration	383	9.5%	16,279	7.3%

*Source: Selected Economic Characteristics, 2013-1017 Community Survey 5-Year Estimates, Table DPO3, Mount Holly Township and Burlington County, New Jersey. Explanation of Symbol(s): (x) - The estimate is not applicable or not available.*

**TABLE 22**  
**ANNUAL AVERAGE LABOR FORCE ESTIMATES, 1990-2018**  
**Mount Holly Township, NJ**

<b>Year</b>	<b>Labor Force</b>	<b>Employed</b>	<b>Unemployed</b>	<b>Unemployment Rate</b>
1990	5,102	4,721	381	7.5
1991	5,243	4,722	521	9.9
1992	5,237	4,595	642	12.3
1993	5,059	4,557	502	9.9
1994	5,100	4,663	437	8.6
1995	5,263	4,838	425	8.1
1996	5,457	5,040	417	7.6
1997	5,546	5,193	353	6.4
1998	5,565	5,258	307	5.5
1999	5,602	5,301	301	5.4
2000	5,249	5,001	248	4.7
2001	5,279	4,996	283	5.4
2002	5,476	5,079	397	7.2
2003	5,527	5,127	400	7.2
2004	5,594	5,251	343	6.1
2005	5,759	5,408	351	6.1
2006	5,839	5,458	381	6.5
2007	5,724	5,376	348	6.1
2008	5,822	5,368	454	7.8
2009	6,015	5,224	791	13.2
2010	4,902	4,190	711	14.5
2011	4,909	4,406	503	10.2
2012	4,738	4,183	555	11.7
2013	4,642	4,160	482	10.4
2014	4,611	4,207	404	8.8
2015	4,624	4,284	340	7.4
2016	4,627	4,353	274	5.9
2017	4,691	4,425	266	5.7
2018	4,640	4,387	253	5.5

*Source: New Jersey Department of Labor, Annual Average Labor Force Estimates, 1990-2018.*

**TABLE 23**  
**ANNUAL AVERAGE LABOR FORCE ESTIMATES, 2013-2018**  
**Mount Holly Township and Burlington County, NJ**

<b>Year</b>	<b>Labor Force</b>	<b>Employment</b>	<b>Unemployment</b>	<b>Unemployment Rate</b>
<b>2018</b> <b>Mount Holly Township</b> <b>Burlington County</b>				
	4,640	4,387	253	5.5
	227,445	218,877	8,568	3.8
<b>2017</b> <b>Mount Holly Township</b> <b>Burlington County</b>				
	4,691	4,425	261	5.7
	233,255	222,869	10,386	4.5
<b>2016</b> <b>Mount Holly Township</b> <b>Burlington County</b>				
	6,360	6,030	330	5.2
	232,623	220,189	12,434	5.3
<b>2015</b> <b>Mount Holly Township</b> <b>Burlington County</b>				
	6,339	5,921	418	6.6
	230,681	215,869	14,812	6.4
<b>2014</b> <b>Mount Holly Township</b> <b>Burlington County</b>				
	6,442	5,952	490	7.6
	234,288	216,371	17,917	7.6
<b>2013</b> <b>Mount Holly Township</b> <b>Burlington County</b>				
	4,738	4,183	555	11.7
	236,082	215,621	20,461	8.7

*Source: NJ Department of Labor and Workforce Development, Office of Research and Information Local Area Unemployment Statistics, April 12, 2019.*

**TABLE 24**  
**EMPLOYMENT AND WAGES BY SECTOR-2018**  
**Mount Holly Township, NJ**

OCCUPATION	Employment					Wages	
	March	June	Sept.	Dec.	Average	Annual	Weekly
Construction	81	102	90	82	87	\$59,589	\$1,146
Manufacturing	153	158	164	162	159	\$85,287	\$1,640
Wholesale Trade	102	114	108	111	110	\$79,010	\$1,519
Retail Trade	436	498	496	469	470	\$30,640	\$589
Finance and Insurance	73	73	74	71	73	\$49,528	\$952
Real Estate	40	31	31	39	36	\$42,600	\$819
Professional/Technical Services	383	400	408	406	399	\$69,352	\$1,334
Administrative and Waste Remediation	126	174	166	162	159	\$42,081	\$809
Health/Social	3,154	3,142	3,276	3,274	3,197	\$65,631	\$1,262
Accommodations/Food	507	563	534	479	505	\$16,786	\$323
Other Services	208	214	217	213	211	\$33,736	\$649
Unclassified	2	1	11	11	6	\$27,552	\$530
Private Sector Totals	5,418	5,661	5,737	5,666	5,578	\$55,774	\$1,073
Federal Government Totals	61	61	56	61	59	\$87,972	\$1,692
State Government Totals	215	214	209	206	212	\$84,864	\$1,632
Local Government Totals	2,182	2,236	2,118	2,214	2,120	\$58,442	\$1,124
Local Government Education	969	1,025	925	1,005	912	\$60,512	\$1,164

*Source: New Jersey Department of Labor and Workforce Development, Office of Research and Information QCEW Program, 7/19/2018.*

**IV. PROJECTIONS AND TRENDS**

**A. Employment and Population Projections**

The Delaware Valley Regional Planning Commission (DVRPC), the Metropolitan Planning Organization (MPO) that includes Mount Holly Township as well as the remainder of Burlington County, published population and employment projections for the year 2045. The DVRPC projects that the Township’s population and employment will increase by 7.0 percent and 1.1 percent respectively, and the County’s population and employment will increase by 9.4 percent and 9.3 percent respectively from 2015 to 2045. Table 25 shows that the Township’s projected population and employment growth are projected to be lower than the projections for the County.

**TABLE 25  
EMPLOYMENT AND POPULATION PROJECTIONS  
Mount Holly Township, NJ**

	Mount Holly Township			Burlington County		
	2015	2045	% Change	2015	2045	% Change
Population	9,493	10,156	7.0%	450,226	492,709	9.4%
Employment	7,793	7,879	1.1%	241,298	263,622	9.3%

*Source: DVRPC County and Municipal Level Employment and Population Forecasts, 2015-2045.*

Table 26 shows population trends for the Township from 1940 to 2010 with projections every five years to year 2045. Between 1970 and 1980 and 2000 and 2010, Table 26 shows a significant loss of population in the Township. From 2020 to 2045, the projections show that population in the Township increasing in each five year period.

**B. Certificates of Occupancy Issued**

Table 27 identifies the number of Certificates of Occupancy (CO's) issued for residential housing as reported by the New Jersey Department of Community Affairs for the years 2000 to 2018. From 2000 and 2013 there was moderate to no increase in the number of certificates of occupancy issued. In years 2014, 2015 and 2017, there were substantial increases in the number of certificates of occupancy. The increases were likely due to the residential development that resulted from redevelopment of The Gardens section of the Township.

**TABLE 26**  
**POPULATION TRENDS**  
**Mount Holly Township, New Jersey**

<b>Year</b>	<b>Population</b>	<b>Change</b>
1940	6,892	
1950	8,206	+1,314
1960	13,271	+5,065
1970	12,713	-588
1980	10,818	-1,895
1990	10,639	-179
2000	10,728	+89
2010	9,536	-1,192
2015*	9,493	-43
2020*	9,620	+127
2025*	9,747	+127
2030*	9,875	+128
2035*	9,987	+112
2040*	10,078	+91
2045*	10,156	+78
2015-2045 Absolute Change	633	7%

*Source: NJ Population Trends 1790 to 2000, Division of Labor Market & Demographic Research, NJ State Data Center, August, 2001. \*DVRPC Population Projections*

**TABLE 27**  
**CERTIFICATES OF OCCUPANCY ISSUED**  
**Mount Holly Township, NJ**

<b>Year</b>	<b>Number of Permits</b>	<b>Year</b>	<b>Number of Permits</b>
2000	2	2010	1
2001	2	2011	0
2002	2	2012	0
2003	1	2013	0
2004	2	2014	69
2005	2	2015	99
2006	9	2016	6
2007	2	2017	49
2008	4	2018	0
2009	1		

*Source: New Jersey Department of Community Affairs, Certificates of Occupancy Issued for Housing, 2000-2018.*

### **C. Housing Projections**

The Fair Housing Act requires that Housing Plans include a 10-year projection of new housing units based on the number of building permits, development applications approved, and probable developments, as well as other indicators deemed appropriate (N.J.S.A. 52:27D-310.b). As shown in Table 28, annual building permit issuance for one and two family residential new construction in Mount Holly Township during the years 2000 through 2012 averaged approximately 2.5 units/year (33 total over 13 years). There were no reported multi-family or mixed use permits during this time. For the four years from 2013 to 2016, with redevelopment of The Gardens area, there were 341 total building permits of which 105 were for 1 and 2 family permits and 236 were multi-family permits. This is an average of 85 permits per year of which there were an average of 26 one and two family units and 59 multi-family units. For the two year period from 2017 to 2018, there were no residential building permits issued.

Based on the more likely scenario of an average of 2.5 units/year, between 2019 and 2025, there may be an additional 17.5 or 18 dwelling units in the Township.

**TABLE 28  
HOUSING UNITS AUTHORIZED BY BUILDING PERMITS  
FOR NEW CONSTRUCTION SOURCES, 2000-2018**

**Mount Holly Township, NJ**

<b>Year</b>	<b>Total Building Permits Issued</b>	<b>1 and 2 Family</b>	<b>Multi-Family</b>	<b>Mixed Use</b>
2000	2	-	-	-
2001	3	-	-	-
2002	4	-	-	--
2003	0	-	-	-
2004	0	0	0	0
2005	14	14	0	0
2006	2	2	0	0
2007	4	4	0	0
2008	1	1	0	0
2009	2	2	0	0
2010	0	0	0	0
2011	0	0	0	0
2012	1	1	0	0
2013	79	7	72	0
2014	212	56	156	0
2015	30	30	0	0
2016	20	12	8	0
2017	0	0	0	0
2018	0	0	0	0

*Source: New Jersey Department of Community Affairs.*

## FAIR SHARE PLAN

### I. INTRODUCTION

This Fair Share Plan addresses a Settlement Agreement dated December 13, 2021 ("the 2021 Agreement" in *Appendix A*) that, if approved, will replace in its entirety the Settlement Agreement dated February 11, 2019 ("the 2019 Agreement" in *Appendix A, Exhibit A*) between Fair Share Housing Center ("FSHC") and the Township of Mount Holly ("Mount Holly" or "the Township"). The 2019 Agreement, previously approved by the Court following a Fairness Hearing, resolved Mount Laurel litigation through the establishment of a Third Round fair share obligation for the Township in the case entitled In the Matter of the Application of the Township of Mount Holly, County of Burlington, Docket No. BUR-L-1623-15. As discussed in more detail below, the Township had previously received a Final Judgment of Repose per Court Order dated June 20, 2020.

Mount Holly filed a Complaint for Declaratory Judgment on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., in accordance with the New Jersey Supreme Court's March 10, 2015 decision In re N.J.A.C. 5:96 and 5:97. 221 N.J. 1, (2015). The Court approved the 2019 Settlement Agreement by Order dated May 23, 2019 after a duly noticed Fairness Hearing on April 22, 2019. The 2019 Agreement established the Township's fair share obligation, including a Third Round Rehabilitation Share of 13 units, a 0-unit Prior Round (1987-1999) obligation, and a 0-unit Third Round (1999-2025) Gap and Prospective Need obligation. The Court Master's April 16, 2019 Fairness Report recommended approval of the 2019 Settlement Agreement, and recommended preliminary approval of the Township's proposed measures to capture future affordable housing opportunities as they arise. The May 23, 2019 Order found the Agreement fair to the interests of the protected class, required the Township to satisfy the conditions set forth in my report within 120 days of the Order.

For the January 30, 2020 Compliance Hearing, the Court Master issued a Compliance Report dated January 21, 2020, in which she found that the Township had satisfied the majority of conditions enumerated in her fairness report and recommended the Court grant the Township a Judgment of Repose ("JOR") subject to the provision of additional crediting documentation. After the Township supplied all the required documents, the Court Master submitted a letter to the Court dated June 15, 2020 indicating that all compliance conditions had been met, and a final JOR was granted on June 20, 2020.

In 2019, the Township believed the Virtua site was available to provide a realistic opportunity for the development of affordable housing. The Township adopted an overlay zoning ordinance to create the opportunity for the development of affordable housing. However, in June 2021, the owner of the Virtua Hospital site filed a motion for relief from the JOR, noting its site was no longer available. Subsequent negotiations between the Township and FSHC have resulted in the 2021 Agreement.

The 2021 Agreement preserves and reiterates the Court-approved fair share obligation, removes the mechanism discussed above by which the Township was to provide a realistic opportunity for the future provision of affordable units, and replaces it with alternative mechanisms. Continuing the settlement of the Township's Third Round implementation mechanisms is clearly a preferable approach to resolving affordable housing disputes because it avoids the time and expense of a Court action.

Public notice of the February 8, 2022 Fairness Hearing on the 2021 Agreement was published on December 29, 2021 in accordance with established Mount Laurel case law. The notice properly summarized the salient points of the 2021 Agreement, directed any interested members of the public to the Township Clerk's office where they could review the 2021 Agreement, described the purpose of the Court hearing that is to be held on February 8, 2022, and invited written comments on the Agreement to be filed no later than January 21, 2022 at 4:00 p.m.

## **II. BACKGROUND INFORMATION**

Mount Holly Township was designated an Urban Aid Municipality in 1989, following First Round Certification. The Township received Second Round Council on Affordable Housing ("COAH") Certification for its Second Round Plan on June 5, 1996. That certification expired on June 5, 2002 and a one year extension was granted by COAH on August 3, 2002. The Township subsequently filed a Complaint for Declaratory Judgment and on August 2, 2002, the Township received a jurisdictional and protective order from the New Jersey Superior Court. On November 2005 MountHolly adopted a Third Round HE & FSP in accordance with the Third Round rules and on February 16, 2006 the Township was granted a Third Round Judgment of Compliance and Repose.

On September 26, 2013, the Supreme Court invalidated the Round 3 regulations adopted in 2008 by the New Jersey Council on Affordable Housing (COAH). On March 14, 2014, the Supreme Court issued an order directing COAH to propose new Round 3 regulations on or before May 1, 2014 and to adopt them by October 22, 2014. The Supreme Court further provided that, if COAH failed to meet the deadlines, the Court would entertain a Motion in Aid of Litigant's Rights which could include an application for the right, on a case-by-case basis, to file a builder's remedy suit against a municipality under COAH's jurisdiction.

On October 20, 2014, the COAH Board met to consider adopting the proposed regulations but reached a 3-3 voting deadlock and therefore did not adopt the proposed regulations. COAH's failure to adopt the proposed regulations left New Jersey municipalities in a continuing state of limbo despite voluntary constitutional compliance.

On October 31, 2014, Fair Share Housing Center (FSHC) filed a Motion In Aid of Litigant's Rights urging the Supreme Court, among other things, to direct trial judges, instead of COAH, to establish standards with which municipalities must comply with their fair share obligations. FSHC's motion included an alternative fair share calculation for each municipality prepared by its expert David N. Kinsey, FAICP, who updated his

initial report on April 16, 2015. The existence of a second set of fair share numbers from FSHC further highlighted the uncertainty of the framework with which municipalities must ultimately comply because there are no standards with which to comply.

On March 10, 2015, the New Jersey Supreme Court held that COAH's administration process had become futile so that parties concerned about municipal compliance with constitutional affordable housing obligations, as well as municipalities that believe they are currently compliant or are ready and willing to demonstrate such compliance, would process exclusionary zoning and/or affordable housing matters in the courts commencing on June 8, 2015. The Decision gave municipalities who had been certified or were actively participating in the process of certification the opportunity to file a declaratory judgment action.

While the New Jersey Supreme Court's decision set a process in motion for towns to address their Third Round obligations, it did not assign those obligations. Instead, the trial courts would assign those obligations. Additionally, the Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and those components of COAH's 2008 regulations that were not specifically invalidated, as well as the Fair Housing Act in their preparation of Third Round Housing Elements and Fair Share Plans.

Adhering to the process directed by the Supreme Court, Mount Holly Township filed a declaratory judgment motion on July 8, 2015. Following that filing, the Township filed a Housing Element and Fair Share Plan dated November 30, 2015. As a result, the Township was granted immunity by the Court from exclusionary zoning lawsuits while the Township was negotiating the terms of the Settlement Agreement. The immunity remains in effect.

Following a series of case management conferences, Mount Holly's present attorney Stephen Boraske, Esq. and Kevin Walsh, Esq. from FSHC engaged in settlement discussions that resulted in a Settlement Agreement which established the Township's fair share obligation. The Settlement Agreement dated February 11, 2019, was executed on February 25, 2019 by Jason Jones, Mayor for the Township pursuant to Township Resolution 209-61, Resolution Authorizing the Mayor to Execute a Settlement Agreement in the Litigation Captioned "In the Matter of the Township of Mount Holly, County of Burlington, Declaratory Judgment Action Docket Number BUR-L-1623-15." Resolution 209-61 was adopted on February 25, 2019. On February 28, 2019, the Settlement Agreement was executed by Kevin Walsh, Esq. for FSHC.

The Township's Planning Board adopted a Third Round HEFSP on November 25, 2019, and the Township's governing body endorsed it on November 25, 2019. In a Compliance Report, the Court Master recommended the Court grant the Township a Third Round Judgment of Compliance and Repose ("JOR"), subject to the fulfillment of certain conditions included in the report. As noted above, after a duly noticed Compliance Hearing, a JOR was granted on May 23, 2019, subject to the fulfillment of the conditions in my Master's Report. Having subsequently found that the Township had

satisfied all remaining outstanding conditions enumerated in the May 23, 2019 Order, a final JOR was granted giving the Township immunity and protection from any Mount Laurel builder's remedy actions through July 1, 2025.

While the Court-approved 2019 Settlement Agreement stipulated that the Township had no Prior Round or Third Round obligation, the Township agreed to create future opportunities for affordable housing through the implementation of an inclusionary overlay zoning district on the lots that comprise the Memorial Hospital site, owned by Virtua Health, Inc. Virtua had previously received state approval to construct a new regional facility in neighboring Westampton Township and planned to vacate the site in the Township, thus providing Mount Holly with what the Township's 2019 Plan called "a significant opportunity for provision of affordable housing through overlay zoning." However, on June 25, 2021, counsel for Virtua filed a Motion to Intervene and for relief from the June 26, 2020 JOR. Virtua's Motion noted that the company had notified the Township that its plans had changed, and it was now intending to undertake a significant redevelopment and expansion of the existing Memorial Hospital, rather than constructing a new complex elsewhere. Through subsequent negotiations with Virtua, the Township has agreed to abandon the adopted overlay zoning on the Virtua site, and has identified four alternative sites on which it intends to adopt an affordable housing overlay zone. In addition, the Township will adopt a Township-wide Mandatory Inclusionary Overlay Zone for the production of affordable housing in residential developments of five (5) or more units approved with a density of six units per acre. Those changes are memorialized in the 2021 Agreement, and are the subject of the "fairness" portion of this report.

This Housing Element and Fair Share Plan is prepared to meet the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the terms of the December 13, 2021 Settlement Agreement ("Agreement") with Fair Share Housing Center and the Township of Mount Holly to meet the Township's Prior Round (1987-1999) and Third Round (1999-2025) affordable housing obligation. This Housing and Fair Share Plan is also prepared to meet the Conditions of the Court Master assigned to this municipality.

Resolution No. 2021-124 Authorizing the Mayor to Execute a Settlement Agreement Resolving an Action for Relief from Certain Provisions of the Final Judgment of Compliance and Repose Entered by the Court on June 26, 2020 Commenced by Virtua Health Inc. Relating to "In the Matter of the Application of the Township of Mount Holly, as Docket Number BUR-L-1623-15" ("2021 Agreement")

### **III. AFFORDABILITY REQUIREMENTS**

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. Mount Holly Township is in COAH's Region 5, which includes Burlington, Camden and Gloucester counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very low income households are

a subset of “low-income” households and are defined as households earning 30% or less of the regional median income.

The Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.3(d) and (e), require that the maximum rent for a qualified unit be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

In the Spring of each year, HUD releases updated regional income limits which are then reallocated to its regions. It is from these income limits that the rents and sale prices for affordable units are derived. The 2021 Affordable Housing Regional Income Limits By Household Size for Region 3 are shown in the table on the following page.

Income limits for all units that are part of the Township's Housing Element and Fair Share Plan, excluding those which income limits are already established through a federal program, shall be updated by the Township as HUD publishes median incomes and income limits as follows:

- Regional income limits shall be established for the region that the Township is located within (i.e. Region 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 (4) 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 (4).
- The income limit for a moderate-income unit for a household of four (4) shall be 80% of the regional weighted average median income for a family of four (4). The income limit for a low income unit for a household of four (4) shall be 50% of the HUD determination of the regional weighted average median income for a family of four (4). The income limit for a very low-income unit for a household of four (4) shall be 30% of the regional weighted average median income for a family of four (4). These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.r6(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits

## 2021 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****
<b>Region 1</b>													
Median	\$72,846	\$78,050	\$83,253	\$93,659	\$104,066	\$108,229	\$112,391	\$120,717	\$129,042	\$137,367			
Moderate	\$58,277	\$62,440	\$66,602	\$74,928	\$83,253	\$86,583	\$89,913	\$96,573	\$103,233	\$109,894	1.6%	8.46%	\$201,229
Low	\$36,423	\$39,025	\$41,626	\$46,830	\$52,033	\$54,114	\$56,196	\$60,358	\$64,521	\$68,684			
Very Low	\$21,854	\$23,415	\$24,976	\$28,098	\$31,220	\$32,469	\$33,717	\$36,215	\$38,713	\$41,210			
<b>Region 2</b>													
Median	\$75,331	\$80,711	\$86,092	\$96,854	\$107,615	\$111,920	\$116,224	\$124,834	\$133,443	\$142,052			
Moderate	\$60,265	\$64,569	\$68,874	\$77,483	\$86,092	\$89,536	\$92,980	\$99,867	\$106,754	\$113,642	1.6%	2.00%	\$206,459
Low	\$37,665	\$40,356	\$43,046	\$48,427	\$53,808	\$55,960	\$58,112	\$62,417	\$66,721	\$71,026			
Very Low	\$22,599	\$24,213	\$25,828	\$29,056	\$32,285	\$33,576	\$34,867	\$37,450	\$40,033	\$42,616			
<b>Region 3</b>													
Median	\$86,240	\$92,400	\$98,560	\$110,880	\$123,200	\$128,128	\$133,056	\$142,912	\$152,768	\$162,624			
Moderate	\$68,992	\$73,920	\$78,848	\$88,704	\$98,560	\$102,502	\$106,445	\$114,330	\$122,214	\$130,099	1.6%	3.10%	\$234,592
Low	\$43,120	\$46,200	\$49,280	\$55,440	\$61,600	\$64,064	\$66,528	\$71,456	\$76,384	\$81,312			
Very Low	\$25,872	\$27,720	\$29,568	\$33,264	\$36,960	\$38,438	\$39,917	\$42,874	\$45,830	\$48,787			
<b>Region 4</b>													
Median	\$76,469	\$81,931	\$87,393	\$98,317	\$109,242	\$113,611	\$117,981	\$126,720	\$135,460	\$144,199			
Moderate	\$61,175	\$65,545	\$69,915	\$78,654	\$87,393	\$90,889	\$94,385	\$101,376	\$108,368	\$115,359	1.6%	0.00%	\$205,486
Low	\$38,235	\$40,966	\$43,697	\$49,159	\$54,621	\$56,806	\$58,990	\$63,360	\$67,730	\$72,099			
Very Low	\$22,941	\$24,579	\$26,218	\$29,495	\$32,772	\$34,083	\$35,394	\$38,016	\$40,638	\$43,260			
<b>Region 5</b>													
Median	\$67,620	\$72,450	\$77,280	\$86,940	\$96,600	\$100,464	\$104,328	\$112,056	\$119,784	\$127,512			
Moderate	\$54,096	\$57,960	\$61,824	\$69,552	\$77,280	\$80,371	\$83,462	\$89,645	\$95,827	\$102,010	1.6%	0.00%	\$179,028
Low	\$33,810	\$36,225	\$38,640	\$43,470	\$48,300	\$50,232	\$52,164	\$56,028	\$59,892	\$63,756			
Very Low	\$20,286	\$21,735	\$23,184	\$26,082	\$28,980	\$30,139	\$31,298	\$33,617	\$35,935	\$38,254			
<b>Region 6</b>													
Median	\$57,458	\$61,562	\$65,666	\$73,874	\$82,083	\$85,366	\$88,649	\$95,216	\$101,782	\$108,349			
Moderate	\$45,966	\$49,250	\$52,533	\$59,100	\$65,666	\$68,293	\$70,919	\$76,173	\$81,426	\$86,679	1.6%	0.00%	\$153,730
Low	\$28,729	\$30,781	\$32,833	\$36,937	\$41,041	\$42,683	\$44,325	\$47,608	\$50,891	\$54,175			
Very Low	\$17,237	\$18,469	\$19,700	\$22,162	\$24,625	\$25,610	\$26,595	\$28,565	\$30,535	\$32,505			

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 previously calculated under N.J.A.C. 5:97-9.3 (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, 2016, 2017, 2018, 2019 or 2020 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2021 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). 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 previously calculated under N.J.A.C. 5:97-9.3). 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.

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 Regions 4, 5, and 6 in 2020 were higher than the 2021 calculations, the 2020 income limits will remain in force for 2021 (as previously required by N.J.A.C. 5:97-9.2(c)).

calculated pursuant to the methodology outlined above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

The Township will further rely on this process to establish sale prices and rents of affordable housing units throughout the Third Round. The Administrative Agent shall establish these prices and rents pursuant to procedures set forth in UHAC and by utilizing the regional income limits established through the procedures outlined above. Mount Holly Township will specifically adhere to the following:

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

#### **IV. HOUSING ELEMENT/FAIR SHARE PLAN REQUIREMENTS**

The New Jersey Fair Housing Act, N.J.S.A. 52:27D-310 Essential components of a municipality's housing element states that a municipality's housing 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, and shall contain at least:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;

- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
- f. A consideration of the land that is 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.

**V. MOUNT HOLLY'S AFFORDABLE HOUSING OBLIGATION AND TOWNSHIP AGREEMENT**

**A. Introduction**

There are three components to a municipality's affordable housing obligation: the rehabilitation share, the prior round obligation and the third round obligation.

**B. Prior Round Obligation and Third Round Obligation**

The Prior Round Obligation is defined as the cumulative 1987 through 1999 new construction affordable housing obligation. The time period corresponds to the First and Second Rounds of affordable housing. The 0-unit Prior Round obligation was previously established by COAH and the 0-unit Third Round obligation was calculated by David N. Kinsey, PhD, PP, FAICP in "New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology," April 16, 2015, revised July 2015. The Settlement Agreement specifically acknowledges that the Township's Third Round obligation includes the "gap period present need," which is based on low- and moderate- income households formed from 1999-2015.

**C. Third Round Rehabilitation Obligation**

The future demand for affordable housing includes the portion of the Third Round (1999-2015) that has already passed, as well as a 10-year projection into the future (2015-2025). The 10 year period is derived from the Fair Housing Act that, when amended in 2001, set the projection for this length of time (NJSA 52:27D-310). The rehabilitation obligation is defined as an estimate of the number of deteriorated housing units existing in a municipality that are occupied by low- and moderate-income households. The 2021 Settlement Agreement states that Mount Holly has a Third Round Rehabilitation Share of 13 units. Per Court Order dated June 26, 2020, the Court granted the Township credit for thirteen (13) rehabilitated units. The 2021 Settlement Agreement states that the Township

shall continue to implement and administer a municipal rehabilitation program for both owner-occupied and rental units and shall also participate in the county rehabilitation program.

**D. Mount Holly’s Housing Obligation**

The Settlement Agreement stated the Township of Mount Holly's affordable housing obligations as follows:

Third Round Rehabilitation Share	13 Units
Prior Round (1987-1999) Obligation	0 Units
Third Round (1999-2025) Gap and Prospective Need Obligation	0 Units

**E. Township Agreement**

The 2021 Settlement Agreement states that in order to compensate for the loss of affordable housing opportunities at the Virtua site, Mount Holly agrees to implement the following mechanisms to capture affordable housing opportunities as they arise:

- a. Mandatory Set-Aside Ordinance
- b. Overlay Zoning Ordinance for Four Sites

**VI. COURT MASTER CONDITIONS**

In addition to the Township agreeing to the terms of the Settlement Agreement, the Court Master, Mary Beth Lonergan, PP, AICP, prepared a “Master’s Report on a Settlement Agreement and Amended Compliance Mechanisms for the *Mount Laurel* Fairness Hearing,” dated February 2, 2022 (contained in *Appendix B*). The Master’s Report contains six (6) Conditions that shall be addressed in the Fair Share Plan. While there are overlaps in the Settlement Agreement and the Court Master Conditions, the Conditions are specifically listed herein to ensure compliance.

**Condition 1**

As part of its amended Housing Element and Fair Share Plan (HE/FSP), the Township must fully address COAH's site "suitability" requirements at N.J.A.C 5:93-5.3. At the hearing, the Township should provide testimony on any preliminary information the Township may have on the issues of environmental contamination on Site A and Site C noted below, with additional information provided in the Township's full site suitability discussion in the Township's amended HE/FSP.

**Condition 2**

The Township must verify the current numbers of the lots to be included in Site B.

### **Condition 3**

The Township must rescind the inclusionary overlay zoning previously adopted on the Virtua Hospital site, and must submit for review and then, within 90 days of Court approval of the 2021 Agreement, adopt an overlay zoning ordinance covering the four sites listed above.

### **Condition 4**

Within 90 days of Court approval of the 2021 Agreement, the Township must adopt the mandatory set-aside ordinance in essentially the form provided as part of the 2021 Agreement.

### **Condition 5**

Within 90 days of Court approval of the 2021 Agreement, the Township must adopt an amended Housing Element and Fair Share Plan that notes the substitution of compliance mechanisms, includes site suitability analysis per N.J.A.C.5:93-5.3 for each of the four sites subject to the new inclusionary overlay zone, and includes the adoption of the mandatory set-aside ordinance as anew compliance mechanism.

### **Condition 6**

Within 90 days of the Court's approval of the 2021 Agreement, the Township must adopt an affirmative marketing plan that includes FSHC and other organizations listed in the 2021 Agreement in its list of community and regional organizations that must be notified when affordable units are available and to include posting on the New Jersey Housing Resource Center website in accordance with applicable law. Both the Township and any other developers or administrative agents conducting affirmative marketing must provide notice to those organizations of any available affordable units.

## **VII. FAIR SHARE PLAN**

### **A. Introduction**

This Fair Share Plan has been prepared to document Mount Holly Township's affordable housing obligation and the plan to meet that obligation. The Township's Fair Share Obligation is identified in the Settlement Agreement that was negotiated and approved as documented in the December 13, 2021 letter from Fair Share Housing Center (*Appendix A*). The Court Master's Report and Conditions were discussed in Section VI. of this plan. The Court Order Approving Settlement Agreement and Granting Conditional Judgment of Compliance and Repose, filed with the Court on February 22, 2022 is contained in *Appendix C*.

## **B. Satisfaction of the Rehabilitation Obligation**

The Township has been addressing its owner occupied single-family unit Rehabilitation Share through the previous round of Small Cities funding and thirteen (13) units. Copies of the Small Cities Rehabilitation Program Local Records Transfer Form for Completed Cases are contained in the Appendices of the 2019 Housing Element and Fair Share Plan.

## **C. Satisfaction of the Prior Round and Third Round Obligation**

As stated in the Settlement Agreement, Mount Holly Township has a Prior Round Obligation of 0-units and a Third Round Obligation of 0-units.

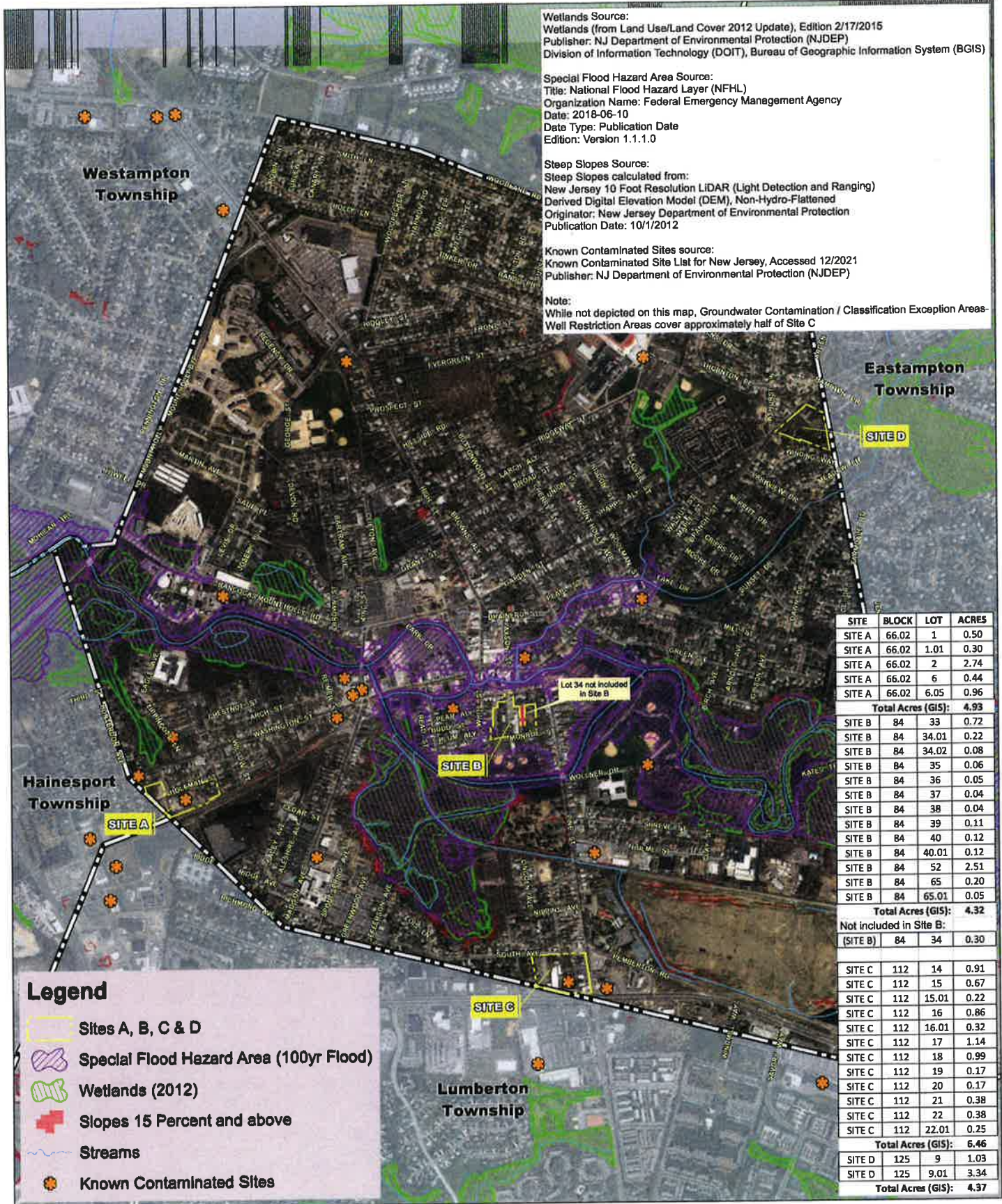
## **D. Inclusionary Overlay Zoning District Site Suitability Pursuant to NJAC 5:93-5.3**

Due to Virtua's change in plans, the Township will rescind the previously adopted inclusionary overlay zoning on various lots within Blocks 97 through 101, the hospital site. In its place, the Township has agreed to adopt inclusionary overlay zoning, permitting multi-family apartments and townhomes up to four stories in height at a density of 20 units per acre, and requiring a 20% affordable housing set-aside, on the following four sites (see aerial map of sites above with site labels as depicted below):

- Site A Block 66.02, lots 1, 1.01, 2, 6, and 6.05 (+/-4.93 acres);
- Site B Block 84, lots 33, 34, 34.01, 34.02, 35 through 40, 40.01, 52, 65, and 65.01 (+/-4.62 acres);
- Site C Block 112, lots 14 through 21, 15.01, 16.01, 22.01, and 22 (+/- 6.46 acres);
- Site D Block 125, lots 9 and 9.01 (+/-4.37 acres).

The following pages contain a discussion of Site Suitability of the Overlay Zoning District in accordance with N.J.A.C. 5:93-5.3. **Ordinance No. 2022-6** Ordinance of the Township Council of the Township of Mount Holly Amending Chapter 149 Entitled "Land Use" Part 3 Entitled "Zoning" to Create the AH Inclusionary Overlay Residential District is contained in *Appendix D*.

In addition to the AH-Affordable Housing Inclusionary Overlay Zoning District Ordinance, the Township has agreed to adopt **Ordinance No. 2022-7** Ordinance of the Township Council of the Township of Mount Holly Amending Chapter 149 Entitled "Land Use" Part 3 Entitled "Zoning" to Create a "Mandatory Affordable Housing Set-Aside" to the code of the Township of Mount Holly. A copy of the Ordinance is included in *Appendix E*. Recognizing that the rescission of the inclusionary overlay zoning on the hospital site represents a loss of affordable housing opportunity, the 2021 Agreement includes a new provision requiring the Township to adopt a mandatory inclusionary affordable housing set-aside ordinance. The set-aside ordinance would



**Wetlands Source:**  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2015  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT), Bureau of Geographic Information System (BGIS)

**Special Flood Hazard Area Source:**  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-06-10  
 Date Type: Publication Date  
 Edition: Version 1.1.1.0

**Steep Slopes Source:**  
 Steep Slopes calculated from:  
 New Jersey 10 Foot Resolution LIDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

**Known Contaminated Sites source:**  
 Known Contaminated Site List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

**Note:**  
 While not depicted on this map, Groundwater Contamination / Classification Exception Areas-  
 Well Restriction Areas cover approximately half of Site C

SITE	BLOCK	LOT	ACRES
SITE A	66.02	1	0.50
SITE A	66.02	1.01	0.30
SITE A	66.02	2	2.74
SITE A	66.02	6	0.44
SITE A	66.02	6.05	0.96
<b>Total Acres (GIS):</b>			<b>4.93</b>
SITE B	84	33	0.72
SITE B	84	34.01	0.22
SITE B	84	34.02	0.08
SITE B	84	35	0.06
SITE B	84	36	0.05
SITE B	84	37	0.04
SITE B	84	38	0.04
SITE B	84	39	0.11
SITE B	84	40	0.12
SITE B	84	40.01	0.12
SITE B	84	52	2.51
SITE B	84	65	0.20
SITE B	84	65.01	0.05
<b>Total Acres (GIS):</b>			<b>4.32</b>
<b>Not included in Site B:</b>			
(SITE B)	84	34	0.30
SITE C	112	14	0.91
SITE C	112	15	0.67
SITE C	112	15.01	0.22
SITE C	112	16	0.86
SITE C	112	16.01	0.32
SITE C	112	17	1.14
SITE C	112	18	0.99
SITE C	112	19	0.17
SITE C	112	20	0.17
SITE C	112	21	0.38
SITE C	112	22	0.38
SITE C	112	22.01	0.25
<b>Total Acres (GIS):</b>			<b>6.46</b>
SITE D	125	9	1.03
SITE D	125	9.01	3.34
<b>Total Acres (GIS):</b>			<b>4.37</b>

**Legend**

- Sites A, B, C & D
- Special Flood Hazard Area (100yr Flood)
- Wetlands (2012)
- Slopes 15 Percent and above
- Streams
- Known Contaminated Sites



**Clarke Caton Hintz** ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

# Inclusionary Overlay Sites

LOCATION:  
 Mount Holly, Burlington County, NJ

DATE:  
 February 2022

require a 20% affordable housing set-aside if the affordable units are for sale, and a 15% set-aside if the affordable units are for rent, for any residential development, including the residential portion of a mixed-use development, that consists of five or more new residential units at a density of six units per acre or higher, that results from a municipal rezoning or zoning amendment, a use or density variance, or the adoption of a new or amended redevelopment or rehabilitation plan. The 2021 Agreement provided draft language for the ordinance. The Township has agreed to ensure that all affordable units provided through the inclusionary overlay zone and the mandatory affordable housing set-aside comply with COAH and Uniform Housing Affordability Controls ("UHAC") requirements as summarized in both the 2019 and 2021 Settlement Agreements.

**Ordinance No. 2022-8** Ordinance of the Township Council of the Township of Mount Holly Rescinding Ordinance 2019-11 Entitled "Ordinance of the Township Council of the Township of Mount Holly Amending Chapter 149 Entitled "Land Use" Part 3 Entitled "Zoning" to Create the OB Inclusionary Overlay Residential District is contained in *Appendix F*.

**E. SITE A**

Site A contains the following Blocks and Lots:

**Table 1. Site A Properties**

Site	Block	Lot	Acreage	Property Class	Address	Owner of Record	Notes
Site A	66.02	1	0.50 Acres +/-	4B	280 Holeman Street	280 Holeman Street	Block 66.02, Lot 1 includes Block 66.02, Lot 2
Site A	66.02	1.01	0.30 Acres +/-	2	24 Carlton Avenue	Harvin F. Franklin	
Site A	66.02	2	2.74 Acres +/-	4B	280 Holeman Street	280 Holeman Street	Block 66.02, Lot 1 includes Block 66.02, Lot 2
Site A	66.02	6	0.44 Acres +/-	4A	10 Somerset Avenue	Paragon Van Lines	
Site A	66.02	6.05	0.96 Acres +/-	4A	10 Somerset Avenue	Paragon Van Lines	

**4.93 Acres +/-**

**Site Control** – Mount Holly Tax Assessment records identify the current property owners as shown in Table 1. Site A Properties.

**Available** – Title searches on the lots have not been performed but it is believed that the parcels would have clear title and no legal encumbrances which would preclude development for affordable housing. The Township will require the redeveloper to conduct title searches on these lots at such time as a redeveloper is named.

**Suitable** - The parcels will be situated in a new AH-Affordable Housing Inclusionary Overlay Residential District, suitable for development for residential uses.

**Developable** – The Mount Holly Municipal Utilities Authority has confirmed that all the lots in the AH Zoning District are either connected with current accounts or have an inactive account. The lots are within the sewer service area of the Wastewater Management Plan. The site is situated within the service area of New Jersey American Water and Mount Holly MUA. The site can be developed consistent with the Residential Site Improvement Standards (“RSIS”) and other regulations of agencies with jurisdiction over the site, i.e. NJDEP.

**Approvable** - The parcels can be developed for affordable housing in a manner that is consistent with the proposed AH-Inclusionary Overlay Ordinance in accordance with stipulations in the Court Master’s Report and the Settlement Agreement.

## Site Documentation

**General Description** – Site A includes five lots at the southwestern edge of the Township at its boundary with Hainesport Township. Site A fronts on the western side of South Somerset Avenue and the southwestern side of Holeman Street. South Somerset Avenue meets Washington Street, (aka County Route 537), a short distance to the north of the site, and Holeman Street dead-ends to the east at Carlton Avenue, which also provides access to Washington Street. Two NJ Transit bus routes, with service between Philadelphia and Asbury Park and between Florence and the Walter Rand Transportation Center in Camden, have stops on Washington Street within a quarter-mile walk. The site is in state Planning Area 2 (PA 2), the Suburban Planning area, here infill redevelopment is encouraged, and is within the Township's public water and sewer service areas.

Behind the lots that front on South Somerset Avenue are residences in the Township of Hainesport, and across Holeman Avenue are residences and a church, food pantry and community center. The land immediately to the south of the Holeman Street lots is vacant, with dirt-road access to a large-scale solar installation in Hainesport. There is a residential structure with an address of 24 Carlton Avenue on Lot 1; Lot 1.01 is vacant, and wraps around Lot 1 with frontage on both Carlton Avenue and Holeman Street; the former Arrow Safety Devices facility on Lot 2 has been demolished to its foundation; and a disused commercial/storage structure sits on Lot 6 and a portion of Lot 6.05.<sup>1</sup>

Site A is currently situated in the I-Limited Industrial Zoning District.

**Environmental Constraints** – There are no wetlands or floodplains that would impede inclusionary residential development on the site. The New Jersey Department of Environmental Protection's (DEP's) GeoWeb mapping shows there is a small area of known groundwater contamination on Lot 2, with a Remedial Action Report due by the end of February 2022. An Inclusionary Overlay Site A map, prepared by Clark Caton Hintz follows as does a current Tax Map of Site A.

The Inclusionary Overlay Site A map shows a Known Contaminated Site on Block 66.02, Lot 2. Following is information on the state of the environmental concerns:

### **Block 66.02 Lots 1, 1.01, 2, 6, 6.05**

**Lot 2:** Arrow Safety Device Co. Program Interest No. G000009623

**LSRP:** Nathan Thompson, Environmental Management Associates

**Regulatory status:** In compliance

**Contaminated Areas of Concern:**

<sup>1</sup> Description from Master's Report on An Amended Settlement Agreement and Amended Compliance Mechanisms for the Mount Laurel Fairness Hearing, Township of Mount Holly, Burlington County, New Jersey, February 2, 2022.

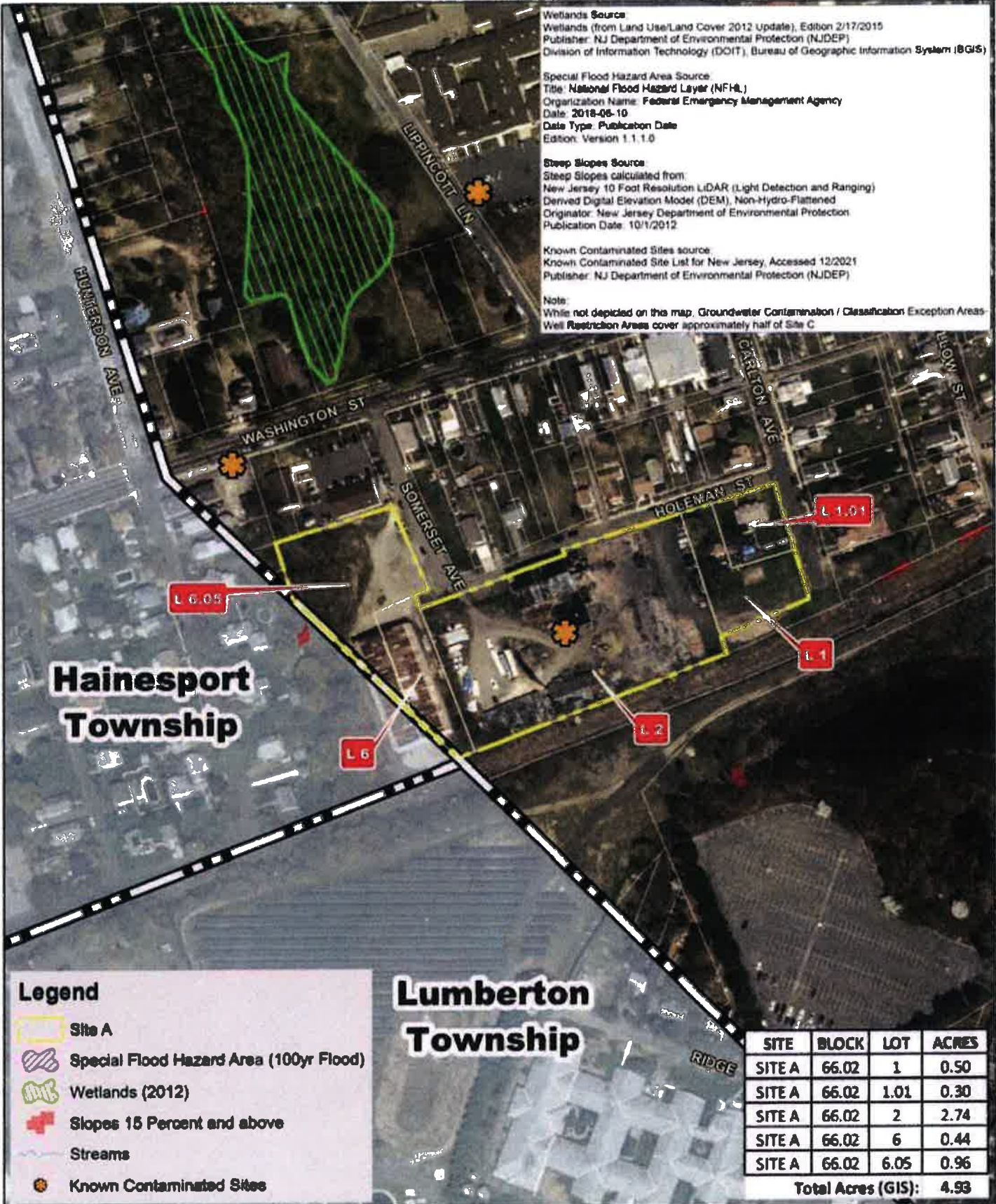
**Wetlands Source**  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2015  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT), Bureau of Geographic Information System (BGIS)

**Special Flood Hazard Area Source**  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-06-10  
 Date Type: Publication Date  
 Edition: Version 1.1.1.0

**Steep Slopes Source**  
 Steep Slopes calculated from:  
 New Jersey 10 Foot Resolution LiDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

**Known Contaminated Sites source**  
 Known Contaminated Site List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

**Note:**  
 While not depicted on this map, Groundwater Contamination / Classification Exception Areas  
 Well Restriction Areas cover approximately half of Site C



**Hainesport  
Township**

**Lumberton  
Township**

SITE	BLOCK	LOT	ACRES
SITE A	66.02	1	0.50
SITE A	66.02	1.01	0.30
SITE A	66.02	2	2.74
SITE A	66.02	6	0.44
SITE A	66.02	6.05	0.96
<b>Total Acres (GIS):</b>			<b>4.93</b>

**Legend**

- Site A
- Special Flood Hazard Area (100yr Flood)
- Wetlands (2012)
- + Slopes 15 Percent and above
- ~ Streams
- \* Known Contaminated Sites



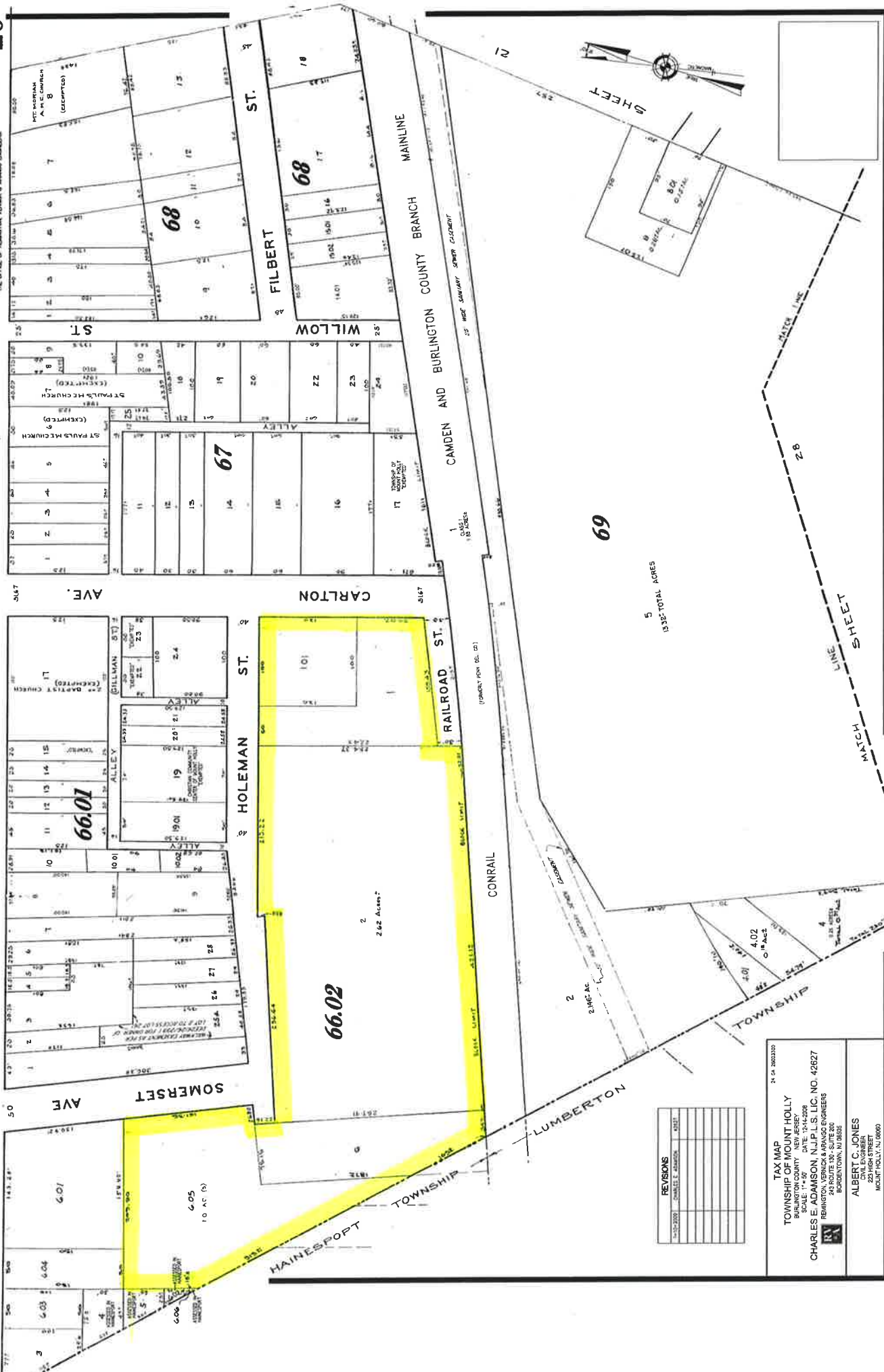
**Clarke Caton Hintz** ● ● ●  
 Architecture  
 Planning  
 Landscape Architecture

# Inclusionary Overlay Site A

LOCATION  
 Mount Holly, Burlington County, NJ

DATE  
 February 2022

NOTE: THIS MAP IS A SCANNED COPY OF THE TAX MAP ORIGINALLY PREPARED BY ALBERT C. JONES, CIVIL ENGINEER, DATED JUNE 28, 1999. THE ORIGINAL APPROVED MAPS ARE ON FILE IN THE OFFICE OF REVENUE, TOWNSHIP OF MOUNT HOLLY.



REVISIONS	
11-10-2009	CHARLES E. ADAMSON

TAX MAP  
 TOWNSHIP OF MOUNT HOLLY  
 BURLINGTON COUNTY, NEW JERSEY  
 SCALE: 1" = 50' DATE: 12-14-2008  
 CHARLES E. ADAMSON, N.J.P.L.S. LIC. NO. 42627  
 REMINGTON, VERNOCK & SPRANGE ENGINEERS  
 1000 W. BORDENTOWN, NJ 08829

ALBERT C. JONES  
 CIVIL ENGINEER  
 223 HIGH STREET  
 MOUNT HOLLY, NJ 08060

### **Former Degreaser and Chromium Plating Operation**

Primary contaminant of concern above NJDEP Soil Remediation and Groundwater Quality standards is TCE in soil and groundwater. Limited metals contamination also detected in groundwater including low levels of Arsenic, Cadmium and Nickel that may be related to past site operations. Final delineation of soil impact will be completed. Groundwater delineation has been completed. Limited source area soil excavation along with capping and deed restriction is recommended. In-situ groundwater remediation program implemented under NJDEP permit from 2010 to 2012 has been successful in substantially reducing TCE levels in groundwater. Plan to remediate residual groundwater contamination by Monitored Natural Attenuation (MNA). Groundwater Classification Exception Area (CEA) has been established. Groundwater Remediation Permit needs to be established for long term monitoring.

### **Roof Vents**

TCE detected above Soil Cleanup Criteria. Subsequent delineation sampling completed in 2018. Limited soil excavation and capping/deed restriction recommended.

### **Site-wide Groundwater**

TCE groundwater contamination present in on-site and off-site wells. A total of 25 monitoring wells have been installed as part of past remediation and monitoring efforts. Contaminant plume has been delineated. Vapor intrusion investigation indicates no detected impact to surrounding residential properties. CEA and MNA permit monitoring recommended for remediation of remaining contamination.

### **Groundwater Classification Exception Area**

Includes Lots 5 & 6.05 and other lots to the west.

Groundwater contaminant: Arsenic, Benzo (a) anthracene, benzo (b) fluoranthene, trichloroethene (TCE).

### **Comments:**

Due to the TCE groundwater contamination, vapor Intrusion could concern for any building constructed on the site. Subslab mitigation systems may be needed. A Deed Notice with engineering controls may be acceptable for rentals or condo development. Not practical for fee simple.

**New Jersey State Development and Redevelopment Plan (SDRP)** - The New Jersey State Development and Redevelopment Plan shows Mount Holly as a Center within the Suburban Planning Area (PA2) which is a planning area that will provide for much of the state's future development. The Policy Map also shows Mount Holly as a Proposed Regional Center.

**Density** – The overlay zoning ordinance permits multifamily apartments and townhomes up to four-stories at 20 units per acre with a 20% affordable set-aside on Sites A, B, C, and D. The overlay zoning shall remain in place for a period of at least 20 years. Site A is approximately 4.93 acres and at a density of 20 units per acre, Site A could produce 97 units.

**Affirmative Marketing** – The units will be affirmatively marketed as discussed in Section VIII. Affordable Housing Administration and Affirmative Marketing. The Ordinance regarding the Affirmative Fair Housing Marketing Plan is contained in **Appendix K** of the 2019 Housing Element and Fair Share Plan which is in accordance with UHAC per N.J.A.C. 5:80-26.1 and the Township’s Agreement with FSHC. The Affirmative Fair Housing Marketing Ordinance requires direct notice to a number of agencies including those specifically identified in the Settlement Agreement which includes: FSHC, The Latino Action Network, Southern Burlington County Branch of the NAACP, Willingboro NAACP, Supportive Housing Association, and New Jersey Housing Resource Center and its website.

**Low/Moderate Income Split** – The Township shall through the adoption of the overlay zoning and mandatory set-aside ordinance, require the following standards to be satisfied:

- a. At least fifty percent (50%) of the units shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households.
- b. At least twenty-five percent (25%) of the units shall be met through rental units, including at least half in rental units available to families.
- c. At least require thirteen percent (13%) of all units referenced in the Agreement shall be very low income units at 30% or less of median income, with at least half of the very low income units available to families.
- d. The affordable units in the overlay zoning shall be available to families.

**Bedroom Distribution** –The units shall meet the bedroom distribution requirements in conformance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.3) that require no more than 20% one-bedroom units, a minimum of 20% three-bedroom units and the balance (at least 30%) two-bedroom units.

**Controls on Affordability** - Affordability controls shall comply with all standards set forth in the Uniform Affordable Housing Controls, NJAC 5:80-26.1 et. seq. with the exception that in lieu of 10 percent affordable units in rental projects would be required to be at least 35 % of median income, 13 % of affordable units in such projects shall be required to be at least 30% of median income, and all other applicable law. Adopted and/or updated appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied are contained in other sections or Appendices of this Housing Element and Fair Share

Plan. Income limits for all units that are part of the Plan required by the Settlement 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:

Regional income limits shall be established for the region that the Township is located within (i.e. Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent 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 percent 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 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

The income limits attached to the Settlement Agreement as Exhibit B (in *Appendix A*) are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, 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.

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.

**Funding** – Since specific inclusionary housing projects have not yet been identified within the overlay district, it is premature to identify funding sources, however, the Township would anticipate that a developer would apply for a variety of funding mechanism that are available at the time of development.

**Construction Schedule** – The Township has agreed to create opportunities for the provision of affordable housing despite the absence of formal Prior or Third Round affordable housing obligations. The opportunity shall be created through an Inclusionary

Overlay Residential District. The overlay zoning shall remain in place for at least 20 years.

**F. SITE B**

Site B contains the following Blocks and Lots:

**Table 2. Site B Properties**

Site	Block	Lot	Acreage	Property Class	Address	Owner of Record	Notes
Site B	84	33	0.72	1	59 Monroe Street, Rear	30 Church Street Development Group LLC	
Site B	84	34	0.30	4B	30 Church Street	30 Church Street Development Group LLC	
Site B	84	34.01	0.22	4B	30 Church Street	30 Church Street Development Group LLC	
Site B	84	34.02	0.08	4B	30 Church Street	30 Church Street Development Group LLC	Included with lot 52
Site B	84	35	0.06	15F	59 East Monroe Street	The Salt & Light Co.	
Site B	84	36	0.05	2	57 East Monroe Street	MINKA	
Site B	84	37	0.04	2	55 East Monroe Street	MINKA	
Site B	84	38	0.04	2	53 East Monroe Street	Fria Properties, LLC	
Site B	84	39	0.11	2	53 East Monroe Street	Fria Properties, LLC	Included with lot 38
Site B	84	40	0.12	4B	30 Church Street	30 Church Street Development Group LLC	Included with lot 52
Site B	84	40.01	0.12	4B	30 Church Street	30 Church Street Development Group LLC	Included with lot 52
Site B	84	52	2.51	4B	30 Church Street	30 Church Street Development Group LLC	Tax records say included with lot 52.
Site B	84	65	0.2	1	15 East Monroe Street	9th Generation Acquisitions LLC	
Site B	84	65.01	0.05	4B	30 Church Street	30 Church Street Development Group LLC	Tax records say included with lot 52.

**4.62 Acres +/-**

**Site Control** – Mount Holly Tax Assessment records identify the current property owners as shown in Table 2. Site B Properties.

**Available** – Title searches on the lots have not been performed but it is believed that the parcels would have clear title and no legal encumbrances which would preclude development for affordable housing. The Township will require the redeveloper to conduct title searches on these lots at such time as a redeveloper is named.

**Suitable** - The parcels will be situated in a new AH-Affordable Housing Inclusionary Overlay Residential District, suitable for development for residential uses.

**Developable** –The Mount Holly Municipal Utilities Authority has confirmed that all the lots in the AH Zoning District are either connected with current accounts or have an inactive account. The lots are within the sewer service area of the Wastewater Management Plan. The site is situated within the service area of New Jersey American Water and Mount Holly MUA. The site can be developed consistent with the Residential Site Improvement Standards (“RSIS”) and other regulations of agencies with jurisdiction over the site, i.e. NJDEP.

**Approvable** - The parcels can be developed for affordable housing in a manner that is consistent with the proposed AH-Inclusionary Overlay Ordinance in accordance with stipulations in the Court Master’s Report and the Settlement Agreement.

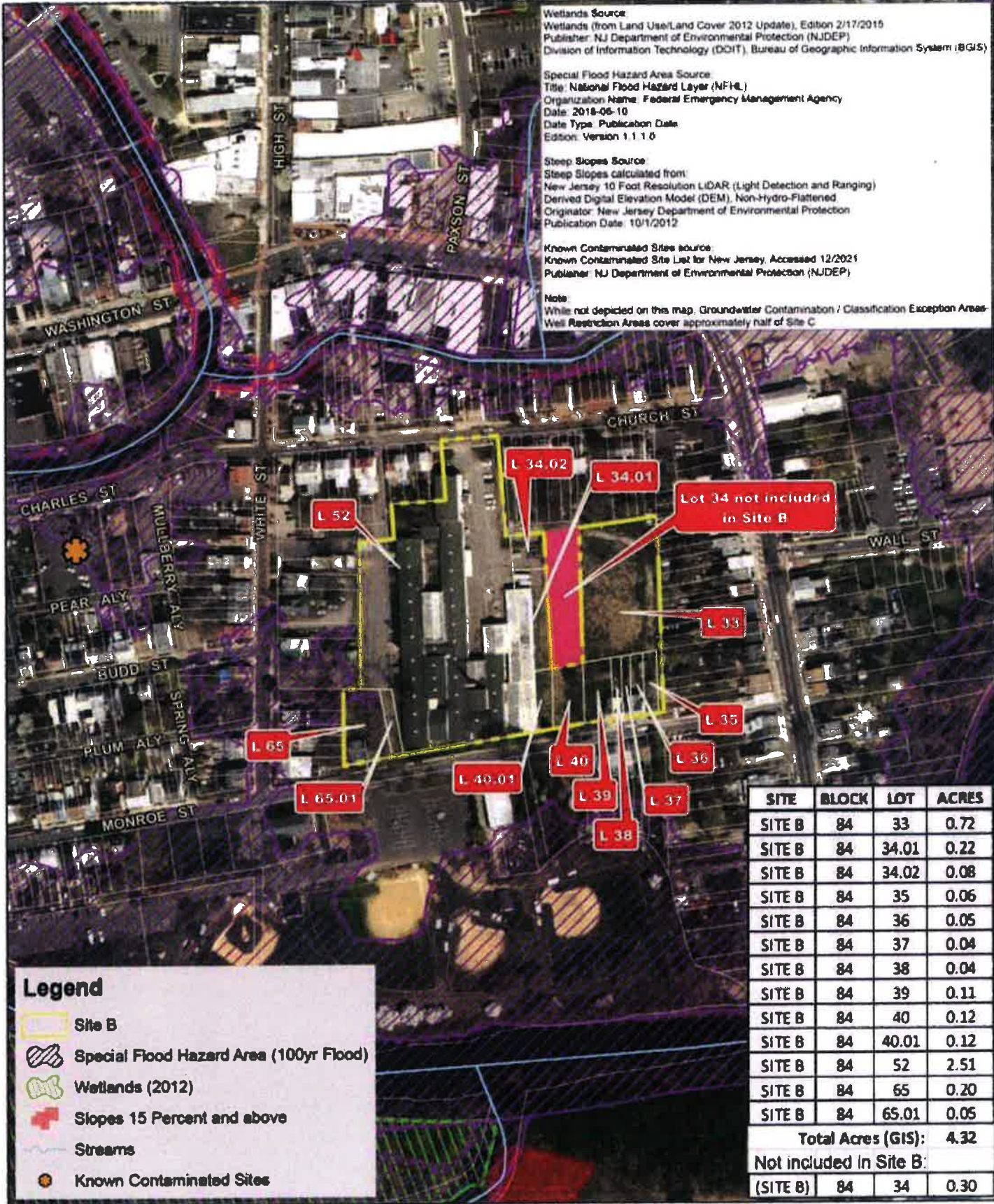
### **Site Documentation**

**General Description** - Site B comprises 13 lots on the north side of East Monroe Street, a one-way street that runs west from Pine Street. The state DEP's GeoWeb additionally shows a Lot 34 that is not included among the 13 lots listed in the Settlement Agreement, but is surrounded on three sides by included lots and has no street access. The Township has included Lot 34 in the Overlay zone so an additional 0.30 acres are added to the project area.

The site is two blocks from Mill Street, which is County Route 621, near where Mill Street intersects with Washington Street. Across Pine Street to the east is Mill Dam Park, and across East Monroe Street to the south is Monroe Park beyond which is the south branch of the Rancocas Creek. Two NJ Transit bus routes, with service between Philadelphia and Asbury Park and between Florence and the Walter Rand Transportation Center in Camden, have stops on Washington Street and Pine Street within a quarter-mile walk. The site is within state PA 2 where infill redevelopment is encouraged. The site is also within the Township's public water and sewer service areas.

The site is surrounded by smaller-lot single-family and duplex residential development. Some of the lots that comprise the site are vacant, others have existing dwellings on them, and Lots 34.01, 40.01 and 52 contain a large disused industrial/commercial building accessed from Church Street to the north.<sup>1</sup>

<sup>1</sup> Description from Master’s Report on An Amended Settlement Agreement and Amended Compliance Mechanisms for the Mount Laurel Fairness Hearing, Township of Mount Holly, Burlington County, New Jersey, February 2, 2022.



**Wetlands Source:**  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2015  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT), Bureau of Geographic Information System (BGIS)

**Special Flood Hazard Area Source:**  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-06-10  
 Date Type: Publication Date  
 Edition: Version 1.1.1.0

**Steep Slopes Source:**  
 Steep Slopes calculated from:  
 New Jersey 10 Foot Resolution LIDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

**Known Contaminated Sites source:**  
 Known Contaminated Site List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

**Note:**  
 While not depicted on this map, Groundwater Contamination / Classification Exception Areas-  
 Well Restriction Areas cover approximately half of Site C

**Legend**

- Site B
- Special Flood Hazard Area (100yr Flood)
- Wetlands (2012)
- Slopes 15 Percent and above
- Streams
- Known Contaminated Sites

SITE	BLOCK	LOT	ACRES
SITE B	84	33	0.72
SITE B	84	34.01	0.22
SITE B	84	34.02	0.08
SITE B	84	35	0.06
SITE B	84	36	0.05
SITE B	84	37	0.04
SITE B	84	38	0.04
SITE B	84	39	0.11
SITE B	84	40	0.12
SITE B	84	40.01	0.12
SITE B	84	52	2.51
SITE B	84	65	0.20
SITE B	84	65.01	0.05
<b>Total Acres (GIS):</b>			<b>4.32</b>
<b>Not included in Site B:</b>			
(SITE B)	84	34	0.30

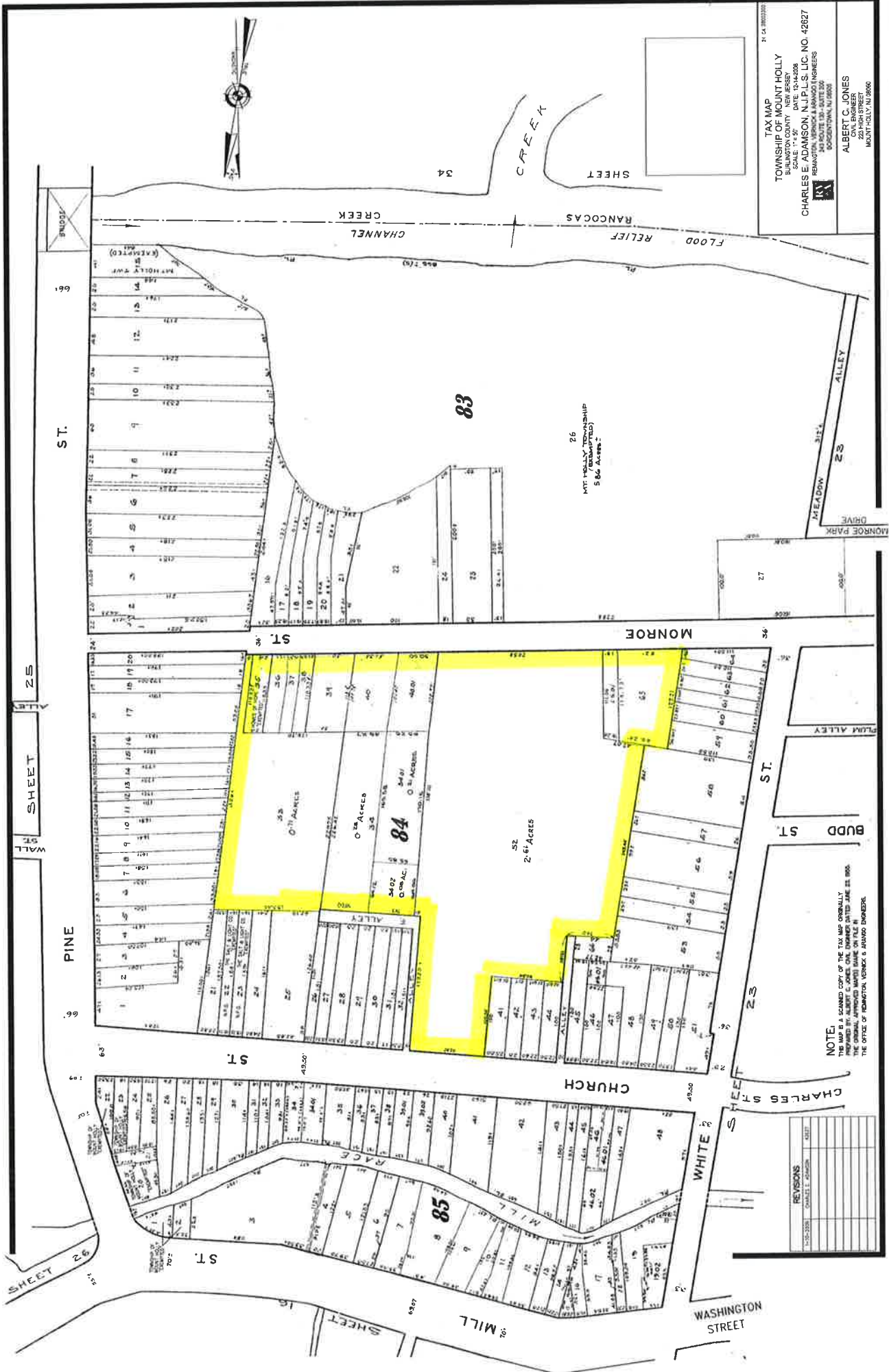


Clarke Caton Hintz  
 Architecture  
 Planning  
 Landscape Architecture

# Inclusionary Overlay Site B

LOCATION:  
 Mount Holly, Burlington County, NJ

DATE:  
 February 2022



The site is currently located in the MVR-Mill Race Village Zoning District.

**Environmental Constraints** – There are no wetlands on the site that would impede inclusionary residential development. A small portion of one lot is in a flood hazard area, but not of a size or in a location that would affect inclusionary residential development.

**New Jersey State Development and Redevelopment Plan (SDRP)** - The New Jersey State Development and Redevelopment Plan shows Mount Holly as a Center within the Suburban Planning Area (PA2) which is a planning area that will provide for much of the state's future development. The Policy Map also shows Mount Holly as a Proposed Regional Center.

**Density** – The overlay zoning ordinance permits multifamily apartments and townhomes up to four-stories at 20 units per acre with a 20% affordable set-aside on Sites A, B, C, and D. The overlay zoning shall remain in place for a period of at least 20 years. Site B is approximately 4.62 acres and at a density of 20 units per acre, Site B could produce 93 units.

**Affirmative Marketing** – The units will be affirmatively marketed as discussed in Section VIII. Affordable Housing Administration and Affirmative Marketing. The Ordinance regarding the Affirmative Fair Housing Marketing Plan is contained in *Appendix K* of the 2019 Housing Element and Fair Share Plan which is in accordance with UHAC per N.J.A.C. 5:80-26.1 and the Township's Agreement with FSHC. The Affirmative Fair Housing Marketing Ordinance requires direct notice to a number of agencies including those specifically identified in the Settlement Agreement which includes: FSHC, The Latino Action Network, Southern Burlington County Branch of the NAACP, Willingboro NAACP, Supportive Housing Association, and New Jersey Housing Resource Center and its website.

**Low/Moderate Income Split** – The Township shall through the adoption of the overlay zoning and mandatory set-aside ordinance, require the following standards to be satisfied:

- a. At least fifty percent (50%) of the units shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households.
- b. At least twenty-five percent (25%) of the units shall be met through rental units, including at least half in rental units available to families.
- c. At least require thirteen percent (13%) of all units referenced in the Agreement shall be very low income units at 30% or less of median income, with at least half of the very low income units available to families.
- d. The affordable units in the overlay zoning shall be available to families.

**Bedroom Distribution** –The units shall meet the bedroom distribution requirements in conformance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.3) that require no more than 20% one-bedroom units, a minimum of 20% three-bedroom units and the balance (at least 30%) two-bedroom units.

**Controls on Affordability** - Affordability controls shall comply with all standards set forth in the Uniform Affordable Housing Controls, NJAC 5:80-26.1 et. seq. with the exception that in lieu of 10 percent affordable units in rental projects would be required to be at least 35 % of median income, 13 % of affordable units in such projects shall be required to be at least 30% of median income, and all other applicable law. Adopted and/or updated appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied are contained in other sections or Appendices of this Housing Element and Fair Share Plan. Income limits for all units that are part of the Plan required by the Settlement 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:

Regional income limits shall be established for the region that the Township is located within (i.e. Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent 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 percent 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 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

The income limits attached to the Settlement Agreement as Exhibit B (in *Appendix A*) are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, 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.

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.

**Funding** – Since specific inclusionary housing projects have not yet been identified within the overlay district, it is premature to identify funding sources, however, the Township would anticipate that a developer would apply for a variety of funding mechanism that are available at the time of development.

**Construction Schedule** – The Township has agreed to create opportunities for the provision of affordable housing despite the absence of formal Prior or Third Round affordable housing obligations. The opportunity shall be created through an Inclusionary Overlay Residential District. The overlay zoning shall remain in place for at least 20 years.

**G. SITE C**

**Site C contains the following Blocks and Lots:**

**Table 3. Site C Properties.**

Site	Block	Lot	Acreage	Property Class	Address	Owner of Record	Notes
Site C	112	14	0.91	4A	1643 Route 38	Gemcap Development LLC	Tax records say PSE&G easement granted June 2021
Site C	112	15	0.67	4A	12 Mill Street	Mill Ventures, LLC	
Site C	112	15.01	0.17	4A	1645 Route 38	Steven P & Patricia L Durelli	
Site C	112	16	0.22	4A	1647 Route 38	AJP Properties, LLC	
Site C	112	16.01	0.38	2	114 South Avenue	Robert Bordeaus, Jr.	
Site C	112	17	0.86	4A	1649 Route 38	ERRV LLC % Peskin Realty Co LLC	
Site C	112	18	0.32	15D	426 Pine Street	Christ the Redeemer Church	
Site C	112	19	1.14	4A	434 Pine Street	Tai Yun, In	
Site C	112	20	0.99	4A	434 Pine Street	Tai Yun Inc	Tax records say included with lot 19
Site C	112	21	0.17	4A	436 Pine Street	Tai Yun, Inc	Additional Lot 20
Site C	112	22	0.38	4A	1651 Route 38	255 Lake Avenue St James LLC	
Site C	112	22.01	0.25	4A	440 Pine Street	255 Lake Avenue St James LLC	

6.46 Acres

**Site Control** – Mount Holly Tax Assessment records identify the current property owners as shown in Table 3. Site C Properties.

**Available** – Title searches on the lots have not been performed but it is believed that the parcels would have clear title and no legal encumbrances which would preclude development for affordable housing. The Township will require the redeveloper to conduct title searches on these lots at such time as a redeveloper is named.

**Suitable** - The parcels will be situated in a new AH-Affordable Housing Inclusionary Overlay Residential District, suitable for development for residential uses.

**Developable** –The Mount Holly Municipal Utilities Authority has confirmed that all the lots in the AH Zoning District are either connected with current accounts or have an

inactive account. The lots are within the sewer service area of the Wastewater Management Plan. The site is situated within the service area of New Jersey American Water and Mount Holly MUA. The site can be developed consistent with the Residential Site Improvement Standards (“RSIS”) and other regulations of agencies with jurisdiction over the site, i.e. NJDEP.

**Approvable** - The parcels can be developed for affordable housing in a manner that is consistent with the proposed AH-Inclusionary Overlay Ordinance in accordance with stipulations in the Court Master’s Report and the Settlement Agreement.

### **Site Documentation**

**General Description** - Site C sits at the southern edge of the Township at its border with Lumberton Township. The site is bounded to the north by East South Avenue and to the east by Pine Street. Across East South Avenue are residential development and Creek Island Park; across Pine Street is residential development; and to the south of the site state Route 38 runs east-west. Two NJ Transit bus routes, with service between Philadelphia and Asbury Park and between Florence and the Walter Rand Transportation Center in Camden, have stops on Pine Street within a quarter-mile walk. The site is within state PA 2 where infill redevelopment is encouraged. The site is also within the Township’s public water and sewer service areas.

There are a variety of buildings on the lots, including residences, a church, some neighborhood amenity retail and restaurants, and a disused former industrial/commercial facility. Access to some of the lots is currently most readily available from Route 38 in Lumberton. Lot 17, the site of the Holly Edge Shopping Center, is listed as having known groundwater contamination, and the entire eastern portion of the site, including lots 16, 16.01, and 17-22, is listed as a CEA groundwater contamination area.<sup>1</sup>

**Environmental Constraints** – There are no wetlands or floodplains on the site, however, the NJDEP GeoWeb site shows a NJ Classification Exception Area-Well Restriction Area and a Known Contaminated Site on the property.

Additional information about the environmental concerns on the site are as follows:

#### **Site C**

Block 112 Lots 14, 15, 15.01,, 16, 16.01, 17, 18, 19, 20, 21, 22, 22.01

Lot 17: Hollyedge Shopping Center.

Program Interest No. G000009623

LSRP: Sean D. Clifford, Brockerhoff Environmental

Regulatory status: In compliance

<sup>1</sup> Description from Master’s Report on An Amended Settlement Agreement and Amended Compliance Mechanisms for the Mount Laurel Fairness Hearing, Township of Mount Holly, Burlington County, New Jersey, February 2, 2022.

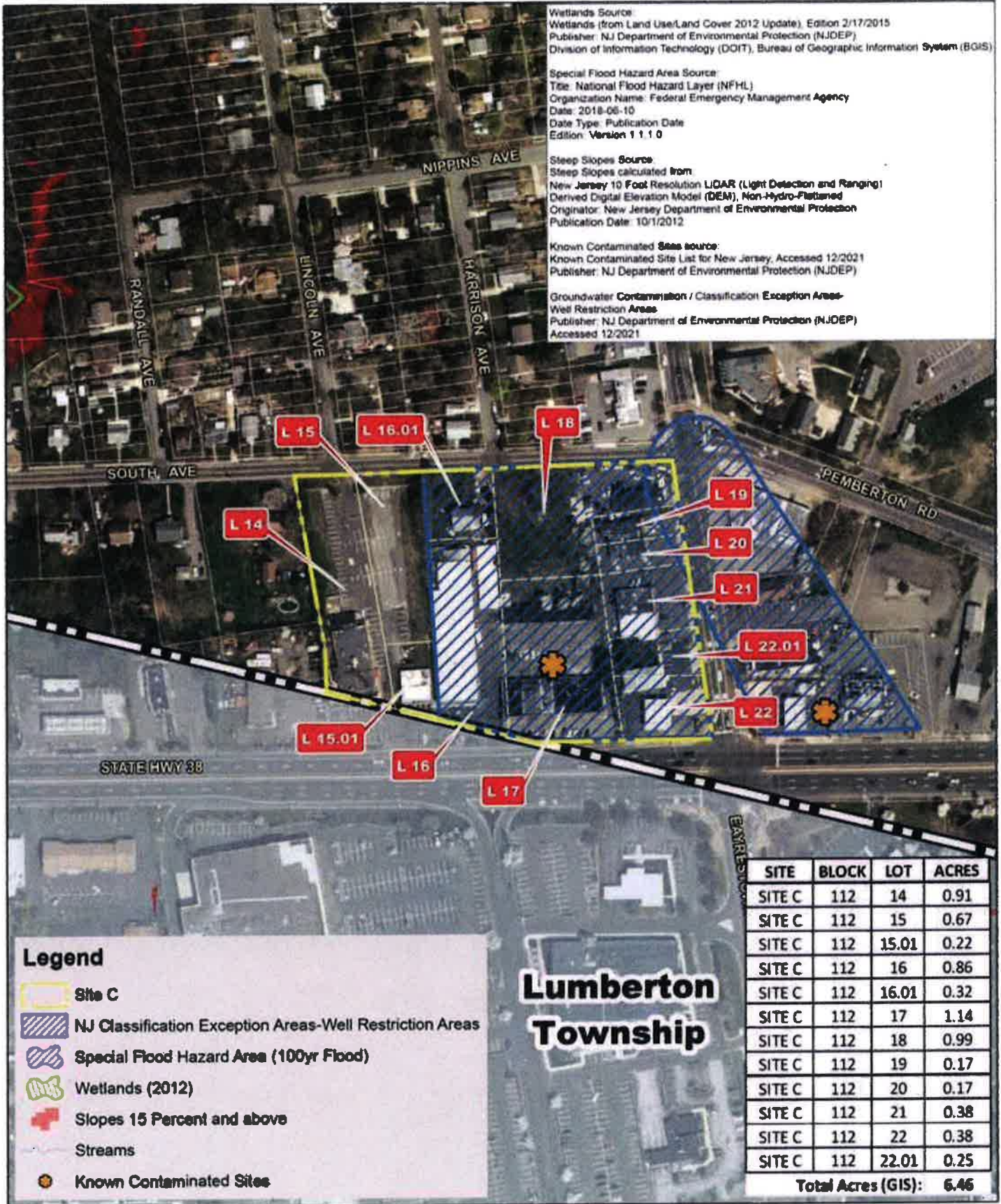
Wetlands Source:  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2015  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT), Bureau of Geographic Information System (BGIS)

Special Flood Hazard Area Source:  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-06-10  
 Date Type: Publication Date  
 Edition: Version 11.1.0

Steep Slopes Source:  
 Steep Slopes calculated from  
 New Jersey 10 Foot Resolution LIDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

Known Contaminated Sites source:  
 Known Contaminated Site List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

Groundwater Contamination / Classification Exception Areas-  
 Well Restriction Areas  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Accessed 12/2021



**Legend**

- Site C
- NJ Classification Exception Areas-Well Restriction Areas
- Special Flood Hazard Area (100yr Flood)
- Wetlands (2012)
- Slopes 15 Percent and above
- Streams
- Known Contaminated Sites

**Lumberton  
Township**

SITE	BLOCK	LOT	ACRES
SITE C	112	14	0.91
SITE C	112	15	0.67
SITE C	112	15.01	0.22
SITE C	112	16	0.86
SITE C	112	16.01	0.32
SITE C	112	17	1.14
SITE C	112	18	0.99
SITE C	112	19	0.17
SITE C	112	20	0.17
SITE C	112	21	0.38
SITE C	112	22	0.38
SITE C	112	22.01	0.25

**Total Acres (GIS): 6.46**



**Inclusionary Overlay Site C**

NOTE: THIS MAP IS A SCANNED COPY OF THE TAX MAP ORIGINALLY PREPARED BY ALBERT C. JONES, CIVIL ENGINEER DATED JUNE 23, 2008. THE ORIGINAL MAP IS ON FILE IN THE OFFICE OF TOWNSHIP CLERK & BOARD ENGINEERS.



SHEET 66

SHEET 65



## **Contaminated Areas of Concern:**

### **Former Dry cleaners**

No Soil contamination

tetrachloroethene (PCE) and trichloroethene (TCE) exceed groundwater remediation standards. The extent of PCE impacts within groundwater has been delineated utilizing single point compliance and extrapolation. Vapor Intrusion Screening levels not exceeded. A Receptor Evaluation was performed, and there were no observed contamination migration pathways observed to potential human or ecological receptors. CEA established. Selection of Remedial Action to be determined.

### **Groundwater Classification Exception Area**

Includes Lots 17, 16, 16.01, 17, 21, 22 & 22.01t

Groundwater contaminant: tetrachloroethene (PCE), trichloroethene (TCE)

### **Comments:**

The groundwater contamination is limited primarily to PCE and will probably be remediated by Monitored Natural Attenuation. Vapor intrusion should not be a concern. No soil contamination: no Deed Notice or engineering controls. The contamination should not impact development.

**New Jersey State Development and Redevelopment Plan (SDRP)** - The New Jersey State Development and Redevelopment Plan shows Mount Holly as a Center within the Suburban Planning Area (PA2) which is a planning area that will provide for much of the state's future development. The Policy Map also shows Mount Holly as a Proposed Regional Center.

**Density** – The overlay zoning ordinance permits multifamily apartments and townhomes up to four-stories at 20 units per acre with a 20% affordable set-aside on Sites A, B, C, and D. The overlay zoning shall remain in place for a period of at least 20 years. Site C is approximately 6.46 acres and at a density of 20 units per acre, Site A could produce 129 units.

**Affirmative Marketing** – The units will be affirmatively marketed as discussed in Section VIII. Affordable Housing Administration and Affirmative Marketing. The Ordinance regarding the Affirmative Fair Housing Marketing Plan is contained in *Appendix K* of the 2019 Housing Element and Fair Share Plan which is in accordance with UHAC per N.J.A.C. 5:80-26.1 and the Township's Agreement with FSHC. The Affirmative Fair Housing Marketing Ordinance requires direct notice to a number of agencies including those specifically identified in the Settlement Agreement which includes: FSHC, The Latino Action Network, Southern Burlington County Branch of the NAACP, Willingboro NAACP, Supportive Housing Association, and New Jersey Housing Resource Center and its website.

**Low/Moderate Income Split** – The Township shall through the adoption of the overlay zoning and mandatory set-aside ordinance, require the following standards to be satisfied:

- a. At least fifty percent (50%) of the units shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households.
- b. At least twenty-five percent (25%) of the units shall be met through rental units, including at least half in rental units available to families.
- c. At least require thirteen percent (13%) of all units referenced in the Agreement shall be very low income units at 30% or less of median income, with at least half of the very low income units available to families.
- d. The affordable units in the overlay zoning shall be available to families.

**Bedroom Distribution** –The units shall meet the bedroom distribution requirements in conformance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.3) that require no more than 20% one-bedroom units, a minimum of 20% three-bedroom units and the balance (at least 30%) two-bedroom units.

**Controls on Affordability** - Affordability controls shall comply with all standards set forth in the Uniform Affordable Housing Controls, NJAC 5:80-26.1 et. seq. with the exception that in lieu of 10 percent affordable units in rental projects would be required to be at least 35 % of median income, 13 % of affordable units in such projects shall be required to be at least 30% of median income, and all other applicable law. Adopted and/or updated appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied are contained in other sections or Appendices of this Housing Element and Fair Share Plan. Income limits for all units that are part of the Plan required by the Settlement 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:

Regional income limits shall be established for the region that the Township is located within (i.e. Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent 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 percent 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 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

The income limits attached to the Settlement Agreement as Exhibit B (in *Appendix A*) are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, 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.

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.

**Funding** – Since specific inclusionary housing projects have not yet been identified within the overlay district, it is premature to identify funding sources, however, the Township would anticipate that a developer would apply for a variety of funding mechanism that are available at the time of development.

**Construction Schedule** – The Township has agreed to create opportunities for the provision of affordable housing despite the absence of formal Prior or Third Round affordable housing obligations. The opportunity shall be created through an Inclusionary Overlay Residential District. The overlay zoning shall remain in place for at least 20 years.

## H. SITE D

Site D consists of the following Blocks and Lots:

**Table 4. Site D Properties.**

Site	Block	Lot	Acreage	Property Class	Address	Owner of Record	Notes
Site D	125	9	1.03	2	600 Garden Street	Curtis & Kayren May	
Site D	125	9.01	3.34	15D	Garden Street	NJ Conf Assoc Seventh-Day Advn	

**4.37 Acres**

**Site Control** – Mount Holly Tax Assessment records identify the current property owners as shown in Table 4. Site D Properties.

**Available** – Title searches on the lots have not been performed but it is believed that the parcels would have clear title and no legal encumbrances which would preclude development for affordable housing. The Township will require the redeveloper to conduct title searches on these lots at such time as a redeveloper is named.

**Suitable** - The parcels will be situated in a new AH-Affordable Housing Inclusionary Overlay Residential District, suitable for development for residential uses.

**Developable** –The Mount Holly Municipal Utilities Authority has confirmed that all the lots in the AH Zoning District are either connected with current accounts or have an inactive account. The lots are within the sewer service area of the Wastewater Management Plan. The site is situated within the service area of New Jersey American Water and Mount Holly MUA. The site can be developed consistent with the Residential Site Improvement Standards (“RSIS”) and other regulations of agencies with jurisdiction over the site, i.e. NJDEP.

**Approvable** - The parcels can be developed for affordable housing in a manner that is consistent with the proposed AH-Inclusionary Overlay Ordinance in accordance with stipulations in the Court Master’s Report and the Settlement Agreement.

### Site Documentation

**General Description** – Site D fronts on the southeastern side of Garden Street, which is County Route 537, in the northeastern edge of the Township on its border with Eastampton Township. It is surrounded by single-family residential, and the Village Square Apartments area short distance to the southwest. The site is within state PA 2 where infill redevelopment is encouraged. The site is also within the Township's public water and sewer service areas. There is a single-family home on Lot 9 and a house of worship and associated parking on Lot 9.01. <sup>1</sup>

<sup>1</sup> Description from Master’s Report on An Amended Settlement Agreement and Amended Compliance Mechanisms for the Mount Laurel Fairness Hearing, Township of Mount Holly, Burlington County, New Jersey, February 2, 2022.

## H. SITE D

Site D consists of the following Blocks and Lots:

**Table 4. Site D Properties.**

Site	Block	Lot	Acreage	Property Class	Address	Owner of Record	Notes
Site D	125	9	1.03	2	600 Garden Street	Curtis & Kayren May	
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**4.37 Acres**

**Site Control** – Mount Holly Tax Assessment records identify the current property owners as shown in Table 4. Site D Properties.

**Available** – Title searches on the lots have not been performed but it is believed that the parcels would have clear title and no legal encumbrances which would preclude development for affordable housing. The Township will require the redeveloper to conduct title searches on these lots at such time as a redeveloper is named.

**Suitable** - The parcels will be situated in a new AH-Affordable Housing Inclusionary Overlay Residential District, suitable for development for residential uses.

**Developable** –The Mount Holly Municipal Utilities Authority has confirmed that all the lots in the AH Zoning District are either connected with current accounts or have an inactive account. The lots are within the sewer service area of the Wastewater Management Plan. The site is situated within the service area of New Jersey American Water and Mount Holly MUA. The site can be developed consistent with the Residential Site Improvement Standards (“RSIS”) and other regulations of agencies with jurisdiction over the site, i.e. NJDEP.

**Approvable** - The parcels can be developed for affordable housing in a manner that is consistent with the proposed AH-Inclusionary Overlay Ordinance in accordance with stipulations in the Court Master’s Report and the Settlement Agreement.

### Site Documentation

**General Description** – Site D fronts on the southeastern side of Garden Street, which is County Route 537, in the northeastern edge of the Township on its border with Eastampton Township. It is surrounded by single-family residential, and the Village Square Apartments area short distance to the southwest. The site is within state PA 2 where infill redevelopment is encouraged. The site is also within the Township's public water and sewer service areas. There is a single-family home on Lot 9 and a house of worship and associated parking on Lot 9.01. <sup>1</sup>

The current zoning is R-1 Residence District.

<sup>1</sup> Description from Master’s Report on An Amended Settlement Agreement and Amended Compliance Mechanisms for the Mount Laurel Fairness Hearing, Township of Mount Holly, Burlington County, New Jersey, February 2, 2022.

**Environmental Constraints** - There are no wetlands or floodplains that would impede inclusionary residential development on the site.

**New Jersey State Development and Redevelopment Plan (SDRP)** - The New Jersey State Development and Redevelopment Plan shows Mount Holly as a Center within the Suburban Planning Area (PA2) which is a planning area that will provide for much of the state's future development. The Policy Map also shows Mount Holly as a Proposed Regional Center.

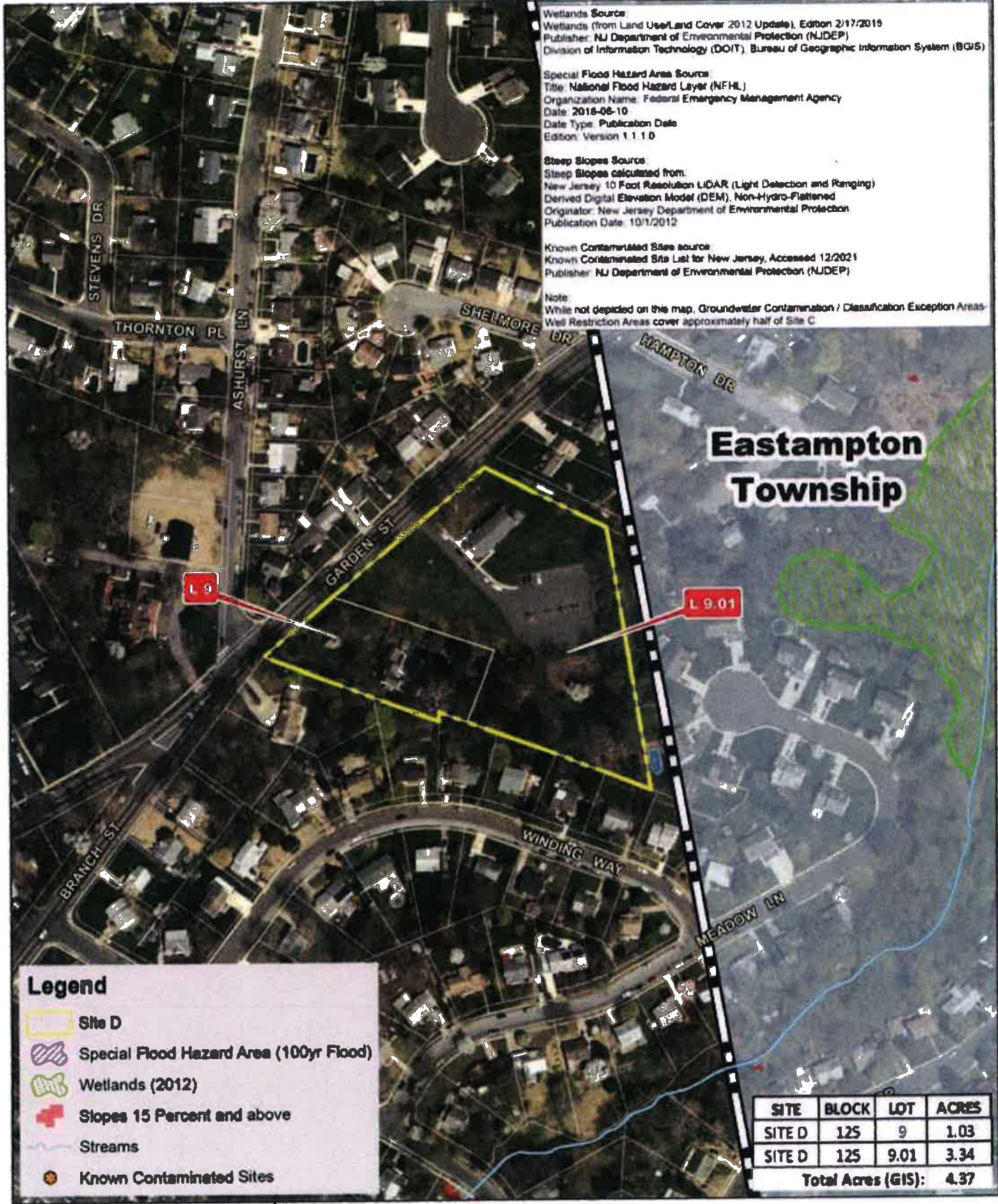
**Density** – The overlay zoning ordinance permits multifamily apartments and townhomes up to four-stories at 20 units per acre with a 20% affordable set-aside on Sites A, B, C, and D. The overlay zoning shall remain in place for a period of at least 20 years. Site A is approximately 4.37 acres and at a density of 20 units per acre, Site A could produce 87 units.

**Density** – The overlay zoning ordinance permits multifamily apartments and townhomes up to four-stories at 20 units per acre with a 20% affordable set-aside on Sites A, B, C, and D. The overlay zoning shall remain in place for a period of at least 20 years. Site A is approximately 4.93 acres and at a density of 20 units per acre, Site A could produce 94 units.

**Affirmative Marketing** – The units will be affirmatively marketed as discussed in Section VIII. Affordable Housing Administration and Affirmative Marketing. The Ordinance regarding the Affirmative Fair Housing Marketing Plan is contained in *Appendix K* of the 2019 Housing Element and Fair Share Plan which is in accordance with UHAC per N.J.A.C. 5:80-26.1 and the Township's Agreement with FSHC. The Affirmative Fair Housing Marketing Ordinance requires direct notice to a number of agencies including those specifically identified in the Settlement Agreement which includes: FSHC, The Latino Action Network, Southern Burlington County Branch of the NAACP, Willingboro NAACP, Supportive Housing Association, and New Jersey Housing Resource Center and its website.

**Low/Moderate Income Split** – The Township shall through the adoption of the overlay zoning and mandatory set-aside ordinance, require the following standards to be satisfied:

- a. At least fifty percent (50%) of the units shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households.
- b. At least twenty-five percent (25%) of the units shall be met through rental units, including at least half in rental units available to families.
- c. At least require thirteen percent (13%) of all units referenced in the Agreement shall be very low income units at 30% or less of median income, with at least half of the very low income units available to families.



**Wetlands Source**  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2019  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT) / Bureau of Geographic Information System (BGIS)

**Special Flood Hazard Area Source**  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-06-10  
 Date Type: Publication Date  
 Edition: Version 1.1.1.0

**Steep Slopes Source**  
 Steep Slopes calculated from:  
 New Jersey 10 Foot Resolution LIDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

**Known Contaminated Sites source**  
 Known Contaminated Site List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

**Note:**  
 While not depicted on this map, Groundwater Contamination / Classification Exception Areas / Well Restriction Areas cover approximately half of Site C

# Eastampton Township

## Legend

- Site D
- Special Flood Hazard Area (100yr Flood)
- Wetlands (2012)
- Slopes 15 Percent and above
- Streams
- Known Contaminated Sites

SITE	BLOCK	LOT	ACRES
SITE D	125	9	1.03
SITE D	125	9.01	3.34
<b>Total Acres (GIS):</b>			<b>4.37</b>



Clarke Caton Hintz

Architecture  
 Planning  
 Landscape Architecture

# Inclusionary Overlay Site D

LOCATION:  
 Mount Holly, Burlington County, NJ

DATE:  
 February 2022



- d. The affordable units in the overlay zoning shall be available to families.

**Bedroom Distribution** –The units shall meet the bedroom distribution requirements in conformance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.3) that require no more than 20% one-bedroom units, a minimum of 20% three-bedroom units and the balance (at least 30%) two-bedroom units.

**Controls on Affordability** - Affordability controls shall comply with all standards set forth in the Uniform Affordable Housing Controls, NJAC 5:80-26.1 et. seq. with the exception that in lieu of 10 percent affordable units in rental projects would be required to be at least 35 % of median income, 13 % of affordable units in such projects shall be required to be at least 30% of median income, and all other applicable law. Adopted and/or updated appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied are contained in other sections or Appendices of this Housing Element and Fair Share Plan. Income limits for all units that are part of the Plan required by the Settlement 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:

Regional income limits shall be established for the region that the Township is located within (i.e. Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent 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 percent 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 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

The income limits attached to the Settlement Agreement as Exhibit B (in *Appendix A*) are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, 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.

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.

**Funding** – Since specific inclusionary housing projects have not yet been identified within the overlay district, it is premature to identify funding sources, however, the Township would anticipate that a developer would apply for a variety of funding mechanism that are available at the time of development.

**Construction Schedule** – The Township has agreed to create opportunities for the provision of affordable housing despite the absence of formal Prior or Third Round affordable housing obligations. The opportunity shall be created through an Inclusionary Overlay Residential District. The overlay zoning shall remain in place for at least 20 years.

## **VIII. AFFORDABLE HOUSING ADMINISTRATION AND AFFIRMATIVE MARKETING**

Mount Holly Township prepared an updated Affordable Housing Ordinance in 2019 that conforms to the Council on Affordable Housing (COAH)'s substantive rules, Uniform Housing Affordability Controls (UHAC) and the terms of the court-approved Fair Share Housing Center (FSHC) Settlement Agreement. The Ordinance is contained in *Appendix K*. The Affordable Housing Ordinance repeals and replaces current Chapter 143. Housing, Low and Moderate Income Ordinance. Current Chapter 143 contains Article I. Provision of Affordable Housing, Article II. Marketing of Affordable Housing, Article III. RCA Administrator and Article IV. Development Fees. Articles I, II, III and IV will be replaced with Article I. Affordable Housing, Article II. Affirmative Marketing Plan, Article III. Affordable Housing Administrative Agent and Article IV. Development Fees.

The Affordable Housing Ordinance regulates the establishment of affordable units in the Township including occupancy of the units, phasing of affordable units, low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification and all other required elements. The Ordinance includes the required exception that the UHAC requirements for 10 percent of the affordable units in rental projects required to be at 35 percent of median income be replaced by the statutory requirement, N.J.S.A. 52:27D329.1 that 13 percent of affordable units in such projects shall be required to be at 30 percent of median income.

The Affordable Housing Ordinance establishes a mandatory set-aside requirement of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent, whenever any residential development, including the residential portion of a mixed-

use project, which consists of five (5) or more new residential units at six (6) units per acre or higher, or equivalent, which results, in whole or in part, from: (i) a municipal rezoning or zoning amendment; (ii) any variance pursuant to NJSA 40:55D-70(d), including but not limited to any use variance or a density variance increasing the permissible density; and (iii) the adoption of a new or amended redevelopment plan or rehabilitation plan.

The Township shall through the adoption of the overlay zoning and mandatory set-aside ordinance, require the following standards to be satisfied:

- a. At least fifty percent (50%) of the units shall be affordable to very-low income and low-income households with the remainder affordable to moderate-income households.
- b. At least twenty-five percent (25%) of the units shall be met through rental units, including at least half in rental units available to families.
- c. At least require thirteen percent (13%) of all units referenced in the Agreement shall be very low income units at 30% or less of median income, with at least half of the very low income units available to families.
- d. The affordable units in the overlay zoning shall be available to families.

The ordinance establishes the positions of the Municipal Housing Liaison and Affordable Housing Administrative Agent. The Resolutions appointing the Housing Liaison and Administrative Agent are included in the Appendices of the 2019 Housing Element and Fair Share Plan.

The ordinance adopting an Affirmative Marketing Plan, the Affirmative Fair Housing Marketing Plan form were included in the Appendices of the 2019 Housing Element and Fair Share Plan.

The affirmative marketing plan utilizes the Random Selection and income qualification procedure by the administrative agent, consistent with COAH's rules and N.J.A.C. 5:80-26.1. The affirmative marketing plan is prepared to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the Township. The plan is intended to target potentially eligible persons who are least likely to apply for affordable units and who reside in Region 5 consisting of Burlington, Camden and Gloucester counties.

- In addition to the current list of community and regional organizations to be notified in accordance with the Affirmative Marketing Plan, as required by the Item #10 in the 2019 Settlement Agreement, the Affirmative Marketing Plan includes notifications to the following agencies: Fair Share Housing Center, the Latino Action

Network, the Southern Burlington County NAACP, Willingboro NAACP, the Supportive Housing Association, and the New Jersey Housing Resource Center. The 2021 Settlement Agreement includes posting on the New Jersey Housing Resource Center website in accordance with applicable law. Both the Township and any other developers or administrative agents conducting affirmative marketing must provide notice to those organizations of any available affordable units.

The affirmative marketing plan includes regulations on qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with NJAC 5:80-26.1, et seq. All newly created affordable units will comply with at least 30-year affordability controls required by UHAC, NJAC 5:80-26.5 and 5:80-26.11. This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction and affordability controls on each affordable unit.

## **IX. AFFORDABLE HOUSING TRUST FUND**

Ordinance 2019-10 amends Chapter 143, Article IV. Development Fees is included in the Appendix of the 2019 Housing Element and Fair Share Plan. An Ordinance of the Township of Mount Holly repealing and replacing Chapter 143, Article IV. Development Fees of the Township Code to provide for the collection of Development Fees in support of affordable housing. The ordinance permits collection of residential development fees equal to 1.5% of the equalized assessed value of new residential construction and additions, and mandatory nonresidential development fees equal to 2.5% of the equalized assessed value of new nonresidential construction and additions.

A Spending Plan is contained in the Appendix of the 2019 Housing Element and Fair Share Plan. The Spending Plan includes anticipated revenues, collection of revenues, and the use of revenues. The Affordable Housing Trust Fund will be utilized for eligible affordable housing activities including the: construction of new affordable housing units and related development costs; extension or improvement of roads and infrastructure directly serving affordable housing development sites; repayment of municipal bonds issued to finance low- and moderate-income housing activity; affordability assistance; purchase of affordable housing units for the purpose of maintaining or implementing affordability controls; acquisition/improvement of land for affordable housing; maintenance/repair of affordable housing units; rehabilitation program; other activities in the approved Spending Plan.

As required by NJAC 5:93-816(e), the Township may use affordable housing trust fund revenue for related administrative costs up to a 20% limitation pending funding availability after programmatic and statutory affordability assistance expenditures. The actual administrative expense is calculated on an ongoing basis based on actual revenues.

As required by NJAC 5:93-8.16(c), the Township is required to spend a minimum of 30% of development fee revenue to render existing affordable units more affordable

and at least one-third of that amount must be dedicated to very-low income households or to create very-low income units (i.e. households earning less than 30% of the regional median income). The actual affordability assistance minimums are calculated on an ongoing basis based on actual revenues.

In accordance with the Item #14 of the 2019 Settlement Agreement with FSHC, the expenditures of funds contemplated under the FSHC agreement constitute a "commitment" for the expenditure pursuant to NJSA 52:27D329.2 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 the 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).

## **X. COST GENERATION**

Mount Holly Township has reviewed its Development Regulation Ordinance to eliminate unnecessary cost generating regulations that are not essential to protect the public welfare and to expedite municipal approvals on inclusionary development applications (N.J.A.C. 5:93-10.1). Development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance, Residential Site Improvement Standards (N.J.A.C. 5:21-1, et seq.), the mandate of the Fair Housing Act, and the Municipal Land Use Law (NJSA 40:55D-40.1-40.7) regarding unnecessary cost generating features. Mount Holly Township shall comply with the applicable Cost Generation requirements of N.J.A.C. 5:93 Subchapter 10.

## **XI. MONITORING**

On the first anniversary of the execution of the Settlement Agreement, which shall be established by the date on which it is executed by a representative of the Township (February 25, 2019), and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in the Agreement (February 25, 2025), the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, (NJDEA) Council on Affordable Housing (COAH), or Local Government Services (LGS), 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.

**Appendix A**

**December 13, 2021 Letter Memorializing the Terms of An Agreement with Fair Share  
Housing Center and the Township of Mount Holly along with February 11,  
2019 Letter Memorializing the Terms of An Agreement with Fair Share  
Housing Center and the Township of Mount Holly**



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

December 13, 2021

Honorable Jason Jones, Mayor  
Mount Holly Township  
City Hall Building  
23 Washington Street  
Mount Holly, New Jersey 08060

**Re: In the Matter of the Application of Mount Holly Township,  
Docket No. BUR-L-1623-15**

Dear Mayor Jones:

This letter memorializes the terms of an agreement reached between the Township of Mount Holly (the Township or Mount Holly), 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.

This Agreement shall supersede and replace in its entirety the February 11, 2019 settlement agreement between the Township of Mount Holly and Fair Share Housing Center (fully executed by the parties on February 25, 2019), attached hereto as **Exhibit A**, which was previously approved by the court following a fairness hearing.

### **Background**

Mount Holly filed the above-captioned matter on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., in accordance with Mount Laurel IV.

Through the declaratory judgment process, the Township and FSHC agreed, in February 2019, to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

That settlement was approved by the trial court following a fairness hearing on May 23, 2019, and a final judgment of compliance was entered on June 26, 2020.

Since then, it has come to the attention of the Township and Fair Share Housing Center that the properties that were initially overlay zoned as part of the February 2019 settlement are no longer likely to produce a realistic opportunity for affordable housing, and the parties have negotiated this amended agreement to ensure that Mount Holly is creating new opportunities for affordable and inclusionary development.

### **Settlement Agreement Terms**

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of an amended Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan" or "HEFSP") 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 Mount Holly hereby agree that the Township's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report)	13
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	0
Third Round (1999-2025) Prospective Need	0

4. For purposes of this Agreement, the Third Round Prospective Need 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).
5. To satisfy its Rehabilitation Share, the Township shall continue to implement and administer a municipal rehabilitation program for both owner-occupied and rental units in accordance with N.J.A.C. 5:93-5.2 and applicable law, and it shall also participate in the county rehabilitation program. Per Court Order dated June 26, 2020, the Court granted the Township credit for thirteen (13) rehabilitated units<sup>1</sup>. The Township identified the major systems that were repaired or replaced and noted the amount expended on each unit, which averages approximately \$17,000. Community Grants, Planning & Housing ("CGP&H") confirmed that the affordability controls on these units will remain in effect until transfer of the title or sale of the home through the program mortgage, at which time the full amount without interest is due back to the Township's rehabilitation program, helping to continue such program for other eligible properties.
6. The Township shall rescind the overlay zoning adopted via Ordinance No. 2019-11 on Blocks 97-101 that was part of the February 2019 settlement agreement between FSHC and Mount Holly and the Township's 2019 Third Housing Element and Fair Share Plan.
7. In order to compensate for this lost affordable housing opportunity, and as an essential component of this Agreement, Mount Holly agrees to implement the following mechanisms to capture affordable housing opportunities as they arise:

<sup>1</sup> The thirteen (13) rehabilitated units are: 18 Murrell Street, 517 Stevens Drive, 48 White Street, 46 C Buttonwood Street, 153 Washington Street, 17 Budd Street, 149 Washington Street, 142 Ashurst Lane, 45 Brainerd Street, 46 Parliament Drive, 222 Garden Street, 2 Manor Terrace, and 147 Cherry Street.

a. **Mandatory Set-Aside Ordinance.**

- i. The Township agrees to adopt the mandatory set-aside ordinance attached hereto as **Exhibit B**, which requires a twenty percent (20%) affordable housing set-aside where the affordable units are provided for for-sale and fifteen percent (15%) where the affordable units are provided for rental whenever any residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units at six (6) units per acre or higher, or equivalent, which results, in whole or in part, from: (i) a municipal rezoning or zoning amendment; (ii) any variance pursuant to N.J.S.A. 40:55D-70(d), including but not limited to any use variance or a density variance increasing the permissible density; and (iii) the adoption of a new or amended redevelopment plan or rehabilitation plan.

b. **Overlay Zoning.**

- i. The Township agrees to adopt an overlay zoning ordinance to permit multifamily apartments and townhomes up to four-stories at 20 units per acre with a 20% affordable housing set-aside on the following sites:

1. Block 66.02, Lots 1, 1.01, 2, 6, 6.05 (+/-4.5 acres).
2. Block 84, Lots 33, 34.01, 34.02, 34.04, 35-40, 40.01, 52, 65, 65.01 (+/-4.5 acres).
3. Block 112, Lots 14-21, 15.01, 16.01, 22.01, 22 (+/- 6 acres).
4. Block 125, Lots 9, 9.01 (+/- 4 acres).

- ii. The overlay zoning shall remain in place for a period of at least 20 years.

8. The Township shall through the adoption of the overlay zoning and mandatory set-aside ordinance required by this Agreement require the following standards to be satisfied:

- a. At least fifty percent (50%) of the units shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
- b. At least twenty-five percent (25%) of the units shall be met through rental units, including at least half in rental units available to families.
- c. At least require thirteen percent (13%) of all units referenced in this Agreement shall be very low income units at 30% or less of median income, with at least half of the very low income units being available to families
- d. The affordable units in the overlay zoning shall be available to families.

9. 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), FSHC, 510 Park Blvd, Cherry Hill, NJ; the Latino Action Network, PO Box 943, Freehold, NJ 07728; Willingboro

NAACP, Ms. Kyra Price, PO Box 207, Roebling 09854, Southern Burlington County NAACP, PO Box 3211, Cinnaminson, NJ 08077; the Supportive Housing Association, 15 Alden St # 14, Cranford, NJ 07016; and the New Jersey Housing Resource Center ("HRC"), 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 including posting all affordable housing units to the HRC website.

10. Mount Holly agrees to ensure that the following terms are complied with in all development that produces affordable housing:
  - a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units (fractional units shall be rounded up) within each bedroom distribution shall be required to be for very-low-income households earning thirty percent (30%) or less of the median income.
  - b. All of the affordable units shall be subject to affordability controls of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions as provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act.
  - c. The Township shall maintain the affordability controls unless and until the Township, in its sole discretion, takes action to extend or release the affordable unit from such controls in accordance with UHAC and applicable law. If, after at least thirty (30) years, the Township acts to release an affordable unit from such controls, the Township shall ensure that the affordability controls shall remain in effect until the date on which a rental unit shall become vacant due to the voluntary departure of the occupant household in accordance with N.J.A.C. 5:80-26.11(b).
  - d. In any inclusionary development, the affordable units shall be integrated to the extent possible with the market-rate units. Where the affordable and market-rate units are of the same tenure, there shall be a strong presumption that it is possible for the affordable and market-rate units to be fully integrated. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
  - e. In any inclusionary development, construction of the affordable units shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
  - f. All of the affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified in this Agreement, and it shall also include posting

of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

11. The Township as part of its amended 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 as follows:
  - a. Regional income limits shall be established for the region that the Township is located within (i.e., Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent 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 percent 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 percent 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 C** are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2021, 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 ninety (90) days of Court's approval of this Agreement, the Township shall adopt 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 an amended Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement. The expenditures of funds contemplated under the Spending Plan will 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).
14. Starting on December 13, 2022, and every anniversary thereafter, the Township of Mount Holly shall provide an annual report on all affordable housing activity and any expenditures from or deposits into its affordable housing trust fund. The annual report shall be sent directly to FSHC and the Special Master, posted on the municipal website, and provided to the New Jersey Department of Community Affairs or other entity designated by the State of New Jersey. The reporting shall state the location and the number of affordable units approved, under construction, and built, and it shall provide information on the bedroom and income distribution of the affordable units and whether a deed restriction has been imposed on them. It shall also report on affordable housing trust fund activity, including the amount and purpose of all expenditures, the source and amount of all deposits, and updated totals.
15. In view of the time and resources required to be expended by FSHC to negotiate and defend this Agreement, the Township of Mount Holly agrees to pay FSHC's fees and costs in the amount of \$8,000.00 within thirty (30) days of execution of this Agreement.
16. 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.
17. 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 contemplate the municipality will receive "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. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
18. 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.

19. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Burlington County.
20. 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.
21. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
22. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.

29. 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.
30. The effective date of this Agreement shall be the date upon which Fair Share Housing Center and Mount Holly have executed and delivered this Agreement.
31. 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  
Telecopier: 856-663-8182  
adamgordon@fairsharehousing.org

**TO THE TOWNSHIP:** Robert Swartz, Esq.  
Steinhardt Cappelli Tipton & Taylor LLC  
1010 Kings Hwy South – Bldg 2  
Cherry Hill, NJ 08034  
Telecopier: 856-853-5530

**WITH A COPY TO THE  
MUNICIPAL CLERK:** Clerk, Mount Holly Township  
City Hall Building  
23 Washington Street  
Mount Holly, NJ 08060  
Telecopier: 609-267-8155

**IN WITNESS WHEREOF**, the Parties hereto have caused this agreement to be properly executed, their corporate seals affixed and attested and this agreement to be effective as of the Effective Date.

Sincerely,



Adam M. Gordon, Esq.  
Executive Director of Fair Share Housing Center

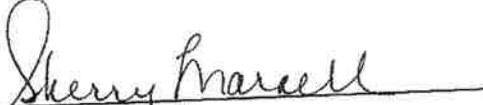
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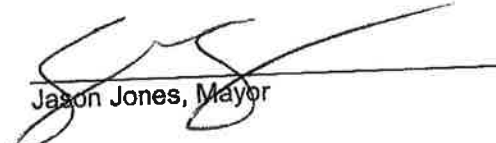
Dated: November 28, 2021

On behalf of the Township of Mount Holly, with the authorization of the governing body:

Witness/ Attest:

TOWNSHIP OF MOUNT Holly

  
Municipal Clerk

  
Jason Jones, Mayor

Dated: 12/13/21

## 2021 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** Sales***	Regional Asset Limit****
<b>Region 1</b>												
Median	\$72,846	\$78,050	\$83,253	\$93,659	\$104,066	\$108,229	\$112,391	\$120,717	\$129,042	\$137,367		
Moderate	\$58,277	\$62,440	\$66,602	\$74,928	\$83,253	\$86,583	\$89,913	\$96,573	\$103,233	\$109,894	1.6%	\$201,229
Low	\$36,423	\$39,025	\$41,626	\$46,830	\$52,033	\$54,114	\$56,196	\$60,358	\$64,521	\$68,684	8.46%	
Very Low	\$21,854	\$23,415	\$24,976	\$28,098	\$31,220	\$32,469	\$33,717	\$36,215	\$38,713	\$41,210		
<b>Region 2</b>												
Median	\$75,331	\$80,711	\$86,092	\$96,854	\$107,615	\$111,920	\$116,224	\$124,834	\$133,443	\$142,052		
Moderate	\$60,265	\$64,569	\$68,874	\$77,483	\$86,092	\$89,536	\$92,980	\$99,867	\$106,754	\$113,642	1.6%	\$206,459
Low	\$37,665	\$40,356	\$43,046	\$48,427	\$53,808	\$55,960	\$58,112	\$62,417	\$66,721	\$71,026	2.00%	
Very Low	\$22,599	\$24,213	\$25,828	\$29,056	\$32,285	\$33,576	\$34,867	\$37,450	\$40,033	\$42,616		
<b>Region 3</b>												
Median	\$86,240	\$92,400	\$98,560	\$110,880	\$123,200	\$128,128	\$133,056	\$142,912	\$152,768	\$162,624		
Moderate	\$68,992	\$73,920	\$78,848	\$88,704	\$98,560	\$102,502	\$106,445	\$114,330	\$122,214	\$130,099	1.6%	\$234,592
Low	\$43,120	\$46,200	\$49,280	\$55,440	\$61,600	\$64,064	\$66,528	\$71,456	\$76,384	\$81,312	3.10%	
Very Low	\$25,872	\$27,720	\$29,568	\$33,264	\$36,960	\$38,438	\$39,917	\$42,874	\$45,830	\$48,787		
<b>Region 4</b>												
Median	\$76,469	\$81,931	\$87,393	\$98,317	\$109,242	\$113,611	\$117,981	\$126,720	\$135,460	\$144,199		
Moderate	\$61,175	\$65,545	\$69,915	\$78,654	\$87,393	\$90,889	\$94,385	\$101,376	\$108,368	\$115,359	1.6%	\$205,486
Low	\$38,235	\$40,966	\$43,697	\$49,159	\$54,621	\$56,806	\$58,990	\$63,360	\$67,730	\$72,099	0.00%	
Very Low	\$22,941	\$24,579	\$26,218	\$29,495	\$32,772	\$34,083	\$35,394	\$38,016	\$40,638	\$43,260		
<b>Region 5</b>												
Median	\$67,620	\$72,450	\$77,280	\$86,940	\$96,600	\$100,464	\$104,328	\$112,056	\$119,784	\$127,512		
Moderate	\$54,096	\$57,960	\$61,824	\$69,552	\$77,280	\$80,371	\$83,462	\$89,645	\$95,827	\$102,010	1.6%	\$179,028
Low	\$33,810	\$36,225	\$38,640	\$43,470	\$48,300	\$50,232	\$52,164	\$56,028	\$59,892	\$63,756	0.00%	
Very Low	\$20,286	\$21,735	\$23,184	\$26,082	\$28,980	\$30,139	\$31,298	\$33,617	\$35,935	\$38,254		
<b>Region 6</b>												
Median	\$57,458	\$61,562	\$65,666	\$73,874	\$82,083	\$85,366	\$88,649	\$95,216	\$101,782	\$108,349		
Moderate	\$45,966	\$49,250	\$52,533	\$59,100	\$65,666	\$68,293	\$70,919	\$76,173	\$81,426	\$86,679	1.6%	\$153,730
Low	\$28,729	\$30,781	\$32,833	\$36,937	\$41,041	\$42,683	\$44,325	\$47,608	\$50,891	\$54,175	0.00%	
Very Low	\$17,237	\$18,469	\$19,700	\$22,162	\$24,625	\$25,610	\$26,595	\$28,565	\$30,535	\$32,505		

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 previously calculated under N.J.A.C. 5:97-9.3 (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, 2016, 2017, 2018, 2019 or 2020 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2021 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). 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 previously calculated under N.J.A.C. 5:97-9.3). 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.

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 Regions 4, 5, and 6 in 2020 were higher than the 2021 calculations, the 2020 income limits will remain in force for 2021 (as previously required by N.J.A.C. 5:97-9.2(c)).

**Exhibit A:**  
**February 11, 2019 Settlement Agreement Between**  
**The Township of Mount Holly and Fair Share Housing Center**



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

February 11, 2019

Honorable Jason Jones,  
Mayor  
Mount Holly Township  
City Hall Building  
23 Washington Street  
Mount Holly, NJ 08060

**Re: In the Matter of Mount Holly Township Docket No. BUR-L-1623-15**

Dear Mayor Jones:

This letter memorializes the terms of an agreement reached between the Township of Mount Holly (the Township or "Mount Holly"), 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**

Mount Holly 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 agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

#### **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 Mount Holly hereby agree that the Township's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report)	13
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	0
Third Round (1999-2025) Prospective Need	0

4. For purposes of this Agreement, the Third Round Prospective Need 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).
5. During the compliance phase of this matter, the municipality will demonstrate how it will address its Third Round rehabilitation obligation of 13 units in accordance with applicable law, for both owner-occupied and rented units, through participation in a county rehabilitation program or the administration by the Township of a rehabilitation program
6. As noted above, the Township has a Prior Round prospective need of zero (0) units and a Third Round prospective need of zero (0) units. The municipality therefore does not have to take any steps to satisfy prospective need obligations.
7. As part of an effort to provide affordable housing opportunities, and as an essential component of this Agreement, the municipality agrees to provide overlay zoning on Blocks 97-101, on lots designated in the map attached to this Agreement as Exh. A-1 and further described on Exh A-2 (Collectively Exh A), on the following terms:
  - a. 40% of the acreage on the lots identified in Exh. A shall be designated for apartments between 15 and 18 dwelling units per acre, with a 20% set-aside of affordable housing for rental and sales units. The overlay zoning for this site shall provide an option for senior housing to be developed in the area zoned for apartments, provided that the number of senior units permitted in the area zoned for apartments shall not exceed 25% of the total number of permitted apartments and 25% of the affordable units
  - b. 40% of the acreage to be designated for high density towns and other multi-family, for sale, dwelling units with a density of between 9 and 12 dwelling units per acre, with a 20% set-aside of affordable housing for rental and sales units.
  - c. 20% single family attached or detached with a density between 5 and 8 units per acre, with no requirement of a set-aside of affordable housing.
  - d. The overlay zoning shall remain in place for a period of at least 20 years.
8. Except for the 13 unit Third Round rehabilitation obligation, the Township agrees to require 13% of all units referenced in this Agreement to be very low income units, with half of the very low income units being available to families.
9. The Township shall through the adoption of the overlay zoning required by this Agreement require the following standards to be satisfied:
  - a. At least 50 percent of the units shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - b. At least twenty-five percent of the units shall be met through rental units, including at least half in rental units available to families.

- c. With the exception of the senior units that will be permitted as an option, the affordable units shall be available to families.
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), FSHC, 510 Park Blvd, Cherry Hill, NJ; the Latino Action Network, PO Box 943, Freehold, NJ 07728; Willingboro NAACP, Ms. Kyra Price, PO Box 207, Roebing 09854, Southern Burlington County NAACP, PO Box 3211, Cinnaminson, NJ 08077; the Supportive Housing Association, 15 Alden St # 14, Cranford, NJ 07016; 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 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent 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 as follows:
    - a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent 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 percent 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 percent 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 B are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, 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 Township shall prepare a Spending Plan within the 120-day 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 execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Township, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, 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.
  15. 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.
  16. 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 contemplate the municipality will receive "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. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.

17. 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 Law Division unless and until an appeal of the Law Division's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the Law Division's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
18. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Burlington County.
19. 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.
20. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
21. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
22. 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.
23. 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.
24. 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.
25. 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.

26. 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.
27. 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.
28. 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.
29. 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:**

Kevin D. Walsh, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Telecopier: 856-663-8182

**TO THE TOWNSHIP:**

Stephen J. Boraske, Esq.  
Florio Perrucci Steinhardt & Cappelli LLC  
1010 Kings Hwy South – Bldg 2  
Cherry Hill, NJ 08034  
Telecopier: 856-354-8318

**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Clerk  
Mount Holly Township  
City Hall Building  
23 Washington Street  
Mount Holly, NJ 08060  
Telecopier: 609-267-8155

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 Mount Holly, with the authorization  
of the governing body:

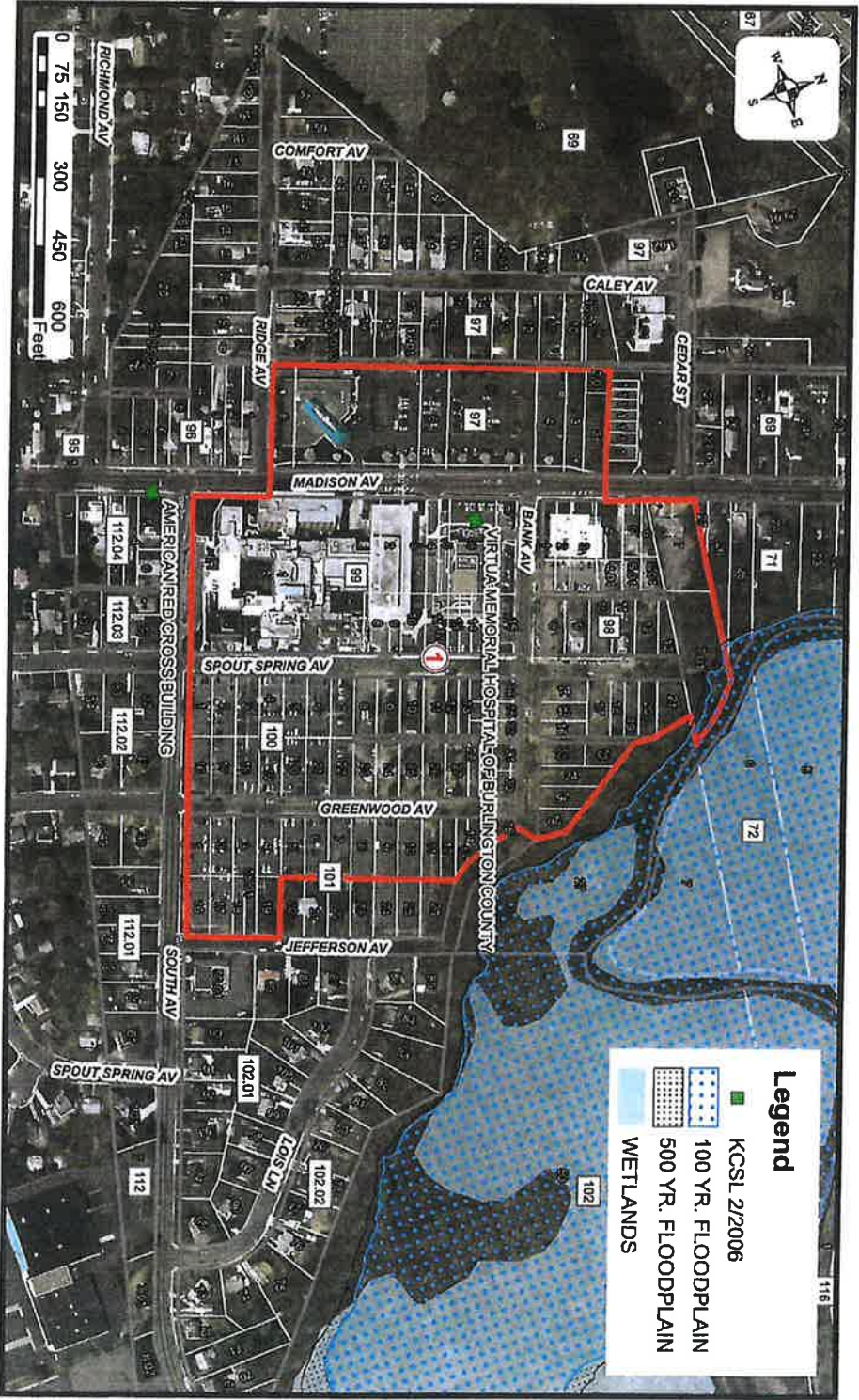
A handwritten signature in blue ink, appearing to read 'J. Jones', with a long horizontal flourish extending to the right.

Jason Jones, Mayor

Dated: 02-25-2019

Exhibit A

Proposed OB Overlay Inclusionary Zones  
Addressing Unmet Need  
Mount Holly Township,  
Burlington County, New Jersey



**EXHIBIT B: 2018 INCOME LIMITS**

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 2018  
**2018 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

	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** Soler***	Regional Asset Limit****
<b>Region 1</b>												
Bergen, Hudson, Passaic and Sussex	Median \$63,597	\$68,140	\$72,682	\$81,767	\$90,853	\$94,487	\$98,121	\$105,389	\$112,657	\$119,926		
	Moderate \$50,876	\$54,512	\$58,146	\$65,414	\$72,682	\$75,589	\$78,497	\$84,311	\$90,126	\$95,940	2.2%	\$175,679
	Low \$31,798	\$34,070	\$36,341	\$40,884	\$45,426	\$47,243	\$49,060	\$52,695	\$56,329	\$59,963	5.52%	
	Very Low \$19,079	\$20,442	\$21,805	\$24,530	\$27,256	\$28,346	\$29,436	\$31,617	\$33,797	\$35,978		
<b>Region 2</b>												
Essex, Morris, Union and Warren	Median \$66,755	\$71,523	\$76,291	\$85,828	\$95,364	\$99,179	\$102,993	\$110,622	\$118,252	\$125,881		
	Moderate \$53,404	\$57,218	\$61,033	\$69,662	\$79,291	\$82,395	\$85,499	\$90,498	\$94,601	\$100,705	2.2%	\$182,955
	Low \$33,377	\$35,762	\$38,146	\$42,914	\$47,682	\$49,589	\$51,497	\$55,311	\$59,126	\$62,940		
	Very Low \$20,026	\$21,457	\$22,887	\$25,748	\$28,609	\$29,794	\$30,898	\$33,187	\$35,475	\$37,764		
<b>Region 3</b>												
Hunterdon, Middlesex and Somerset	Median \$75,530	\$80,925	\$86,320	\$97,110	\$107,900	\$112,216	\$116,532	\$125,164	\$133,796	\$142,428		
	Moderate \$60,424	\$64,740	\$69,056	\$77,688	\$86,320	\$89,773	\$93,226	\$100,131	\$107,037	\$113,942	2.2%	\$205,458
	Low \$37,765	\$40,463	\$43,160	\$48,555	\$53,950	\$56,108	\$58,266	\$62,582	\$66,898	\$71,214	2.37%	
	Very Low \$22,659	\$24,278	\$25,896	\$29,133	\$32,370	\$33,655	\$34,960	\$37,549	\$40,139	\$42,728		
<b>Region 4</b>												
Mercer, Monmouth and Ocean	Median \$69,447	\$74,407	\$79,368	\$89,289	\$99,209	\$103,178	\$107,146	\$115,083	\$123,020	\$130,956		
	Moderate \$55,557	\$59,526	\$63,494	\$71,431	\$79,368	\$82,542	\$85,717	\$92,066	\$98,416	\$104,765	2.2%	\$186,616
	Low \$34,723	\$37,204	\$39,684	\$44,644	\$49,605	\$51,589	\$53,573	\$57,541	\$61,510	\$65,478		
	Very Low \$20,834	\$22,322	\$23,810	\$26,787	\$29,763	\$30,953	\$32,144	\$34,525	\$36,906	\$39,287		
<b>Region 5</b>												
Burlington, Camden and Gloucester	Median \$61,180	\$65,550	\$69,920	\$78,660	\$87,400	\$90,896	\$94,392	\$101,384	\$108,376	\$115,368		
	Moderate \$48,944	\$52,440	\$55,936	\$62,928	\$69,920	\$72,717	\$75,514	\$81,107	\$86,701	\$92,294	2.2%	\$161,977
	Low \$30,580	\$32,775	\$34,969	\$38,390	\$43,700	\$45,448	\$47,196	\$50,692	\$54,188	\$57,684	5.05%	
	Very Low \$18,954	\$19,665	\$20,376	\$23,598	\$26,820	\$27,269	\$27,718	\$30,415	\$32,513	\$34,610		
<b>Region 6</b>												
Atlantic Cape May, Cumberland, and Salem	Median \$51,085	\$54,724	\$58,363	\$65,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332		
	Moderate \$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066	2.2%	\$136,680
	Low \$25,543	\$27,367	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166	0.00%	
	Very Low \$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900		

\* These columns are for calculating the pricing for one, two and three bedroom, sale and rental units as per N.J.A.C. 58:26-4(e).  
 \*\* This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 58:26-4(f)). The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, and the increase for 2017 was 1.7%, and the increase for 2018 is 2.2% (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, 2016, or 2017 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 previously calculated under N.J.A.C. 58:26-4(f)). 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.  
 \*\*\*\* 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. 58:26-16(b)(3).  
 Note: Since the Regional Income Limits for Region 6 in 2017 were higher than the 2016 calculations, the 2017 income limits will remain in force for 2018 (as previously required by N.J.A.C. 58:26-16(c)).

EXHIBIT A-2



**Appendix B**

**February 2, 2022 Master's Report on an Amended Settlement Agreement and Amended  
Compliance Mechanisms for the Mount Laurel Fairness Hearing, Township  
of Mount Holly, Burlington County, New Jersey**

**MASTER'S REPORT ON AN AMENDED SETTLEMENT AGREEMENT  
AND AMENDED COMPLIANCE MECHANISMS  
FOR THE *MOUNT LAUREL* FAIRNESS HEARING  
TOWNSHIP OF MOUNT HOLLY  
BURLINGTON COUNTY, NEW JERSEY**

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*IMO Application of the Township of Mount Holly*  
*Docket No. BUR-L-1623-15*

February 2, 2022

*Prepared for:*

**The Honorable Jeanne T. Covert, A.J.S.C.  
Superior Court of New Jersey  
Burlington County Courts Facility  
49 Rancocas Road, 7th Floor  
Mount Holly, NJ 08060**

*Prepared by:*



Mary Beth Lonergan, PP, AICP  
New Jersey Professional Planning License No. 4288



Elaine R. Clisham, AICP Candidate

**Clarke Caton Hintz**



100 Barrack Street  
Trenton, New Jersey 08608

## Table of Contents

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<b>1.0</b>	<b>Introduction .....</b>	<b>1</b>
<b>2.0</b>	<b>Background.....</b>	<b>2</b>
<b>3.0</b>	<b>The Context for Review .....</b>	<b>4</b>
<b>4.0</b>	<b>The 2019 Settlement Agreement and 2021 Settlement Agreement .....</b>	<b>6</b>
<b>5.0</b>	<b>The Fairness Analysis.....</b>	<b>19</b>
<b>6.0</b>	<b>Conclusion and Recommendations.....</b>	<b>22</b>

## 1.0 INTRODUCTION

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This report addresses a Settlement Agreement dated December 13, 2021 (“the 2021 Agreement”) that, if approved, will replace in its entirety the Settlement Agreement dated February 11, 2019 (“the 2019 Agreement”) between Fair Share Housing Center (“FSHC”) and the Township of Mount Holly (“Mount Holly” or “the Township”). The 2019 Agreement, previously approved by the Court following a Fairness Hearing, resolved Mount Laurel litigation through the establishment of a Third Round fair share obligation for the Township in the case entitled In the Matter of the Application of the Township of Mount Holly, County of Burlington, Docket No. BUR-L-1623-15. As discussed in more detail below, the Township had previously received a Final Judgment of Repose per Court Order dated June 20, 2020. This report on the 2021 Agreement has been prepared in light of the upcoming Fairness Hearing scheduled on February 8, 2022 before the Honorable Jeanne T. Covert, A.J.S.C.

The purpose of the Fairness Hearing is for the Court to determine whether the terms of the 2021 Agreement between the Township and FSHC are fair and reasonable to the interests of low- and moderate-income households in the region. I am writing in my capacity as Special Master previously appointed by the Honorable Ronald E. Bookbinder, A.J.S.C. (now retired) in the above-captioned matter per Court Order of December 8, 2015.

Mount Holly filed a Complaint for Declaratory Judgment on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., in accordance with the New Jersey Supreme Court’s March 10, 2015 decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, (2015). The Court approved the 2019 Settlement Agreement by Order dated May 23, 2019 after a duly noticed Fairness Hearing on April 22, 2019. The 2019 Agreement established the Township’s fair share obligation, including a Third Round Rehabilitation Share of 13 units, a 0-unit Prior Round (1987-1999) obligation, and a 0-unit Third Round (1999-2025) Gap and Prospective Need obligation. My April 16, 2019 Fairness Report recommended approval of the 2019 Settlement Agreement, and recommended preliminary approval of the Township’s proposed measures to capture future affordable housing opportunities as they arise. The May 23, 2019 Order found the Agreement fair to the interests of the protected class, required the Township to satisfy the conditions set forth in my report within 120 days of the Order.

For the January 30, 2020 Compliance Hearing I issued a Compliance Report dated January 21, 2020, in which I found that the Township had satisfied the majority of conditions enumerated in my fairness report and recommended the Court grant the Township a Judgment of Repose (“JOR”) subject to the provision of

additional crediting documentation. After the Township supplied all the required documents, I submitted a letter to the Court dated June 15, 2020 indicating that all compliance conditions had been met, and Your Honor granted the Township a final JOR on June 20, 2020.

As will be discussed in more detail below, in June 2021 the owner of the Virtua Hospital site that the Township believed was to become available in the Third Round and so, pursuant to the 2019 Agreement, adopted overlay zoning intended to create a realistic opportunity for the development of affordable housing, filed a motion for relief from the JOR, noting its site was no longer available. Subsequent negotiations between the Township and FSHC have resulted in the 2021 Agreement.

The 2021 Agreement preserves and reiterates the Court-approved fair share obligation, removes the mechanism discussed above by which the Township was to provide a realistic opportunity for the future provision of affordable units, and replaces it with alternative mechanisms. Continuing the settlement of the Township's Third Round implementation mechanisms is clearly a preferable approach to resolving affordable housing disputes because it avoids the time and expense of a Court action.

Public notice of the February 8, 2022 Fairness Hearing on the 2021 Agreement was published on December 29, 2021 in accordance with established Mount Laurel case law. The notice properly summarized the salient points of the 2021 Agreement, directed any interested members of the public to the Township Clerk's office where they could review the 2021 Agreement, described the purpose of the Court hearing that is to be held on February 8, 2022, and invited written comments on the Agreement to be filed no later than January 21, 2022 at 4:00 p.m. I am not aware of any comments or objections filed by the public.

This report recommends approval of the 2021 Settlement Agreement between FSHC and Mount Holly and recommends preliminary approval of the change in the Township's proposed mechanisms to create realistic opportunities for future development of affordable housing.

## **2.0 BACKGROUND**

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In 1989, following First Round certification, the Township was designated an Urban Aid Municipality. On June 5, 1996 the Township received Council on Affordable Housing ("COAH") certification for its Second Round Plan. This Second Round certification expired on June 5, 2002 and on August 3, 2002 COAH granted a one-year extension. As a result of filing a Complaint for Declaratory Judgment, on August 2, 2002 the Township received a jurisdictional and protective order from the New Jersey Superior Court, signed by the Honorable John A. Sweeney, A.J.S.C. (now retired). This Order barred any litigation regarding the

Township's Second Round Plan, and further stated that the Township should submit a Third Round plan within such time frames as would be established by either the Courts or COAH. In November 2005 Mount Holly adopted a Third Round Housing Element and Fair Share Plan ("HEFSP") in accordance with the Third Round rules, and on February 16, 2006 was granted a Third Round Judgment of Compliance and Repose.

On March 10, 2015, the New Jersey Supreme Court issued a ruling on FSHC's Motion in Aid of Litigant's Rights (In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 578 [2015]). Providing a new direction for New Jersey municipalities in their effort to comply with the constitutional requirement to provide their fair share of affordable housing, the Court transferred responsibility for review and approval of housing elements and fair share plans from COAH to designated Mount Laurel trial judges. In accordance with the process laid out by the Supreme Court, Mount Holly filed a declaratory judgment motion on July 8, 2015. Due to its prior Third Round petition before COAH and its declaratory judgment motion in the Superior Court, the Township is deemed to be a "participating municipality" per the New Jersey Supreme Court's March 10, 2015 decision. The Township was granted immunity by the Court from exclusionary zoning lawsuits while the Township was negotiating the terms of the 2019 Settlement Agreement.

The Township's Planning Board adopted a Third Round HEFSP on November 25, 2019, and the Township's governing body endorsed it on November 25, 2019. In a Compliance Report dated January 21, 2021, I recommended the Court grant the Township a Third Round Judgment of Compliance and Repose ("JOR"), subject to the fulfilment of certain conditions included in the report. As noted above, after a duly noticed Compliance Hearing on January 30, 2020, Your Honor granted a JOR on May 23, 2020, subject to the fulfilment of the conditions in my Master's Report. Having subsequently found that the Township had satisfied all remaining outstanding conditions enumerated in the May 23, 2020 Order, Your Honor granted a final JOR on June 26, 2020, giving the Township immunity and protection from any Mount Laurel builder's remedy actions through July 1, 2025.

While the Court-approved 2019 Settlement Agreement stipulated that the Township had no Prior Round or Third Round obligation, the Township agreed to create future opportunities for affordable housing through the implementation of an inclusionary overlay zoning district on the lots that comprise the Memorial Hospital site, owned by Virtua Health, Inc. Virtua had previously received state approval to construct a new regional facility in neighboring Westampton Township and planned to vacate the site in the Township, thus providing Mount Holly with what the Township's 2019 Plan called "a significant opportunity for provision of affordable housing through overlay zoning." However, on June 25, 2021,

counsel for Virtua filed a Motion to Intervene and for relief from the June 26, 2020 JOR. Virtua's Motion noted that the company had notified the Township that its plans had changed, and it was now intending to undertake a significant redevelopment and expansion of the existing Memorial Hospital, rather than constructing a new complex elsewhere. Through subsequent negotiations with Virtua, the Township has agreed to abandon the adopted overlay zoning on the Virtua site, and has identified four alternative sites on which it intends to adopt an affordable housing overlay zone. In addition, the Township will adopt a Township-wide Mandatory Inclusionary Overlay Zone for the production of affordable housing in residential developments of five (5) or more units approved with a density of six units per acre. Those changes are memorialized in the 2021 Agreement, and are the subject of the "fairness" portion of this report.

### 3.0 THE CONTEXT FOR REVIEW

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Before addressing the 2021 Settlement Agreement, I would like to acknowledge the parties' ongoing efforts in achieving settlement of the Township's Third Round compliance mechanisms that create a realistic opportunity for future development of affordable homes. Settlement of Mount Laurel litigation, so long as it meets the appropriate standards for judicial approval, is clearly preferable to the adjudication of a builder's remedy dispute or other Mount Laurel dispute.

The 2021 Agreement must be evaluated according to guidelines established by the Court in two principal cases: Morris County Fair Housing Council v. Boonton Twp. 197 N.J. Super. 359, 369-71 (Law Div. 1984) and East/West Venture v. Borough of Fort Lee 286 N.J. Super. 311 (App. Div. 1996). These cases require agreements in Mount Laurel litigation to be subject to a Fairness Hearing. The scope of the Fairness Hearing was determined by the Appellate Division in a decision that upheld the hearing process conducted by then-Assignment Judge Peter Ciolino in East/West Venture, a case in which Philip Caton, PP FAICP, served as Special Master. In its 1996 decision, the Appellate Court ruled that a settlement between a builder plaintiff and municipal defendant in a Mount Laurel case may be approved by the Trial Court after a hearing which established that the settlement "adequately protects the interest of lower-income persons on whose behalf the affordable units proposed by the settlement are to be built" 286 N.J. Super. 311, 329 (App. Div. 1996). The Appellate Court provided specific factors for Trial Courts to consider in making fairness determinations. These factors, as modified for relevance in a case with a settlement between an intervener (FSHC) and a municipality, will be detailed in a subsequent section of this report.

Notwithstanding the continued uncertainty in the statewide affordable housing realm, I have endeavored to utilize the Second Round regulations of COAH to the greatest extent practicable in the course of this

review for the Court. This approach will encourage uniformity in the interpretation of the Mount Laurel doctrine and is consistent with both legislative and judicial directives. The Fair Housing Act (P.L. 1985, c. 222) states,

*"The interest of all citizens, including low and moderate income families in need of affordable housing, would be best served by a comprehensive planning and implementation response to this constitutional obligation." (N.J.S.A. 52:27D-302(c))*

Furthermore, the New Jersey Supreme Court, in its decision in The Hills Development Co. v. Town of Bernards, 103 N.J. 1 (1986) (commonly known as Mount Laurel III) upheld the constitutionality of the Fair Housing Act, and stated,

*"Instead of varying and potentially inconsistent definitions of total need, regions, regional need, and fair share that can result from the case-by-case determinations of courts involved in isolated litigation, an overall plan for the entire state is envisioned, with definitions and standards that will have the kind of consistency that can result only when full responsibility and power are given to a single entity." (103 N.J. at 25)*

Lastly, in the decision, the Supreme Court also stated that to the extent that Mount Laurel cases remained before the courts,

*"...any such proceedings before a court should conform whenever possible to the decisions, criteria and guidelines of the Council." (103 N.J. at 63)*

On March 10, 2015, the New Jersey Supreme Court delivered a unanimous decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing. This decision acknowledged COAH's inability or unwillingness to adopt administrative rules for the so-called "Third Round" of municipal affordable housing compliance. In the absence of regulatory guidance from COAH (or of legislative action), the decision instructs the trial courts to serve once again as the first resort for evaluating the constitutionality of municipal fair share plans.

While the Court has invalidated COAH's last two attempts to promulgate Third Round rules, the Second Round rules (N.J.A.C. 5:93) are still largely intact. In fact, these rules and Third Round rules specifically upheld by the Supreme Court have been relied upon by the trial courts in numerous compliance and fairness hearings to evaluate the settlement agreements before the Court in order to promote the uniformity of approach which is evident in the Court's decision. I have been guided by these principles of uniformity and consistency in the review of this Settlement Agreement.

#### **4.0 THE 2019 SETTLEMENT AGREEMENT AND 2021 SETTLEMENT AGREEMENT**

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The 2019 Settlement Agreement was fully executed on February 25, 2019 by Mayor Jason Jones for the Township and by former Executive Director Kevin Walsh, Esq. for FSHC. Your Honor's May 23, 2019 order approving the Settlement Agreement declared that the Township's Settlement Agreement "adequately protects the interests of low- and moderate-income households in the Township and creates a realistic opportunity for the Township to meet its fair share of the regional need for low and moderate income housing."

As discussed above, Virtua notified the Township that it was now intending to undertake a significant redevelopment and expansion of the existing Memorial Hospital in the Township, rather than constructing a new complex elsewhere. Through subsequent separate negotiations with both Virtua and FSHC, the Township has agreed to abandon the inclusionary overlay zoning it had adopted on the Virtua site as part of its compliance with the terms of the 2019 Settlement Agreement, and has identified four (4) alternative sites on which it intends to adopt an affordable housing inclusionary overlay zone. In addition, the Township has agreed to adopt a municipal-wide mandatory inclusionary affordable housing set-aside ordinance. These changes are memorialized in the 2021 Agreement.

I have reviewed the 2021 Settlement Agreement between FSHC and the Township of Mount Holly in the context of the required fairness analysis. The Agreement was signed on November 28, 2021 by Executive Director Adam M. Gordon, Esq. for FSHC and executed for the Township on December 13, 2021 by Mayor Jason Jones, and was placed on file in the Township Clerk's office for public review. The 2021 Agreement:

- Reiterates the Township's Third Round affordable housing obligations.
- Acknowledges that, per the June 26, 2020 JOR, the Township has satisfied its entire 13-unit Rehabilitation obligation, and notes that notwithstanding this, the Township intends to continue administering a municipal rehabilitation program for both owner-occupied and renter-occupied units, and to continue its participation in the Burlington County Home Improvement Program.
- Requires the Township to rescind the inclusionary overlay ordinance on the Virtua Memorial Hospital site, which it adopted in 2019 via Ordinance no. 2019-11.
- Requires the Township to adopt an overlay inclusionary zoning ordinance within 90 days of Court approval of the 2021 Agreement on four new sites in the Township as discussed in more detail below, to permit multi-family apartments and townhomes up to four stories tall at a density of 20 units per acre, with a 20% affordable housing set-aside. The Agreement requires the overlay inclusionary zoning to remain in place for at least 20 years.

- Requires all new affordable units in the inclusionary overlay zone to be available to families, a new provision not included in the 2019 Agreement.
- Recognizes that rescinding the inclusionary overlay zoning on the Virtua Memorial Hospital site represents a loss of affordable housing opportunity, and requires the Township to compensate for this loss by also adopting a municipal-wide mandatory affordable housing set-aside ordinance within 90 days of Court approval of the 2021 Agreement, another additional provision not included in the 2019 Agreement.
- Reiterates the requirements that at least 50% of all new affordable units generated either by the mandatory set-aside or in the overlay zone must be affordable to low-income or very low-income households; that 13% of all new affordable units generated must be affordable to very low-income households, defined as households earning 30% or less of area median income, and at least half of the very low-income units must be available to families; and requires that at least 25% of all new affordable units created be rental units, at least half of which must be available to families.

As a reminder, the Township's total Third Round fair share obligation consists of:

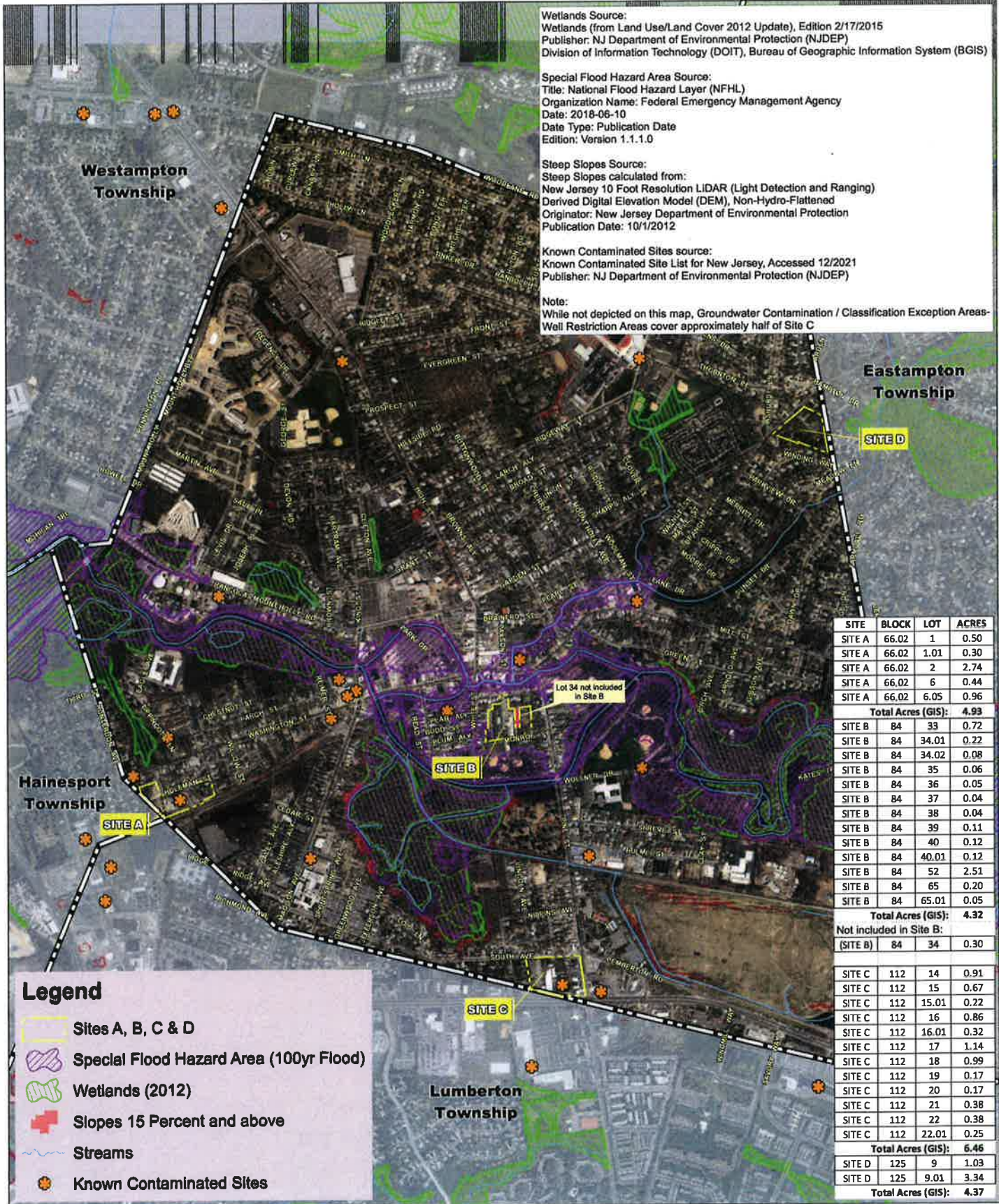
- Third Round Rehabilitation Share: 13 units
- Prior Round (1987-1999) Obligation: 0 units
- Third Round (1999-2025) Obligation: 0 units

**Rehabilitation Share:** The 2021 Agreement acknowledges that Mount Holly has met its 13-unit Rehabilitation obligation, but will nonetheless continue to participate in both its municipal Rehabilitation program and the County-administered Home Improvement Program, in order to capture future rehabilitation opportunities.

**Prior Round:** The Township has a Prior Round obligation of zero (0) units and therefore no action is required to satisfy the Prior Round obligation.

**Third Round:** The Township has a Third Round Gap and Prospective Need of zero (0) units and therefore no action is required to satisfy the Third Round obligation.

**Additional Affordable Housing Opportunities:** As in the 2019 Settlement Agreement, the 2021 Agreement requires the Township to create opportunities for the provision of affordable housing despite the lack of formal Prior or Third Round affordable housing obligations. The Township has agreed to do this via the mechanisms discussed below.



Wetlands Source:  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2015  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT), Bureau of Geographic Information System (BGIS)

Special Flood Hazard Area Source:  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-06-10  
 Date Type: Publication Date  
 Edition: Version 1.1.1.0

Steep Slopes Source:  
 Steep Slopes calculated from:  
 New Jersey 10 Foot Resolution LIDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

Known Contaminated Sites source:  
 Known Contaminated Site List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

Note:  
 While not depicted on this map, Groundwater Contamination / Classification Exception Areas-Well Restriction Areas cover approximately half of Site C

SITE	BLOCK	LOT	ACRES
SITE A	66.02	1	0.50
SITE A	66.02	1.01	0.30
SITE A	66.02	2	2.74
SITE A	66.02	6	0.44
SITE A	66.02	6.05	0.96
<b>Total Acres (GIS): 4.93</b>			
SITE B	84	33	0.72
SITE B	84	34.01	0.22
SITE B	84	34.02	0.08
SITE B	84	35	0.06
SITE B	84	36	0.05
SITE B	84	37	0.04
SITE B	84	38	0.04
SITE B	84	39	0.11
SITE B	84	40	0.12
SITE B	84	40.01	0.12
SITE B	84	52	2.51
SITE B	84	65	0.20
SITE B	84	65.01	0.05
<b>Total Acres (GIS): 4.32</b>			
Not included in Site B:			
(SITE B)	84	34	0.30
SITE C	112	14	0.91
SITE C	112	15	0.67
SITE C	112	15.01	0.22
SITE C	112	16	0.86
SITE C	112	16.01	0.32
SITE C	112	17	1.14
SITE C	112	18	0.99
SITE C	112	19	0.17
SITE C	112	20	0.17
SITE C	112	21	0.38
SITE C	112	22	0.38
SITE C	112	22.01	0.25
<b>Total Acres (GIS): 6.46</b>			
SITE D	125	9	1.03
SITE D	125	9.01	3.34
<b>Total Acres (GIS): 4.37</b>			

**Legend**

- Sites A, B, C & D
- Special Flood Hazard Area (100yr Flood)
- Wetlands (2012)
- Slopes 15 Percent and above
- Streams
- Known Contaminated Sites



# Inclusionary Overlay Sites

**Township of Mount Holly, Burlington County  
Ownership Information for Proposed Inclusionary Overlay Sites**

Site	Block	Lot	Acres	Address	Owner of Record	Notes
Site A	66.02	1	0.5	280 HOLEMAN ST	280 HOLEMAN ST LLC	
Site A	66.02	1.01	0.3	24 CARLTON ST	FRANKLIN, MARVIN F	
Site A	66.02	2	2.74			Tax records say included with lot 1
Site A	66.02	6	0.44	400 WASHINGTON ST	NEW JERUSALEM HOUSE OF GOD	
Site A	66.02	6.05	0.96	10 S SOMERSET AVE	PARAGON VAN LINES	
Site B	84	33	0.72	59 MONROE STREET REAR	30 CHURCH ST DEVELOPMENT GROUP LLC	
Site B	84	34.01	0.22			
Site B	84	34.02	0.08			Tax records say included with lot 52
Site B	84	35	0.06	59 E MONROE ST	THE SALT & LIGHT CO	
Site B	84	36	0.05	57 E MONROE ST	MINKA	
Site B	84	37	0.04	55 E MONROE ST	MINKA	
Site B	84	38	0.04	53 E MONROE ST	FRIA PROPERTIES, LLC	
Site B	84	39	0.11			Tax records say included with lot 38
Site B	84	40	0.12			Tax records say included with lot 52
Site B	84	40.01	0.12			Tax records say included with lot 52
Site B	84	52	2.51	30 CHURCH ST	30 CHURCH ST DEVELOPMENT GROUP LLC	
Site B	84	65	0.2	15 E MONROE ST	9TH GENERATION ACQUISITIONS LLC	
Site B	84	65.01	0.05			Tax records say included with lot 52

**Township of Mount Holly, Burlington County  
Ownership Information for Proposed Inclusionary Overlay Sites**

Site	Block	Lot	Acres	Address	Owner of Record	Notes
Site C	112	14	0.91	1643 ROUTE 38	GEMCAP DEVELOPMENT LLC	Tax records say PSE&G easement granted June 2021
Site C	112	15	0.67			
Site C	112	15.01	0.17	1645 ROUTE 38	DURELLI, STEVEN P & PATRICIA L	
Site C	112	16	0.22	1647 ROUTE 38	AJP PROPERTIES, LLC	
Site C	112	16.01	0.38	114 SOUTH AVE	BORDEAUX, ROBERT JR	
Site C	112	17	0.86	1649 ROUTE 38	ERRV LLC % PESKIN REALTY CO LLC	
Site C	112	18	0.32	426 PINE ST	CHRIST THE REDEEMER CHURCH	
Site C	112	19	1.14	434 PINE ST	TAI YUN, INC	
Site C	112	20	0.99			Tax records say included with lot 19
Site C	112	21	0.17	436 PINE ST	TAI YUN, INC	
Site C	112	22	0.38	1651 ROUTE 38	255 LAKE AVENUE ST JAMES LLC	
Site C	112	22.01	0.25	440 PINE ST	255 LAKE AVENUE ST JAMES LLC	
Site D	125	9	1.03	600 GARDEN ST	MAY, CURTIS A & KAYREN A	
Site D	125	9.01	3.34	GARDEN ST	N J CONF ASSOC SEVENTH-DAY ADVNT	

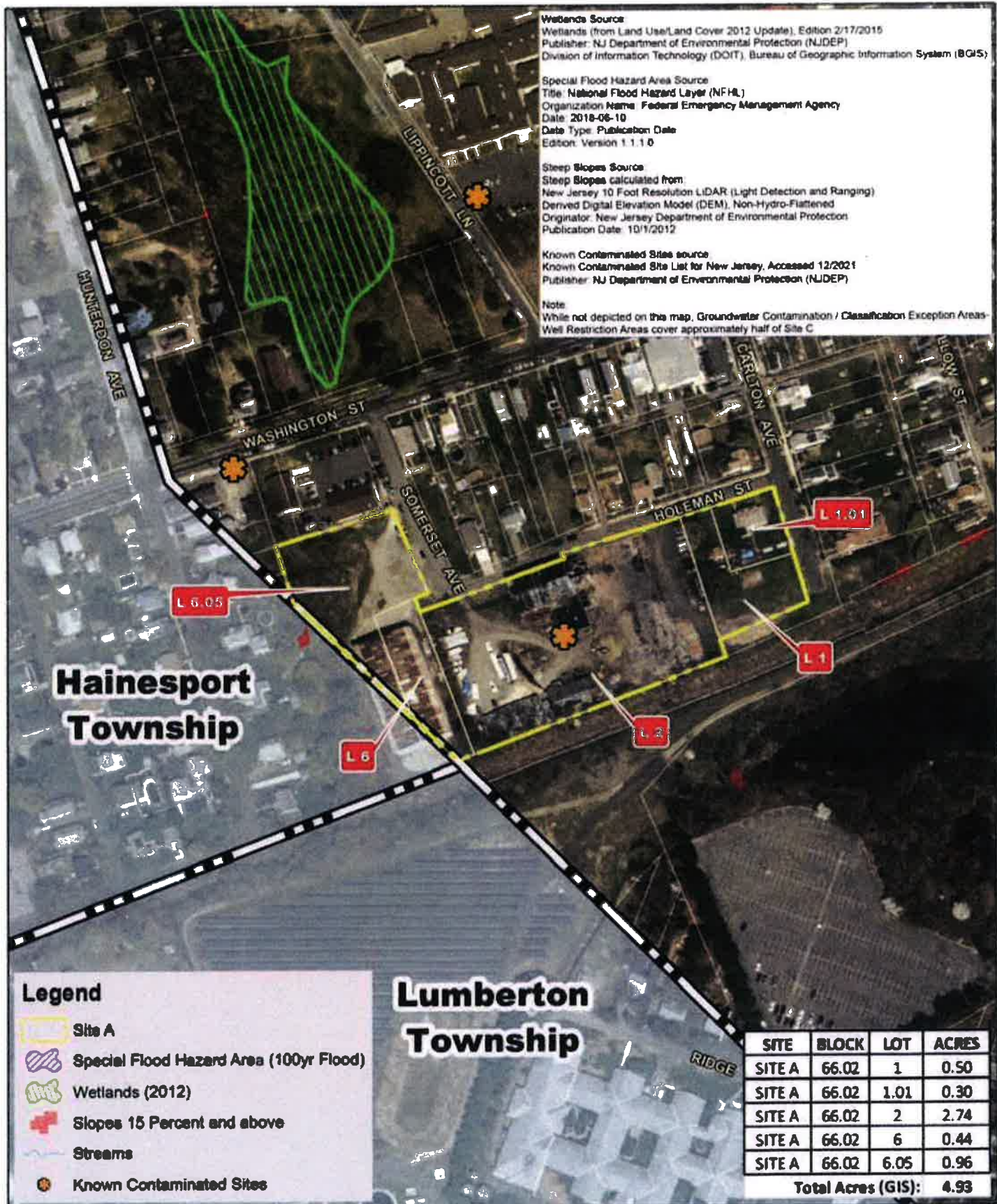
**Inclusionary Overlay Zoning:** Because of Virtua's change in plans, the Township will rescind the previously adopted inclusionary overlay zoning on various lots within Blocks 97 through 101, the hospital site. In its place, the Township has agreed to adopt inclusionary overlay zoning, permitting multi-family apartments and townhomes up to four stories in height at a density of 20 units per acre, and requiring a 20% affordable housing set-aside, on the following four sites (see aerial map of sites above with site labels as depicted below):

- Site A - Block 66.02, lots 1, 1.01, 2, 6, and 6.05 (+/- 4.5 acres);
- Site B - Block 84, lots 33, 34.01, 34.02, 35 through 40, 40.01, 52, 65, and 65.01 (+/- 4.5 acres);
- Site C - Block 112, lots 14 through 21, 15.01, 16.01, 22.01, and 22 (+/- 6 acres);
- Site D - Block 125, lots 9 and 9.01 (+/- 4 acres).

**Below is a preliminary site suitability analysis of each of the new sites. As part of its amended Housing Element and Fair Share Plan (HE/FSP), the Township must fully address COAH's site "suitability" requirements at N.J.A.C 5:93-5.3. At the hearing, the Township should provide testimony on any preliminarily information the Township may have on the issues of environmental contamination on Site A and Site C noted below, with additional information provided in the Township's full site suitability discussion in the Township's amended HE/FSP (Condition 1).**

Site A includes five lots at the very southwestern edge of the Township at its boundary with Hainesport Township, fronting on the west side of South Somerset Avenue and the south side of Holeman Street. South Somerset Avenue meets Washington Street, which is County Route 537, a short distance to the north of the site, and Holeman Street dead-ends to the east at Carlton Avenue, which also provides access to Washington Street. Two NJ Transit bus routes, with service between Philadelphia and Asbury Park and between Florence and the Walter Rand Transportation Center in Camden, have stops on Washington Street within a quarter-mile walk. The site is in state Planning Area 2 (PA 2), the Suburban Planning area, where infill redevelopment is encouraged, and is within the Township's public water and sewer service areas. There are no wetlands or floodplains that would impede inclusionary residential development on the site.

Behind the lots that front on South Somerset Avenue are residences in the Township of Hainesport, and across Holeman Avenue are residences and a church, food pantry and community center. The land immediately to the south of the Holeman Street lots is vacant, with dirt-road access to a large-scale solar installation in Hainesport. There is a residential structure with an address of 24 Carlton Avenue on Lot 1; Lot 1.01 is vacant, and wraps around Lot 1 with frontage on both Carlton Avenue and Holeman Street; the former Arrow Safety Devices facility on Lot 2 has been demolished to its foundation; and a disused commercial/storage structure sits on Lot 6 and a portion of Lot 6.05. The state Department of



**Wetlands Source**  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2015  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT), Bureau of Geographic Information System (BGIS)

**Special Flood Hazard Area Source**  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-06-10  
 Date Type: Publication Date  
 Edition: Version 1.1.1.0

**Steep Slopes Source**  
 Steep Slopes calculated from:  
 New Jersey 10 Foot Resolution LIDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

**Known Contaminated Sites source**  
 Known Contaminated Site List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

**Note**  
 While not depicted on the map, Groundwater Contamination / Classification Exception Areas  
 Well Restriction Areas cover approximately half of Site C



Clarke Caton Hintz  
 Architecture  
 Planning  
 Landscape Architectural

# Inclusionary Overlay Site A

LOCATION  
 Mount Holly, Burlington County, NJ

DATE  
 February 2022

Environmental Protection's (DEP's) GeoWeb mapping shows there is a small area of known groundwater contamination on Lot 2, with a Remedial Action Report due by the end of February 2022.

Site B comprises 13 lots on the north side of East Monroe Street, a one-way street that runs west from Pine Street. The state DEP's GeoWeb additionally shows a Lot 34 that is not included among the 13 lots listed in the Settlement Agreement, but is surrounded on three sides by included lots and has no street access except via lot 34.01. TaxMaps shows no lots numbered 34 in Block 84.

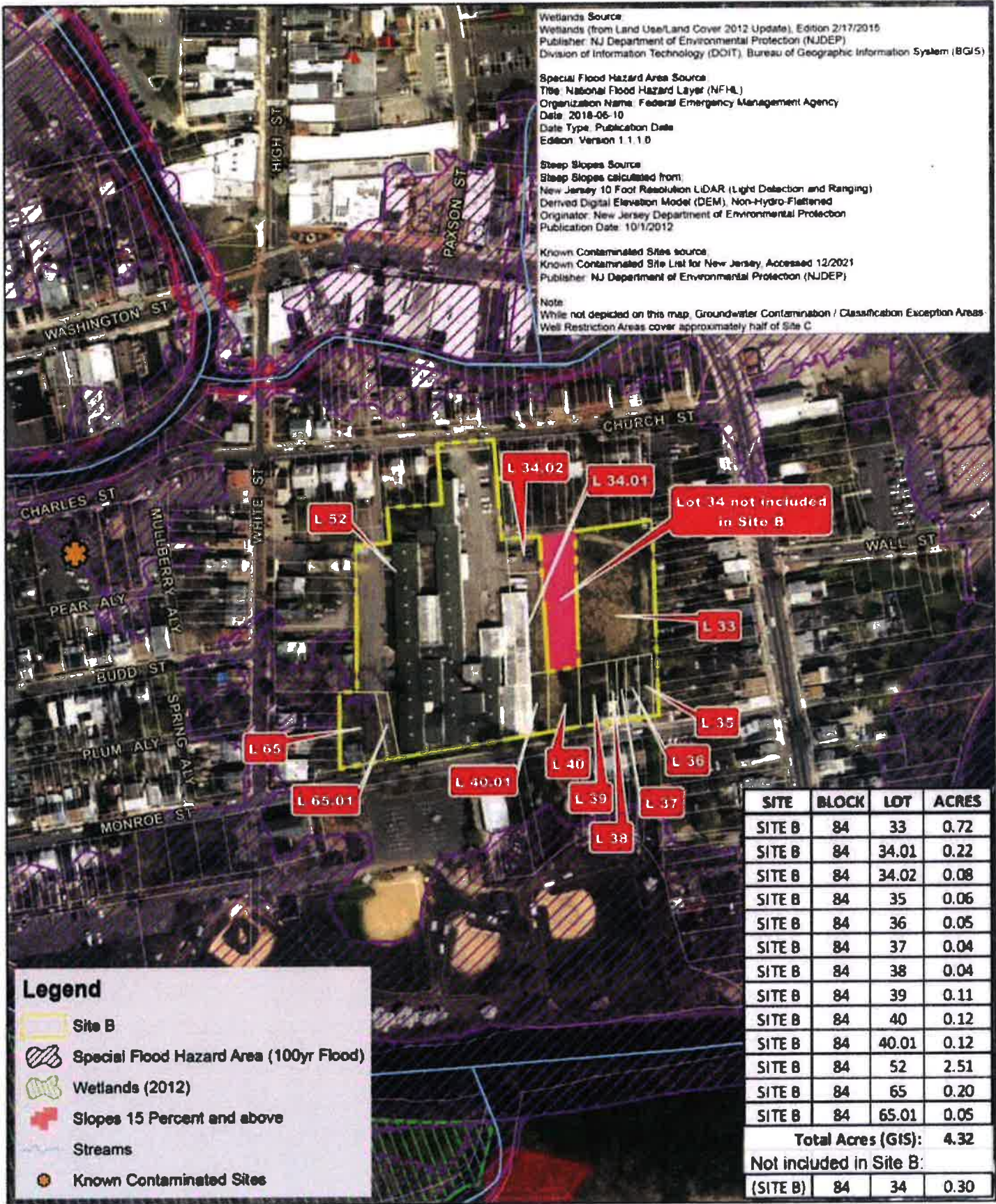
**The Township must verify the current numbers of the lots to be included in Site B (Condition 2).**

The site is two blocks from Mill Street, which is County Route 621, near where Mill Street intersects with Washington Street. Across Pine Street to the east is Mill Dam Park, and across East Monroe Street to the south is Monroe Park, beyond which is the south branch of the Rancocas Creek. Two NJ Transit bus routes, with service between Philadelphia and Asbury Park and between Florence and the Walter Rand Transportation Center in Camden, have stops on Washington Street and Pine Street within a quarter-mile walk. The site is within state PA 2 where infill redevelopment is encouraged. The site is also within the Township's public water and sewer service areas. There are no wetlands on the site that would impede inclusionary residential development. A small portion of one lot is in a flood hazard area, but not of a size or in a location that would affect inclusionary residential development.

The site is surrounded by smaller-lot single-family and duplex residential development. Some of the lots that comprise the site are vacant, others have existing dwellings on them, and Lots 34.01, 40.01 and 52 contain a large disused industrial/commercial building accessed from Church Street to the north.

Site C sits at the southern edge of the Township at its border with Lumberton Township. The site is bounded to the north by East South Avenue and to the east by Pine Street. Across East South Avenue are residential development and Creek Island Park; across Pine Street is residential development; and to the south of the site state Route 38 runs east-west. Two NJ Transit bus routes, with service between Philadelphia and Asbury Park and between Florence and the Walter Rand Transportation Center in Camden, have stops on Pine Street within a quarter-mile walk. The site is within state PA 2 where infill redevelopment is encouraged. The site is also within the Township's public water and sewer service areas.

There are a variety of buildings on the lots, including residences, a church, some neighborhood amenity retail and restaurants, and a disused former industrial/commercial facility. Access to some of the lots is currently most readily available from Route 38 in Lumberton. Lot 17, the site of the Holly Edge Shopping



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 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2015  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
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 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

**Known Contaminated Sites source**  
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 Publisher: NJ Department of Environmental Protection (NJDEP)

**Note:**  
 While not depicted on this map, Groundwater Contamination / Classification Exception Areas / Well Restriction Areas cover approximately half of Site C

**Legend**

- Site B
- Special Flood Hazard Area (100yr Flood)
- Wetlands (2012)
- Slopes 15 Percent and above
- Streams
- Known Contaminated Sites

SITE	BLOCK	LOT	ACRES
SITE B	84	33	0.72
SITE B	84	34.01	0.22
SITE B	84	34.02	0.08
SITE B	84	35	0.06
SITE B	84	36	0.05
SITE B	84	37	0.04
SITE B	84	38	0.04
SITE B	84	39	0.11
SITE B	84	40	0.12
SITE B	84	40.01	0.12
SITE B	84	52	2.51
SITE B	84	65	0.20
SITE B	84	65.01	0.05
<b>Total Acres (GIS):</b>			<b>4.32</b>
<b>Not included in Site B:</b>			
(SITE B)	84	34	0.30

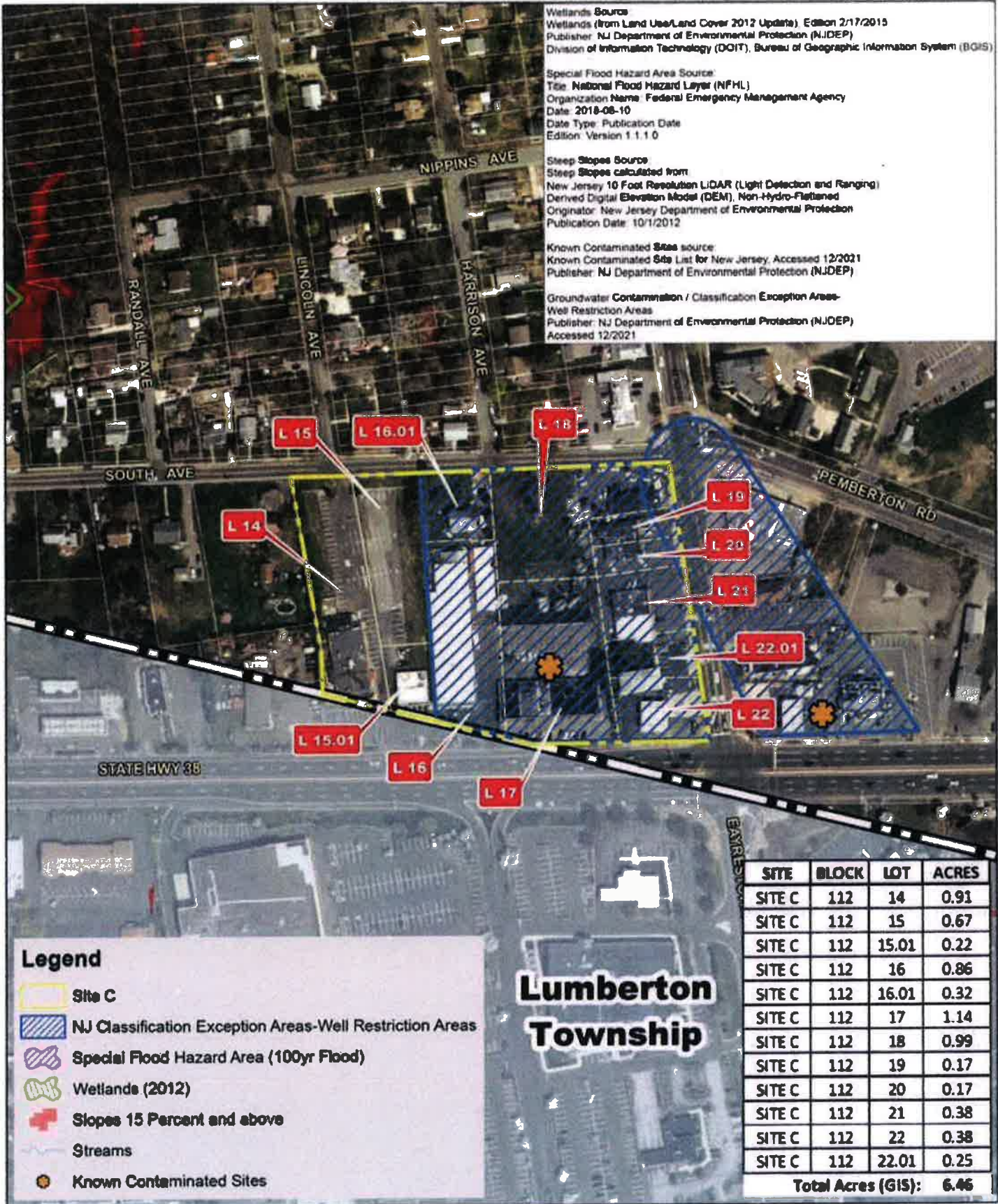


Clarke Caton Hintz ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

# Inclusionary Overlay Site B

LOCATION  
 Mount Holly, Burlington County, NJ

DATE  
 February 2022



Wetlands Source  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2015  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT), Bureau of Geographic Information System (BGIS)

Special Flood Hazard Area Source  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-08-10  
 Date Type: Publication Date  
 Edition: Version 1.1.1.0

Steep Slopes Source  
 Steep Slopes calculated from  
 New Jersey 10 Foot Resolution LIDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

Known Contaminated Sites source  
 Known Contaminated Sites List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

Groundwater Contamination / Classification Exception Areas-  
 Well Restriction Areas  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Accessed 12/2021



# Inclusionary Overlay Site C

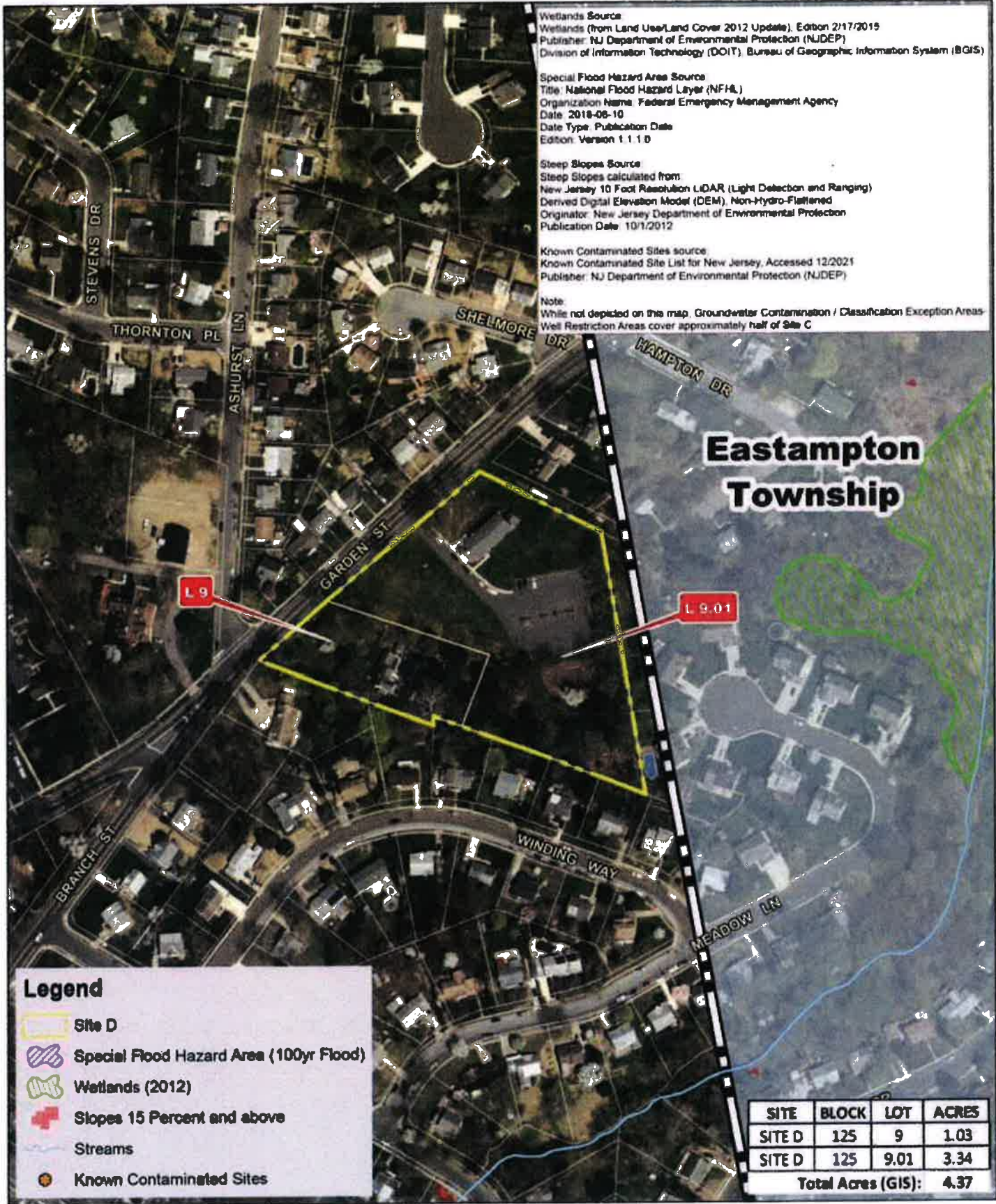
Center, is listed as having known groundwater contamination, and the entire eastern portion of the site, including lots 16, 16.01, and 17-22, is listed as a CEA groundwater contamination area.

Site D fronts on the southeastern side of Garden Street, which is County Route 537, in the northeastern edge of the Township on its border with Eastampton Township. It is surrounded by single-family residential, and the Village Square Apartments are a short distance to the southwest. The site is within state PA 2 where infill redevelopment is encouraged. The site is also within the Township's public water and sewer service areas. There are no wetlands or floodplains that would impede inclusionary residential development on the site. There is a single-family home on Lot 9 and a house of worship and associated parking on Lot 9.01.

Unlike the overlay zoning adopted on the 20.55-acre hospital site, which permitted densities of between five and 18 units per acre depending on the type of dwelling, and only required multi-family inclusionary development on 80% of the zoned acreage, the newly proposed inclusionary overlay zoning will require a 20% affordable housing set-aside and permit multi-family and townhouse development at a density of 20 dwelling units per acre on the four sites that total 19 acres. In addition, the 2021 Agreement requires that all affordable units generated by the overlay inclusionary zoning be family units, while the overlay zoning on the hospital site permitted 25% of all affordable units developed to be age-restricted. As with the 2019 Agreement, the 2021 Agreement requires the overlay zoning to remain in place for at least 20 years.

**The Township must rescind the inclusionary overlay zoning previously adopted on the Virtua Hospital site, and must submit for review and then, within 90 days of Court approval of the 2021 Agreement, adopt an overlay zoning ordinance covering the four sites listed above (Condition 3).**

Mandatory Affordable Housing Set-Aside: Recognizing that the rescission of the inclusionary overlay zoning on the hospital site represents a loss of affordable housing opportunity, the 2021 Agreement includes a new provision requiring the Township to adopt a mandatory inclusionary affordable housing set-aside ordinance. The set-aside ordinance would require a 20% affordable housing set-aside if the affordable units are for sale, and a 15% set-aside if the affordable units are for rent, for any residential development, including the residential portion of a mixed-use development, that consists of five or more new residential units at a density of six units per acre or higher, that results from a municipal rezoning or zoning amendment, a use or density variance, or the adoption of a new or amended redevelopment or rehabilitation plan. The 2021 Agreement provided draft language for the ordinance.



Wetlands Source  
 Wetlands (from Land Use/Land Cover 2012 Update), Edition 2/17/2019  
 Publisher: NJ Department of Environmental Protection (NJDEP)  
 Division of Information Technology (DOIT), Bureau of Geographic Information System (BGIS)

Special Flood Hazard Area Source  
 Title: National Flood Hazard Layer (NFHL)  
 Organization Name: Federal Emergency Management Agency  
 Date: 2018-06-10  
 Date Type: Publication Date  
 Edition: Version 1.1.1.0

Steep Slopes Source  
 Steep Slopes calculated from:  
 New Jersey 10 Foot Resolution LIDAR (Light Detection and Ranging)  
 Derived Digital Elevation Model (DEM), Non-Hydro-Flattened  
 Originalator: New Jersey Department of Environmental Protection  
 Publication Date: 10/1/2012

Known Contaminated Sites source:  
 Known Contaminated Site List for New Jersey, Accessed 12/2021  
 Publisher: NJ Department of Environmental Protection (NJDEP)

Note:  
 While not depicted on this map, Groundwater Contamination / Classification Exception Areas  
 Well Restriction Areas cover approximately half of Site C

# Eastampton Township

## Legend

- Site D
- Special Flood Hazard Area (100yr Flood)
- Wetlands (2012)
- Slopes 15 Percent and above
- Streams
- Known Contaminated Sites

SITE	BLOCK	LOT	ACRES
SITE D	125	9	1.03
SITE D	125	9.01	3.34
<b>Total Acres (GIS):</b>			<b>4.37</b>



Clarke Caton Hintz  
 Architecture  
 Planning  
 Landscape Architecture

# Inclusionary Overlay Site D

LOCATION  
 Mount Holly, Burlington County, NJ

DATE  
 February 2022

**Within 90 days of Court approval of the 2021 Agreement, the Township must adopt the mandatory set-aside ordinance in essentially the form provided as part of the 2021 Agreement (Condition 4).**

The Township has agreed to ensure that all affordable units provided through the inclusionary overlay zone and the mandatory affordable housing set-aside comply with COAH and Uniform Housing Affordability Controls ("UHAC") requirements as summarized in both the 2019 and 2021 Settlement Agreements.

#### Amended Housing Element and Fair Share Plan

**Within 90 days of Court approval of the 2021 Agreement, the Township must adopt an amended Housing Element and Fair Share Plan that notes the substitution of compliance mechanisms, includes site suitability analysis per N.J.A.C. 5:93-5.3 for each of the four sites subject to the new inclusionary overlay zone, and includes the adoption of the mandatory set-aside ordinance as a new compliance mechanism (Condition 5).**

## **5.0 THE FAIRNESS ANALYSIS**

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The Township's 2021 Settlement Agreement with FSHC must be subjected to the fairness analysis embodied in the East/West Venture case referenced above. Before doing so, it is worth noting, as the Court did in Morris County Fair Housing Council v. Boonton Township 197 N.J. Super, that "...it may be assumed that generally a public interest organization will only approve a settlement which it conceives to be in the best interest of the people it represents." FSHC was involved in all aspects of this case including the prior determination of the Township's fair share allocation and the on-the-ground identification of four new sites for inclusionary overlay zoning that will replace the Virtua Hospital overlay zone. FSHC is a public interest advocacy organization in New Jersey devoted to promoting the production of housing affordable to low- and moderate-income households. Consequently, FSHC's endorsement of the 2021 Settlement Agreement is a compelling indication that it believes the Agreement to be fair and reasonable.

Under the East/West Venture case, the Court established criteria for evaluating the fairness of settlements between municipalities and builder plaintiffs in exclusionary zoning cases. By contrast, this settlement involves a municipality and a public interest organization. Consequently, the East/West Venture fairness criteria must be adapted to serve the instant matter.

The first step under the East/West Venture case is to evaluate the number and rationale for the affordable housing units to be provided by the developer(s). However, the fairness of the Settlement Agreement between Mount Holly and FSHC must be viewed from a Township-wide perspective.

**First, the number and rationale for the affordable housing units to be provided must be considered by evaluating the Township's amended compliance mechanisms.** As the Court previously approved the Township's three-part fair share obligation and preliminarily approved the Township's Rehabilitation compliance measures by Order entered May 23, 2019, this analysis will focus on the amended compliance mechanisms.

The four sites that will be the subject of new inclusionary overlay zoning total approximately 19 acres, which is similar in total area to the hospital site. However, unlike the overlay zoning on the hospital site, the overlay zoning on these sites will require an affordable housing set-aside across all 19 acres, and at a higher density of 20 units per acres. In addition, all affordable units in the new inclusionary overlay zones will be required to be family affordable rentals, where the hospital overlay zoning permitted 25% of affordable units to be age-restricted. The higher density and the requirement for family affordable rental units are additional steps intended to maximize the potential for these sites to produce as many or possibly more units than the hospital site would have, and to ensure that all affordable housing developed on these sites is accessible to families, including very low-income families.

**Second, under the fairness analysis, any other contributions made by the municipality or FSHC must be considered.** Through the settlement, Mount Holly and FSHC are able to avoid delays and the expense of a trial, which results in the Township's focus on providing additional affordable housing opportunities.

As stipulated in the 2021 Settlement Agreement, Mount Holly has fully addressed its Rehabilitation obligation. The Township is not subject to any Prior or Third Round affordable housing obligations, but has agreed to implement inclusionary overlay zoning on various lots to replace the overlay zoning previously adopted on the site of the existing Virtua Memorial Hospital. The Memorial Hospital overlay zoning will be rescinded.

Because of the loss of the hospital inclusionary overlay zoning, the 2021 Agreement also requires the Township to adopt a mandatory inclusionary affordable housing set-aside ordinance as discussed above, that is intended to capture additional future affordable housing opportunities. This is a new compliance mechanism not previously included in the 2019 Agreement or in the Township's Fair Share Plan, and, along with the higher density in the proposed inclusionary overlay zoning of the four sites than in the zone to be rescinded, represents the Township's good-faith effort to provide for future development of affordable units.

Lastly, the Court is to consider any other components of the Agreement that contribute to the municipality's satisfaction of its Mount Laurel obligation. The 2021 Agreement reiterates, expands upon, or updates a number of provisions from the 2019 Agreement that facilitate the Township's satisfaction of its fair share housing responsibilities both now and into the future, as follows:

- Within 90 days of the Court's approval of the 2021 Agreement, the Township must introduce and adopt ordinances providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of the 2021 Agreement (see **Conditions 3 and 4, above**), and must adopt an amended Housing Element and Fair Share Plan in conformance with the 2021 Agreement (see **Condition 5, above**). Although the 2021 Agreement also requires an amendment of the Township's 2019 Spending Plan, I would request that FSHC agree to accept the Township's prior court-approved 2019 Spending Plan, as there are no new contemplated expenditures set forth in the 2021 Agreement.
- The 2021 Agreement specifies a date certain, December 22, as the date each year by which the Township must provide annual reports of all housing activity and trust fund activity, and details the information that must be included in the reports. The reports must be posted on the Township's municipal website with a copy to FSHC.
- Within 90 days of the Court's approval of the 2021 Agreement, the Township must adopt an affirmative marketing plan that includes FSHC and other organizations listed in the 2021 Agreement in its list of community and regional organizations that must be notified when affordable units are available (**Condition 6**), and to include posting on the New Jersey Housing Resource Center website in accordance with applicable law. Both the Township and any other developers or administrative agents conducting affirmative marketing must provide notice to those organizations of any available affordable units.
- All affordable units provided through the inclusionary overlay zone or the mandatory affordable housing set-aside must fully comply with UHAC, including but not limited to the required bedroom and income distribution, with the sole exception that 13% of all affordable units referenced in the Township's compliance plan (fractional units must be rounded up) must be affordable to households earning 30% or less of the regional median income, with at least half of the very low-income units being available to families.
- At least half of all affordable units provided through the inclusionary overlay zone or the mandatory affordable housing set-aside must be affordable to low-income households (which includes the requirement that 13% of all new affordable units be affordable to very low-income households); the remainder may be made affordable to moderate-income households.

- At least 25% of all affordable units provided through the inclusionary overlay zone or the mandatory affordable housing set-aside must be rental units, at least half of which must be available to families.
- All new affordable units are to be subject to affordability controls of at least 30 years from the date of initial occupancy, and to affordable deed restrictions as provided for by UHAC, with the sole exception that very low-income is defined as at or below 30% of the median income, pursuant to the Fair Housing Act.
- The Township must maintain the affordability controls unless and until the Township, in its sole discretion, takes action to extend or release the affordable unit from such controls in accordance with UHAC and applicable law. If, after at least 30 years, the Township acts to release an affordable unit from such controls, the Township must ensure that the affordability controls remain in effect until the date on which a rental unit becomes vacant due to the voluntary departure of the occupant household in accordance with N.J.A.C. 5:80-26.11(b).
- All new affordable units in an inclusionary development must be integrated to the extent possible with the market-rate units. Where the market-rate and affordable units are of the same tenure, there will be a strong presumption that it is possible for the affordable and market-rate units to be fully integrated. In buildings with multiple dwelling units, the affordable units must be generally distributed within each building along with the market-rate units, and must not be concentrated in separate buildings or in separate areas or floors from the market-rate units. The residents of the affordable units must have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as do the residents of the market-rate units.
- Construction of all new affordable units in an inclusionary development must be phased in compliance with N.J.A.C. 5:93-5.6(d).

These provisions, many of which are new with the 2021 Agreement, are affirmative actions the Township has agreed to take in order to foster the development of future affordable units and to ensure that any new affordable units developed are fully compliant with all regulatory and statutory requirements, thereby contributing to the satisfaction of the Township's Mount Laurel obligation on a continuing basis.

## **6.0 CONCLUSION AND RECOMMENDATIONS**

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Based on my review above, I find that the 2021 Settlement Agreement between FSHC and the Township of Mount Holly is fundamentally fair to the interests of low- and moderate-income households in the region, and I recommend that Your Honor approve the Agreement.

In addition, notwithstanding the required additional documentation for inclusion in the Township's subsequent amended compliance plan as contemplated by the Agreement, I would recommend that Your Honor preliminarily approve the Township's new compliance measures, subject to the conditions herein. The Court may wish to reference the conditions noted above in any Court Order approving the 2021 Settlement Agreement.

I would be happy to answer any questions that Your Honor or the parties may have either prior to or at the Fairness Hearing.

## **Appendix C**

**February 22, 2022 Conditional Judgment of Compliance and Repose**

**FLORIO PERRUCCI STEINHARDT CAPPELLI TIPTON & TAYLOR, LLC**

By: Robert L. Swartz, Esquire (021012004)  
1010 Kings Highway S – Building 2  
Cherry Hill, NJ 08034  
Telephone: (856) 853-5530  
Facsimile: (856) 354-8318  
Email: rswartz@floriolaw.com  
*Attorneys for Plaintiff, Township of Mount Holly*

**IN THE MATTER OF THE APPLICATION  
OF THE TOWNSHIP OF MOUNT HOLLY**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
BURLINGTON COUNTY

DOCKET NO. L-1623-15

Civil Action – *Mount Laurel*

**CONDITIONAL JUDGMENT OF  
COMPLIANCE AND REPOSE**

**THIS MATTER** having been brought before the Court upon the Declaratory Judgment Complaint of the Township of Mount Holly (“Township”), seeking a determination that the Township has complied with its Mount Laurel Obligation in accordance with the procedures set forth in In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”); and

**THE COURT HAVING** conducted a Fairness Hearing on February 8, 2022 at 2:00 p.m. in accordance with the requirements of Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div. 1984), aff’d o.b. 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996), upon the Township’s Amended 2021 Settlement Agreement with Fair Share Housing Center, dated December 13, 2021 (the “Amended Settlement Agreement”) which included revised compliance mechanisms to provide for affordable housing; and

**THE COURT HAVING** conducted a Fairness Hearing on February 8, 2022 with Robert L. Swartz, Esq. of Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC appearing on behalf of the Township, Thomas J. Coleman, III, Esq. of Raymond Coleman & Heinhold, LLC appearing on behalf of the Township, Barbara Fegley appearing on behalf of the Township as Township Planner, Rachel N. Lokken, Esq. and Ashley J. Lee, Esq. appearing on behalf of Intervenor Fair Share Housing Center ("FSHC"), William F. Hyland, Jr., Esq. of Hyland Levin Shapiro LLP on behalf of interested party Virtua Health and Special Master, Mary Beth Lonergan, PP AICP ("Special Master") to provide a "Fairness Analysis" of the Amended Settlement Agreement; and

**WHEREAS** the Township and FSHC previously entered into a settlement agreement dated February 11, 2019 ("2019 Settlement Agreement") resolving the Township's Mount Laurel litigation; and the Court having previously approved the 2019 Settlement Agreement following a fairness hearing; and having entered an Order of Final Judgment of Repose dated June 20, 2020; and

**WHEREAS** the Township and FSHC having entered into the Amended Settlement Agreement which, if approved, supersedes the 2019 Settlement Agreement previously reviewed and approved by the Court following a duly noticed fairness hearing; and

**THE COURT HAVING** received from the Township an Affidavit of Publication from the Burlington County Times dated December 29, 2021 and an Affidavit of Service – Robert L. Swartz, Esq., Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC dated January 31, 2022; and sufficient notice of the hearing having been given in accordance with Mount Laurel IV; and

**THE COURT HAVING** jurisdiction to hear this matter; and

**THE COURT HAVING** considered the testimony of the Special Master, Mary Beth Lonergan PP AICP and received into evidence the Report of the Special Master dated February 2,

2022 (the "Report") evaluating the fairness of the Amended Settlement Agreement and providing a preliminary review of the revised compliance mechanisms set forth in the Amended Settlement Agreement. The Special Master recommended that the Court approve the Amended Settlement Agreement as she testified that the Amended Settlement Agreement was fair to the interests of the protected class and that the Township's revised compliance mechanisms set forth in the Amended Settlement Agreement should be approved subject to the Township addressing the conditions outlined in the Report within 90 days; and

**THE COURT HAVING** considered the testimony of the Township Planner Barbara Fegley regarding initial findings of suitability for Sites A-D; and

**THE COURT HAVING** received no objections from members of the public or other interested parties.

**IT IS** on this 22nd day of February, 2022, **HEREBY ORDERED AND ADJUDGED:**

1. The Court finds that adequate notice was given, including to members of the protected class and the public, and the Fairness Hearing was conducted on the Amended Settlement Agreement where any interested parties had an opportunity to object.

2. The Court finds that the Amended Settlement Agreement is fair and adequately protects the interests of lower-income persons with the Township's housing region based upon the criteria set forth in East/West Venture, 286 N.J. Super. at 328, for approving the settlement of Mount Laurel litigation.

3. The Township shall ensure that its Land Use Planning Board enforces the to be adopted mandatory set-aside ordinance, which will require a 20% affordable housing set-aside where affordable housing units are provided for-sale and 15% where affordable units are provided

for rental whenever any residential development, including the residential portion of a mixed-use project, which consists of 5 or more new residential units at 6 units per acre or higher, or equivalent, which results, in whole or in part from a municipal rezoning or zoning amendment, any variance pursuant to N.J.S.A. 40:55D-70(d) and the adoption of a new or amended redevelopment plan or rehabilitation plan. As noted below, the Township shall provide details on new affordable units created under the mandatory set-aside ordinance as part of its annual affordable housing report.

4. The Township shall comply with all mandatory reporting requirements as set forth in Paragraph 14 of the Amended Settlement Agreement.

5. The Court having decided to enter a Conditional Order of Compliance and Repose, consideration of the entry of a Final Judgment of Compliance and Repose is subject to the Township complying with the following conditions enumerated in the Special Master's Report, prior to the date of the Compliance Hearing:

- a. The Township shall comply with the recommendations of the Special Master as set forth in the Report of the Special Master dated February 2, 2022.
- b. On or before May 9, 2022, the Township shall introduce and adopt ordinances providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of the Amended Settlement Agreement, and shall adopt an amended Housing Element and Fair Share Plan in conformance with the Amended Settlement Agreement.
- c. The Township shall rescind Ordinance 2019-11 titled "Ordinance of the Township Council of the Township of Mount Holly Amending Chapter 149

Entitled "Land Use" Part 3 Entitled "Zoning" to create the OB Inclusionary Overlay Residential District"

- d. On or before May 9, 2022, the Township shall adopt the mandatory set-aside ordinance in conformance with the form provided under the Amended Settlement Agreement, attached as Exhibit B to the Amended Settlement Agreement.
- e. On or before May 9, 2022, the Township shall adopt an overlay zoning ordinance to permit multifamily apartments or townhomes on the following properties: (A) Block 66.02, Lots 1, 1.01, 2, 6, 6.05; (B) Block 84, Lots 33, 34.01, 34.02, 34.04, 35-40, 40.01, 52, 65, 65.01; (C) Block 112, Lots 14-21, 15.01, 16.01, 22.01, 22; and (D) Block 125, Lots 9, 9.01 to implement the terms of the Amended Settlement Agreement between the Township and Fair Share Housing Center and the zoning contemplated therein.
- f. On or before May 9, 2022, the Township shall adopt an affirmative marketing plan that includes FSHC, and others listed in Paragraph 9 of the Amended Settlement Agreement, in its list of community and regional organizations that must be notified when affordable units are available.

*website*

6. The requirement in Paragraph 13 of the Amended Settlement Agreement for the Township to update its Spending Plan is hereby eliminated, provided, however, should there be a change in circumstance and the Township collects substantial development fees it wishes to expend, the Township shall alert the Court, the Special Master, and FSHC.

7. The Compliance Hearing is currently scheduled for 2:00 p.m. on July 13, 2022.

8. At least forty-five (45) days prior to the Compliance Hearing, the Township shall provide FSHC and the Special Master with a copy of all compliance documents which it intends to rely upon at the Compliance Hearing, including its adopted amended Housing Element and Fair Share Plan, the rezoning of Sites A-D, and such documents required for compliance as described in the Special Master's Report dated February 2, 2022. These compliance documents must also be made available to the public at least forty-five (45) days before the Compliance Hearing

9. Public notice must be published and served upon designated interested parties at least forty-five (45) days before the Compliance Hearing.

10. Any objections to the Township's adopted and endorsed amended Housing Element and Fair Share Plan and related zoning ordinance must be filed in writing together with copies of any supporting affidavits or documents on or before twenty-one (21) days before the Compliance Hearing with the Honorable Jeanne T. Covert, A.J.S.C., Superior Court of New Jersey, Burlington County Courthouse, 49 Rancocas Road, Mt. Holly, New Jersey 08060, with copies provided to counsel for FSHC, counsel for the Township of Mount Holly, and the Special Master.

11. Any written response to the objections must be filed no later than fourteen (14) days before the Compliance Hearing, with copies as set forth above.

12. The Special Master's Compliance Report shall be provided no later than seven (7) days before the Compliance Hearing, with copies as set forth above. In the report, the Special Master shall opine as to whether the Township has satisfied its obligations as set forth in the Amended Settlement Agreement entered into by the Township and FSHC, and address any objections and responses submitted.

13. Pursuant to Paragraph 19 of the Amended Settlement Agreement, FSHC and/or the Township may enforce any provision of the Amended Settlement Agreement, and by extension of

this Order, through a motion to enforce litigant’s rights or by filing a separate action in the Superior Court, Burlington County.

14. The temporary immunity from exclusionary zoning actions previously granted to the Township is hereby extended until and through the day following the completion of the Compliance Hearing herein scheduled and the entry of an Order granting final judgment of compliance and repose in this matter.

15. The Township is to introduce and adopt an amended Housing Element and Fair Share Plan and implementing ordinances incorporating the terms of the Amended Settlement Agreement as well as addressing the conditions in the Master’s Fairness Report of February 2, 2022 in accordance with the terms and procedures set forth in the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-301 et seq. and the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1 et seq., on notice and opportunity to be heard to the public and designated interested parties, including FSHC, within **ninety (90) days** from the date of this Order, by May 23rd, 2022.

**IT IS FURTHER ORDERED** that a copy of this Order shall be served upon all parties within seven (7) days from Plaintiff’s receipt of the signed Order.

**IT IS FURTHER ORDERED** that a copy of this Order shall be available for inspection by any interested party.

**IT IS SO ORDERED.**

*1s/Jeanne T. Covert*  
HONORABLE. JEANNE T. COVERT, A.J.S.C

\_\_\_\_\_ Opposed

X  Unopposed

**Appendix D**  
**Ordinance 2022-6**

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP  
BURLINGTON COUNTY, NEW JERSEY**

**ORDINANCE NO. 2022-6**

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT  
HOLLY AMENDING CHAPTER 149 ENTITLED "LAND USE" PART 3  
ENTITLED "ZONING" TO CREATE THE AH INCLUSIONARY OVERLAY  
RESIDENTIAL DISTRICT**

**WHEREAS**, the Township of Mount Holly filed a declaratory judgment action captioned In The Matter of the Application of Mount Holly Township, Superior Court of New Jersey, Law Division – Burlington County, Docket No. BUR-L-1623-15 (the "Mt. Laurel Litigation") following the New Jersey Supreme Court's decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) wherein the Supreme Court directed that municipalities were required to file declaratory judgment action in the Superior Court to evaluate compliance with their Mount Laurel obligations in order to maintain immunity from builder's remedy litigation; and

**WHEREAS**, the Court appointed Mary Beth Lonergan, PP, AICP, to serve as the Special Master in the Mt. Alure Litigation to advise the Court and the parties on affordable housing compliance issues; and

**WHEREAS**, the Fair Share Housing Center ("FSHC") is a Supreme Court designated interested party in this Mt. Laurel Litigation to advocate on behalf of low and moderate income households in the State of New Jersey and the County of Burlington; and

**WHEREAS**, the Township entered into a Settlement Agreement on February 11, 2019 with FSHC (the "Original Settlement Agreement") which established the Township's affordable housing obligation for the time period 1999-2025 and the Court entered an Order for Fairness and Compliance of May 23, 2019 which approved the Settlement Agreement and a Final Judgment of Compliance and Repose was entered on June 26, 2020; and

**WHEREAS**, on June 25, 2021, Virtua Memorial Hospital, Burlington County ("Virtua"), commenced an action seeking relief from certain provisions of the Final Judgment of Compliance and Repose entered by the Court with regard Overlay Zoning Ordinance No. 2019-11 (the "Virtua Action"); and

**WHEREAS**, after negotiation with FSHC and Virtua and the realization that the Virtua properties are no longer likely to produce a realistic opportunity for affordable housing, the Township and FSHC have negotiated an amended agreement to ensure the Township is creating new opportunities for affordable and inclusionary development (the "Amended Settlement Agreement"); and

**WHEREAS**, included in the Amended Settlement Agreement, and in resolution of the Virtua Action, the Township has agreed to adopt an overlay zoning ordinance to permit

multifamily apartments and townhomes up to four-stories at 20 units per acre with a 20% affordable housing set-aside on certain properties within the Township; and

**WHEREAS**, this Ordinance having been referred to the Township of Mount Holly Planning Board (the "Planning Board") for its review regarding the Ordinance's consistency with the Township of Mount Holly Master Plan, as required by the Municipal Land Use Law, N.J.S.A. 40:55D-26; and

**WHEREAS**, the Planning Board having reviewed this Ordinance for consistency with the Master Plan during its regular public meeting held on or about May 16, 2022; and having adopted *Resolution No. 2022-12: A Resolution of the Planning Board of the Township of Mount Holly Referring Ordinance No. 2022-6, 2022-7 and 2022-8 to the Township Council of Mount Holly as Being Consistent with The Master Plan of the Township of Mount Holly;* and

**WHEREAS**, upon the introduction and adoption of this Ordinance, Township Council has simultaneously introduced and adopted **ORDINANCE NO. 2022-8** ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT HOLLY RESCINDING ORDINANCE 2019-11 ENTITLED "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT HOLLY AMENDING CHAPTER 149 ENTITLED "LAND USE" PART 3 ENTITLED "ZONING" TO CREATE THE OB INCLUSIONARY OVERLAY RESIDENTIAL DISTRICT ("Ordinance No. 2022-8")"; and

**WHEREAS**, it is the intent of this Ordinance to establish a new **Chapter 149, Part 3, Article XXA** of the Township Code to replace the prior Article XXXA established by Ordinance No. 2019-11 and rescinded by Ordinance No. 2022-8; and

**WHEREAS**, adequate notice of this Ordinance having been provided at least ten (10) days prior to second reading of this Ordinance to those persons entitled to notice pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-62.1; and

**WHEREAS**, the passage of this Ordinance is in the public interest of the Township of Mount Holly and will promote the health, safety, and general welfare of its citizens.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Mount Holly, Burlington County, New Jersey, that the Land Development Regulations set forth in Chapter 149, Part 3 of the Code of the Township of Mount Holly (the "Code") are hereby amended and supplemented in order to establish new **Article XXXA** thereof, to be entitled "**AH Inclusionary Overlay Residential District**," as set forth below:

**§ 149-187.2. Purpose and area of application.**

- A.** As part of an effort to provide affordable housing, the Township shall implement an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to low and moderate income households on the following Block and Lots:

Block 66.02, Lots 1, 1.01, 2, 6, 6.05  
Block 84, Lots 33, 34.01, 34.02, 34.04, 35-40, 40.01, 52, 65, 65.01  
Block 112, Lots 14-21, 15.01, 16.01, 22.01, 22  
Block 125, Lots 9, 9.01

- B.** This Ordinance establishes the AH Inclusionary Overlay Residential Zone and permits the creation of multifamily apartments and townhomes up to four stories at 20 units per acre and a twenty (20%) percent affordable housing set-aside on the property.
- C.** Provided that such housing complies with the following inclusionary set-aside requirements and with the requirements of this Ordinance:
- (1) At least fifty percent (50%) of the units shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - (2) At least twenty-five percent (25%) of the units shall be met through rental units, including at least half in rental units available to families.
  - (3) At least require thirteen percent (13%) of all units referenced in this Agreement shall be very low income units at 30% or less of median income, with at least half of the very low income units being available to families.
  - (4) The affordable units in the overlay zoning shall be available to families.
- D.** The overlay zoning shall remain in place for a period of at least twenty (20) years from the effective date of this Ordinance.

**§ 149-187.3 Special Rules**

- A.** Relative to any inclusionary development relating to the apartments and the multifamily units that requires at least 20% of the residential units be affordable to low and moderate income households, in the event that 20% of the total number of residential units does not result in a full integer, the developer/property owner shall refer to § 143 with regard to addressing the fractional unit.
- B.** Where this Ordinance contradicts §143 of the Township's Affordable Housing Ordinance. the effects and requirements of this Ordinance shall supersede the requirements of §143.

**§ 149-187.4 Primary intended uses.**

The following principal uses and structures shall be permitted in the AH Inclusionary Overlay Residential Zone:

- A. Apartments
- B. Multi-Family Units Including Townhouses

**§ 149-187.5. Accessory uses.**

Permitted accessory uses shall be limited to those uses customarily incidental to the principal uses permitted in this District, including but not limited to clubhouses, pools, tennis courts and similar personal recreation facilities for the exclusive use of the residents-and guests of the development, etc.

**§ 149-187.6. Prohibited uses.**

Any use other than the uses permitted by §149-187.4 and -187.5 shall be prohibited.

**§ 149-187.7 Lot, bulk and intensity of use regulations.**

All buildings shall be subject to the following regulations:

- A. Maximum Density. Shall comply with the requirements of Attachment 1.
- B. Principal building standards. Shall comply with the requirements of Attachment 1.
- C. Accessory building standards. Shall comply with the requirements of §149-48.
- D. Maximum coverage by improvements. Relative to apartments and townhouses not more than 65% of the tract area may be occupied by buildings, paved areas and other improvements. At least 35% of the tract area shall be landscaped or, in the case of wetlands, wetland transition areas, water bodies or other undevelopable areas, preserved in a natural condition.
- E. Minimum distance between buildings. Shall comply with the requirements of Attachment 1.
- F. Parking and Loading. Shall comply with the requirements of §149-83.

**§ 149-187.8. Site plan review and approval.**

Prior to the issuance of any construction permit, the Planning Board shall review and approve a final site plan for the project in accordance with the provisions of the Land Use Ordinance and all other applicable ordinances of the Township of Mount Holly.

**BE IT FURTHER ORDAINED**, that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency; and

**BE IT FURTHER ORDAINED**, that a copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon its passage and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire Township upon final adoption and shall become a part of the Code of the Township of Mount Holly once completed and adopted.

**FIRST READING:** April 25, 2022

Councilmember	Motion	2nd	Yea	Nay	Recuse	Abstain	Absent
L. Brown	X		X				
J. Codianni			X				
T. Astor						X	
C. Banks		X	X				
J. Jones			X				

**SECOND READING:** May 23, 2022

Councilmember	Motion	2nd	Yea	Nay	Recuse	Abstain	Absent
L. Brown							
J. Codianni							
T. Astor							
C. Banks							
J. Jones							

**TOWNSHIP OF MOUNT HOLLY**

\_\_\_\_\_  
**JASON JONES, Mayor**

**ATTEST:**

\_\_\_\_\_  
**SHERRY MARNELL, Township Clerk**

**PUBLIC NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, held on the **25<sup>th</sup> day of April, 2022**, and will be considered for final passage after a public hearing at a meeting of the Township Council of the Township of Mount Holly to be held on the **23<sup>rd</sup> day May 2022**.

  
**SHERRY MARNELL, Township Clerk**

**CERTIFICATION OF ADOPTION**

**I HEREBY CERTIFY** that the foregoing Ordinance was approved for final adoption by the Mayor and Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, at a regular meeting on the **23<sup>rd</sup> day of May 2022**.

**SHERRY MARNELL, Township Clerk**

**Table 1. AH-Affordable Housing Zoning Schedule - Area, Yard and Bulk Standards**

<b>Townhomes</b>	
Maximum Density-Dwelling Units Per Acre	20
Maximum Height	4 story, 55 Feet
Minimum Lot Width	20 Feet
Minimum Lot Depth	100 Feet
Minimum Front Yard Setback	20 Feet
Minimum Side Yard	20 Feet
Minimum Rear Yard	25 Feet
Minimum Lot Size-Townhouses	2,000 Square Feet
Maximum Number of Attached Units in a Row-Townhouses	Eight
Minimum Distance Between Buildings	
Side Wall to Side Wall	20 Feet

<b>Multi-Family Apartments</b>	
Maximum Density-Dwelling Units Per Acre	20
Maximum Height	4 Stories, 55 Feet
Minimum Lot Size	4.0 Acres
Minimum Lot Depth	NA
Minimum Front Yard Setback	40 Feet from Public Streets & Property Lines
Minimum Side Yard	30 Feet
Minimum Rear Yard	30 Feet
Minimum Distance Between Building	
Side Wall to Side Wall	25 Feet
Side Wall to Front or Rear Wall	25 Feet
Front Wall to Front Wall	50 Feet
Rear Wall to Rear Wall	25 Feet

**Appendix E**  
**Ordinance 2022-7**

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP  
BURLINGTON COUNTY, NEW JERSEY**

**ORDINANCE NO. 2022-7**

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT  
HOLLY AMENDING CHAPTER 149 ENTITLED “LAND USE” PART 3 ENTITLED  
“ZONING” TO CREATE A “MANDATORY AFFORDABLE HOUSING SET-ASIDE”  
TO THE CODE OF THE TOWNSHIP OF MOUNT HOLLY**

**WHEREAS**, the Township of Mount Holly filed a declaratory judgment action captioned In The Matter of the Application of Mount Holly Township, Superior Court of New Jersey, Law Division – Burlington County, Docket No. BUR-L-1623-15 (the “Mt. Laurel Litigation”) following the New Jersey Supreme Court’s decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) wherein the Supreme Court directed that municipalities were required to file declaratory judgment action in the Superior Court to evaluate compliance with their Mount Laurel obligations in order to maintain immunity from builder’s remedy litigation; and

**WHEREAS**, the Court appointed Mary Beth Lonergan, PP, AICP, to serve as the Special Master in the Mt. Alure Litigation to advise the Court and the parties on affordable housing compliance issues; and

**WHEREAS**, the Fair Share Housing Center (“FSHC”) is a Supreme Court designated interested party in this Mt. Laurel Litigation to advocate on behalf of low and moderate income households in the State of New Jersey and the County of Burlington; and

**WHEREAS**, the Township entered into a Settlement Agreement on February 11, 2019 with FSHC (the “Original Settlement Agreement”) which established the Township’s affordable housing obligation for the time period 1999-2025 and the Court entered an Order for Fairness and Compliance of May 23, 2019 which approved the Settlement Agreement and a Final Judgment of Compliance and Repose was entered on June 26, 2020; and

**WHEREAS**, on June 25, 2021, Virtua Memorial Hospital, Burlington County (“Virtua”), commenced an action seeking relief from certain provisions of the Final Judgment of Compliance and Repose entered by the Court with regard Overlay Zoning Ordinance No. 2019-11 (the “Virtua Action”); and

**WHEREAS**, after negotiation with FSHC and Virtua and the realization that the Virtua properties are no longer likely to produce a realistic opportunity for affordable housing, the Township and FSHC have negotiated an amended agreement to ensure the Township is creating new opportunities for affordable and inclusionary development (the “Amended Settlement Agreement”); and

**WHEREAS**, included in the Amended Settlement Agreement, and in resolution of the Virtua Action, the Township has agreed to adopt a mandatory set-aside ordinance requiring a twenty percent (20%) affordable housing set-aside where the affordable units are provided for for-

sale and fifteen percent (15%) where the affordable units are provided for rental for certain development within the Township; and

**WHEREAS**, this Ordinance having been referred to the Township of Mount Holly Planning Board (the "Planning Board") for its review regarding the Ordinance's consistency with the Township of Mount Holly Master Plan, as required by the Municipal Land Use Law, N.J.S.A. 40:55D-26; and

**WHEREAS**, the Planning Board having reviewed this Ordinance for consistency with the Master Plan during its regular public meeting held on or about May 16, 2022; and having adopted *Resolution No. 2022-12: A Resolution of the Planning Board of the Township of Mount Holly Referring Ordinance No. 2022-6, 2022-7 and 2022-8 to the Township Council of Mount Holly as Being Consistent with The Master Plan of the Township of Mount Holly;*" and

**WHEREAS**, the passage of this Ordinance is in the public interest of the Township of Mount Holly and will promote the health, safety, and general welfare of its citizens.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Mount Holly, Burlington County, New Jersey, that the Land Development Regulations set forth in Chapter 149, Part 3 of the Code of the Township of Mount Holly (the "Code") are hereby amended and supplemented in order to establish new **Article XXXB** thereof, to be entitled "**Mandatory Affordable Housing Set-Aside**" as set forth below:

**Article XXXB Mandatory Affordable Housing Set-Aside.**

**§ 149-188. Background.**

The State of New Jersey has a longstanding and well-established commitment to maximizing the opportunities for the development of housing affordable for very-low-, low-, and moderate-income households.

The provision of "safe, decent and attractive housing that [lower-income households] can afford serves the community's interest in achieving an integrated, just and free society and promotes the general welfare of all citizens." De Simone v. Greater Englewood Hous. Corp., 56 N.J. 428, 441 (1970).

Notably, in the Mount Laurel decisions, the New Jersey Supreme Court held that the State's Constitution makes it "plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulation." S. Burlington Cty. NAACP v. Mount Laurel, 67 N.J. 151, 179 (1975) (Mount Laurel I).

The Court thus found that "each . . . municipality [must] affirmatively . . . plan and provide, by its land use regulations, the reasonable opportunity for an appropriate variety and choice of housing, including, of course, low and moderate cost housing, to meet the needs, desires and resources of all categories of people who may desire to live within its boundaries." Ibid.

The New Jersey Legislature itself affirmed this commitment when it enacted the Fair Housing Act of 1985, which established that it is in the State's interest "to maximize the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State." N.J.S.A. 52:27D-302.

Accordingly, the New Jersey Supreme Court has determined that "[a]ffordable housing is a goal that is no longer merely implicit in the notion of the general welfare. It has been expressly recognized as a governmental end and codified under the FHA." Holmdel Builders Ass'n v. Holmdel, 121 N.J. 550, 567 (1990).

Since then, New Jersey's courts have consistently recognized that "[t]he public policy of this State has long been that persons with low and moderate incomes are entitled to affordable housing," because "[t]here cannot be the slightest doubt that shelter, along with food, are the most basic human needs." Homes of Hope, Inc. v. Eastampton Tp. Land Use Planning Bd., 409 N.J. Super. 330, 337 (App. Div. 2009) (quoting Mount Laurel I, 67 N.J. at 178).

**§ 149-189. Affordable Housing Set-Aside.**

A mandatory affordable housing set-aside requirement shall apply beginning with the effective date of this Ordinance to any residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units at six (6) units per acre or higher, or equivalent, which results, in whole or in part, from: (i) a municipal rezoning or zoning amendment; (ii) any variance pursuant to N.J.S.A. 40:55D-70(d), including but not limited to any use variance or a density variance increasing the permissible density; and (iii) the adoption of a new or amended redevelopment plan or rehabilitation plan. The set-aside shall be twenty percent (20%) where the affordable units are provided for for-sale and fifteen percent (15%) where the affordable units are provided for rental.

**§ 149-190. Exemptions.**

Development under an adopted redevelopment plan in effect as of the effective date of this Ordinance is exempt, unless said plan is amended subsequently to increase the density.

**§ 149-191. Additional Incentives for Affordable Housing.**

A developer subject to the mandatory affordable housing set-aside may request, and the appropriate approving authority may, at its discretion, grant additional incentives for affordable housing, including but not limited to a density bonus, a reduction in the off-street parking spaces otherwise required, and/or a reduction in the minimum setback requirements.

**§ 149-192. Other Terms Applicable.**

The following terms shall apply to any residential development subject to the mandatory affordable housing set-aside:

- A. All subdivision and site plan approvals of qualifying developments shall be conditioned upon compliance with the provisions of the mandatory affordable housing set-aside.

- B.** No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory affordable housing set-aside. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units below the threshold. The approving authority may impose any reasonable conditions to ensure such compliance.
- C.** In the event the number of affordable housing units to be provided includes a fraction, the number shall be rounded up if the fractional amount is 0.5 or greater and rounded down if the fractional amount is less than 0.5. The developer shall provide a payment in lieu of constructing affordable units for the fraction of a unit less than 0.5. The payment in lieu shall be based on the amounts established in N.J.A.C. 5:97-6.4(c).
- D.** All affordable units created shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units shall be required to be restricted for very-low-income households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”).
- E.** At least fifty percent (50%) of the affordable units within each bedroom distribution shall be affordable to low-income households, inclusive of the at least thirteen percent (13%) of units affordable to very-low-income households.
- F.** The very-low-income affordable units shall be proportionately distributed within each bedroom distribution. In a family non-age-restricted development, at no time shall the number of one-bedroom very-low-income units exceed the number of three-bedroom very-low-income units.
- G.** Affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non-age-restricted family units, the affordable units shall be non-age-restricted family units as well). The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
- H.** Affordable units shall be subject to affordability controls of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions

as otherwise provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the municipality, in its sole discretion, takes action to extend or release the unit from such controls after at least thirty (30) years.

- I. Construction of the affordable and market units shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
- J. Affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.
- K. The mandatory affordable housing set-aside shall not give any developer the right to any rezoning, variance, redevelopment designation or redevelopment or rehabilitation plan approval, or any other such relief, or establish any obligation on the part of the municipality to grant such rezoning, variance, redevelopment designation, redevelopment or rehabilitation plan approval, or other such or further relief.
- L. No developer may make a payment in lieu of constructing affordable units on site, except for fractional units as noted in Paragraph 3, above.
- M. Nothing in this Ordinance precludes the municipality from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this Ordinance.
- N. This Ordinance shall not impose an obligation on non-residential development, including the non-residential portion of a mixed-use development, subject to the State Non-Residential Development Fee Act, N.J.S.A. 40:45(D)-8.1, et seq. Nevertheless, all residential development, including the residential portion of a mixed-use development, must comply with the affordable housing set-aside.
- O. This Ordinance does not apply to any specific sites or specific zones that were rezoned as part of the Township's approved Housing Element and Fair Share Plan, for which density and affordable housing set-aside requirements shall be governed by the specific standards approved.

**BE IT FURTHER ORDAINED**, that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency; and

**BE IT FURTHER ORDAINED**, that a copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon its passage and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire Township upon final adoption and shall become a part of the Code of the Township of Mount Holly once completed and adopted.

**FIRST READING:** April 25, 2022

Councilmember	Motion	2 <sup>nd</sup>	Yea	Nay	Recuse	Abstain	Absent
L. Brown	X		X				
J. Codianni			X				
T. Astor						X	
C. Banks		X	X				
J. Jones			X				

**SECOND READING:** May 23, 2022

Councilmember	Motion	2 <sup>nd</sup>	Yea	Nay	Recuse	Abstain	Absent
L. Brown							
J. Codianni							
T. Astor							
C. Banks							
J. Jones							

**TOWNSHIP OF MOUNT HOLLY**

\_\_\_\_\_  
**JASON JONES, Mayor**

**ATTEST:**

\_\_\_\_\_  
**SHERRY MARNELL, Township Clerk**

**PUBLIC NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, held on the **25<sup>th</sup> day of April, 2022**, and will be considered for final passage after a public hearing at a meeting of the Township Council of the Township of Mount Holly to be held on the **23<sup>rd</sup> day May 2022**.

  
**SHERRY MARNELL, Township Clerk**

**CERTIFICATION OF ADOPTION**

**I HEREBY CERTIFY** that the foregoing Ordinance was approved for final adoption by the Mayor and Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, at a regular meeting on the **23<sup>rd</sup> day of May 2022**.

**SHERRY MARNELL, Township Clerk**

**Appendix F**  
**Ordinance 2022-8**

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP  
BURLINGTON COUNTY, NEW JERSEY**

**ORDINANCE NO. 2022-8**

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT HOLLY RESCINDING ORDINANCE 2019-11 ENTITLED “ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT HOLLY AMENDING CHAPTER 149 ENTITLED “LAND USE” PART 3 ENTITLED “ZONING” TO CREATE THE OB INCLUSIONARY OVERLAY RESIDENTIAL DISTRICT”**

**WHEREAS**, the Township of Mount Holly filed a declaratory judgment action captioned In The Matter of the Application of Mount Holly Township, Superior Court of New Jersey, Law Division – Burlington County, Docket No. BUR-L-1623-15 (the “Mt. Laurel Litigation”) following the New Jersey Supreme Court’s decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) wherein the Supreme Court directed that municipalities were required to file declaratory judgment action in the Superior Court to evaluate compliance with their Mount Laurel obligations in order to maintain immunity from builder’s remedy litigation; and

**WHEREAS**, the Court appointed Mary Beth Lonergan, PP, AICP, to serve as the Special Master in the Mt. Laurel Litigation to advise the Court and the parties on affordable housing compliance issues; and

**WHEREAS**, the Fair Share Housing Center (“FSHC”) is a Supreme Court designated interested party in this Mt. Laurel Litigation to advocate on behalf of low and moderate income households in the State of New Jersey and the County of Burlington; and

**WHEREAS**, the Township entered into a Settlement Agreement on February 11, 2019 with FSHC (the “Original Settlement Agreement”) which established the Township’s affordable housing obligation for the time period 1999-2025 and the Court entered an Order for Fairness and Compliance of May 23, 2019 which approved the Settlement Agreement and a Final Judgment of Compliance and Repose was entered on June 26, 2020; and

**WHEREAS**, on June 25, 2021, Virtua Memorial Hospital, Burlington County (“Virtua”), commenced an action seeking relief from certain provisions of the Final Judgment of Compliance and Repose entered by the Court with regard Overlay Zoning Ordinance No. 2019-11 (the “Virtua Action”); and

**WHEREAS**, after negotiation with FSHC and Virtua and the realization that the Virtua properties are no longer likely to produce a realistic opportunity for affordable housing, the Township and FSHC have negotiated an amended agreement to ensure the Township is creating new opportunities for affordable and inclusionary development (the “Amended Settlement Agreement”); and

**WHEREAS**, included in the Amended Settlement Agreement, and in resolution of the Virtua Action, the Township has agreed to rescind the overlay zoning adopted via Ordinance No. 2019-11 on Blocks 97-101 that was part of the Original Settlement Agreement; and

**WHEREAS**, this Ordinance having been referred to the Township of Mount Holly Planning Board (the "Planning Board") for its review regarding the Ordinance's consistency with the Township of Mount Holly Master Plan, as required by the Municipal Land Use Law, N.J.S.A. 40:55D-26; and

**WHEREAS**, the Planning Board having reviewed this Ordinance for consistency with the Master Plan during its regular public meeting held on or about May 16, 2022; and having adopted *Resolution No. 2022-12: A Resolution of the Planning Board of the Township of Mount Holly Referring Ordinance No. 2022-6, 2022-7 and 2022-8 to the Township Council of Mount Holly as Being Consistent with The Master Plan of the Township of Mount Holly;* and

**WHEREAS**, upon the introduction and adoption of this Ordinance, Township Council has simultaneously introduced and adopted **ORDINANCE NO. 2022-6** ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT HOLLY AMENDING CHAPTER 149 ENTITLED "LAND USE" PART 3 ENTITLED "ZONING" TO CREATE THE AH INCLUSIONARY OVERLAY RESIDENTIAL DISTRICT ("Ordinance No. 2022-6"); and

**WHEREAS**, it is the intent of Ordinance No. 2022-6 to establish a new **Chapter 149, Part 3, Article XXA** of the Township Code to replace the prior Article XXXA established by Ordinance No. 2019-11 and rescinded by this Ordinance; and

**WHEREAS**, adequate notice of this Ordinance having been provided at least ten (10) days prior to second reading of this Ordinance to those persons entitled to notice pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-62.1; and

**WHEREAS**, the passage of this Ordinance is in the public interest of the Township of Mount Holly and will promote the health, safety, and general welfare of its citizens.

**NOW THEREFORE BE IT ORDAINED**, by the Council of the Township of Mount Holly, in the County of Burlington and State of New Jersey that the Township Code is hereby amended by rescinding Chapter 149 entitled "Land Use", Part 3 entitled "Zoning", Article XXXA entitled OB Inclusionary Overlay Residential District, consisting of sections 149-187.2 through 149-187.8 of the Township Code.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that a copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

**FIRST READING:** April 25, 2022

Councilmember	Motion	2 <sup>nd</sup>	Yea	Nay	Recuse	Abstain	Absent
L. Brown	X		X				
J. Codianni			X				
T. Astor						X	
C. Banks			X				
J. Jones		X	X				

**SECOND READING:** May 23, 2022

Councilmember	Motion	2 <sup>nd</sup>	Yea	Nay	Recuse	Abstain	Absent
L. Brown							
J. Codianni							
T. Astor							
C. Banks							
J. Jones							

**TOWNSHIP OF MOUNT HOLLY**

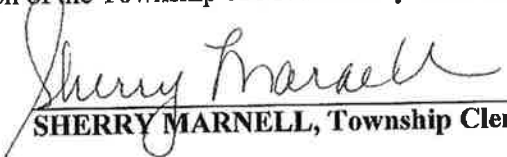
\_\_\_\_\_  
**JASON JONES, Mayor**

**ATTEST:**

\_\_\_\_\_  
**SHERRY MARNELL, Township Clerk**

**PUBLIC NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, held on the **25<sup>th</sup> day of April, 2022**, and will be considered for final passage after a public hearing at a meeting of the Township Council of the Township of Mount Holly to be held on the **23<sup>rd</sup> day May 2022**.

  
**SHERRY MARNELL, Township Clerk**

**CERTIFICATION OF ADOPTION**

**I HEREBY CERTIFY** that the foregoing Ordinance was approved for final adoption by the Mayor and Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, at a regular meeting on the **23<sup>rd</sup> day of May 2022.**

**SHERRY MARNELL, Township Clerk**