



TOWN OF DOVER MAYOR & TOWN COUNCIL

ORDINANCE NO. 02-2026

AN ORDINANCE OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE VA (DEVELOPMENT FEES), SECTIONS 236-63.1 THROUGH 236-63.12 OF PART II (GENERAL LEGISLATION) OF THE TOWN OF DOVER CODE

WHEREAS, on or about March 20, 2024, Governor Murphy signed into law an Amendment (the “Amended FHA”) to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.)(the “FHA”); and

WHEREAS, consistent with the FHA and the Amended FHA, the Town of Dover desires to amend and supplement Article VA (Development Fees), Sections 236-63.1 through 236-36.12 of Part II (General Legislation) of the Code of the Town of Dover as set forth in the redlined draft attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of the Town of Dover, County of Morris, New Jersey, as follows:

Section 1. Article VA (Development Fees), Sections 236-63.1 through 236-36.12 of Part II (General Legislation)of the Code of the Town of Dover is hereby amended and supplement as set forth in **Exhibit A** attached hereto and made a part hereof.

Section 2. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

Section 4. This Ordinance shall take effect in accordance with applicable law.

Attest:

Edward Ramirez, Acting Deputy Municipal Clerk

James P. Dodd, Mayor

INTRODUCED: _____

ADOPTED: _____

Article VA **Development Fees**

§ 236-63.1 **Findings; purpose.**

- A.** In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to COAH developing rules.
- B.** Pursuant to the March 10, 2015 Supreme Court Order concerning affordable housing, the Supreme Court transferred all of COAH's functions, powers, and duties to the Courts.
- C.** On or about March 20, 2024, the New Jersey Legislature adopted amendments to the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which amendments, inter alia, (i) abolish COAH, (ii) codify a revised fair share methodology, (iii) task the New Jersey Department of Community Affairs with making initial calculations of Present Need and Prospective Need as guidance for municipalities, and (iv) establish a process for submission and certification of Housing Element and Fair Share Plans through the Affordable Housing Dispute Resolution Program.
- D.** The 2024 amendments to the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq. further provide that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311(m)).
- E.** This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Spending Plan approved by the Superior Court.

§ 236.63.2 **Definitions.**

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

ACT

Shall mean the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., as amended.

AFFORDABLE HOUSING TRUST FUND

Shall mean a separate, interest-bearing account held by the Town of Dover for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Act.

AHMS SYSTEM

Shall mean the cloud-based Affordable Housing Monitoring System software application of the NJDCA, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal Affordable Housing Trust Fund.

COAH

The New Jersey Council on Affordable Housing, which has been abolished pursuant to the Act.

DEVELOPMENT FEES

Shall mean money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

EQUALIZED ASSESSED VALUE

The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction costs. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

NJDCA

Shall mean the New Jersey Department of Community Affairs.

PROGRAM

Shall mean the Affordable Housing Dispute Resolution Program established by the Act.

COMPLIANCE CERTIFICATION

Shall mean the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1st of the year the next round begins, which is also known as a “Judgment of Compliance” or “Judgment of Repose.” The term “Compliance Certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

§ 236.63.3 Basic requirements.

The Town of Dover shall not spend development fees until the Superior Court has approved a plan for spending such fees.

236-63.4 Residential development fees.

- A.** Within all zoning districts, developers of residential developments shall pay a development fee of one and one half percent (1.5%) of the equalized assessed value except as and if specifically exempted under § 236.63.6.1, provide that no increased density is permitted as set forth in the immediately following paragraph. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure;

in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

- B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(5), then the additional residential units realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% rather than the development fee of 1.5%, except that this provision shall not be applicable to a development that will include affordable housing. However, if the zoning on the site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.
- C. Eligible exactions, exceptions and exceptions from residential development fees shall be governed by § 236.63.6.1.

§ 236-63.5 Nonresidential development fees.

- A. Within all zoning districts, developers of nonresidential developments shall pay a fee of two and one half percent (2.5%) of the equalized assessed value of the land and improvements for all new nonresidential construction except as and if specifically exempted under § 236.63.6.2.
- B. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted herein, shall pay a fee equal to two and one half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- C. Within all zoning districts, development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- D. If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% rather than the development fee of 2%. However, if the zoning on the site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.
- C. Eligible exactions, exceptions and exceptions from nonresidential development fees shall be governed by § 236.63.6.2.

§ 236.63.6.1 **Eligible exactions, exclusions and exemptions for residential development.**

- A. Any development exclusively for low- and moderate-income residential units shall be exempt from paying development fees.

- B.** Any development that expands an existing residential structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.
- C.** Residential developments that have received preliminary or final site plan or subdivision approval prior to the effective date of this article, or have secured a building permit, shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval.
- D.** Developers who incorporate low- and moderate-income housing units into their development in accordance with the Town's Housing Element and Fair Share Plan shall be exempt from paying a development fee only for the phase or portion of the development incorporating such low- and moderate-income housing units.
- E.** Designated redevelopers of residential developments within designated redevelopment areas shall be exempt from paying a development fee only if the redevelopment agreement specifically provides provisions for exemptions.
- F.** Other exemptions include all single- and two-family residential additions, renovations and accessory structures, however all new residential dwelling units shall pay a development fee; and all multifamily additions, renovations and accessory structures not requiring site plan approval.
- G.** Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- H.** No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

§ 236.63.6.2 Eligible exactions, exclusions and exemptions for nonresidential development.

- A.** The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one half percent (2.5%) development fee, unless otherwise exempted below.
- B.** The two and one half percent fee (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing building footprint, reconstruction, renovations and repairs.
- C.** Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- D.** Any development that expands an existing nonresidential structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

- E.** Nonresidential developments that have received preliminary or final site plan or subdivision approval prior to the effective date of this article, or have secured a building permit, shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval.
- F.** Designated redevelopers of nonresidential developments within designated redevelopment areas shall be exempt from paying a development fee only if the redevelopment agreement specifically provides provisions for exemptions.
- G.** All nonresidential renovations and alterations not requiring site plan approval shall be exempt from development fees.
- H.** A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- I.** If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

§ 236-63.7 Calculation and collection of development fees.

- A.** Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- B.** For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C.** The Construction Official responsible for the issuance of a building permit shall notify the Tax Assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- D.** Within 90 days of receipt of that notice, the Tax Assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- E.** The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Tax Assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- F.** Within 10 business days of a request for the scheduling of a final inspection, the Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the

improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

- G.** Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- H.** Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy..

§ 236-63.8 Appeal of development fees.

- A.** Imposed and collected development fees that are challenged shall be placed in an interest-bearing escrow account by the Town of Dover.
- B.** A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- C.** A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 236-63.9 Affordable housing trust fund.

- A.** There is hereby created a separate, interest-bearing Affordable Housing Trust Fund in a financial institution designated by the Chief Financial Officer of the Town of Dover for the purpose of collecting development fees from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this ordinance shall be deposited into this fund.
- B.** The Town of Dover shall provide and enter into the AHMS System an accounting of all residential and nonresidential development fees and other payments received into its Affordable Housing Trust Fund along with the current balance and well as trust funds expended all in accordance with the Act and the applicable regulations promulgated thereunder.
- C.** No funds shall be expended from the Affordable Housing Trust Fund unless the expenditure conforms to a Spending Plan approved by the Superior Court. All interest

accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by Superior Court.

- D.** The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
- (i) Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - (ii) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (iii) Rental income from municipally operated units;
 - (iv) Repayments from affordable housing program loans;
 - (v) Recapture funds;
 - (vi) Proceeds from the sale of affordable units; and
 - (vii) Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.

§ 236-63.10 Use of funds.

- A.** Money deposited in a housing trust fund may be used for any activity approved by the Superior Court to address the municipal fair share. Such activities include, but are not limited to, rehabilitation, new construction, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Town's Housing Element and Fair Share Plan. The expenditure of all money shall conform to a spending plan approved by the Superior Court.
- B.** Funds shall not be expended to reimburse municipalities for past housing activities.
- C.** At least thirty percent (30%) of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.
- (i) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments and assistance with emergency repairs.
 - (ii) Affordability assistance to households earning thirty percent (30%) or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30percent or less of median income.

- (iii) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D.** The Town of Dover may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:97-7.
- E.** No more than 20% of the revenues collected from development fees each year shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the AHMS System and NJDCA's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

§236-63.11 Monitoring.

On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS System. This reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Superior Court.

§ 236-63.12 Ongoing collection of fees.

The ability for the Town of Dover to impose, collect and expend development fees shall expire with its Compliance Certification on the date of expiration of its Substantive Certification, unless the Town of Dover has filed an adopted Housing Element and Fair Share Plan with the Program and the Superior Court, has petitioned for Compliance Certification, and has received the approval of its development fee ordinance by the Superior Court. If the Town of Dover fails to renew its ability to impose and collect development fees prior to the date of expiration of its Substantive Certification, then it may resume the imposition and collection of development fees only by complying with the requirements of this section. The Town of Dover shall not impose a development fee on a development that receives preliminary or final approval after the date of expiration of Compliance Certification, nor will the Town of Dover retroactively impose a development fee on such a development. The Town of Dover will not expend development fees after the date of expiration of Compliance Certification.

§ 236-63.13 **Emergent Affordable Housing Opportunities.**

Requests to expend Affordable Housing Trust Fund monies on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the NJDCA and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.



TOWN OF DOVER MAYOR & TOWN COUNCIL

ORDINANCE NO. 03-2026

AN ORDINANCE OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE I AND ARTICLE II OF CHAPTER 99 (AFFORDABLE HOUSING) OF PART II (GENERAL LEGISLATION) OF THE TOWN OF DOVER CODE

WHEREAS, on or about March 20, 2024, Governor Murphy signed into law an Amendment (the “Amended FHA”) to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.)(the “FHA”); and

WHEREAS, consistent with the FHA, the Amended FHA and with N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq., as amended, the Town of Dover desires to amend and supplement Article I and Article II of Chapter 99 (Affordable Housing) of Part II (General Legislation) of the Code of the Town of Dover as attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of the Town of Dover, County of Morris, New Jersey, as follows:

Section 1. Article I and Article II of Chapter 99 (Affordable Housing) of Part II (General Legislation) of the Code of the Town of Dover is hereby amended and supplemented as set forth in **Exhibit A** attached hereto and made a part hereof.

Section 2. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

Section 4. This Ordinance shall take effect in accordance with applicable law.

Attest:

Edward Ramirez, Acting Deputy Municipal Clerk

James P. Dodd, Mayor

INTRODUCED: _____

ADOPTED: _____

Chapter 99 Affordable Housing Municipal Housing Liaison and Affirmative Marketing

Article I Regulations

§ 99-1 Applicability.

On or about March 20, 2024, the New Jersey Legislature adopted amendments to the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which amendments, inter alia, (i) abolish COAH, (ii) codify a revised fair share methodology, (iii) task the New Jersey Department of Community Affairs with making initial calculations of Present Need and Prospective Need as guidance for municipalities, and (iv) establish a process for submission and certification of Housing Element and Fair Share Plans through the Affordable Housing Dispute Resolution Program and the Superior Court.

The 2024 amendments to the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq. further provide that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311(m)).

This article establishes regulations for the administration and marketing of designated low- and moderate-income housing units created within the Town of Dover through new housing construction, resales, rentals, or rerentals of affordable units. This article is intended to be consistent with and to implement the New Jersey Council on Affordable Housing (COAH) regulations at N.J.A.C. 5:94, Substantive Rules, and N.J.A.C. 5:95, Procedural Rules, both for the period beginning December 20, 2004, along with N.J.A.C. 5:80, Uniform Housing Affordability Controls, the provisions of which are included here by reference, as if set forth at length, the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and any other applicable federal laws, and regulations, and as all of the referenced laws and regulations may be amended, and as same may be modified by the New Jersey Department of Community Affairs, the Affordable Housing Dispute Resolution Program and the Superior Court.

§ 99-2 Definitions.

As used in this article, the following terms shall have the meaning indicated:

ACT

Shall mean the New Jersey Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., as amended.

ADMINISTRATIVE AGENT

Shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Town of Dover and ensuring that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households, as may be delegated by the Municipal Housing Liaison and to the extent authorized by the Town of Dover.

AFFIRMATIVE MARKETING PLAN

Shall have the meaning ascribed to such terms herein.

COAH

The New Jersey Council on Affordable Housing, which has been abolished pursuant to the Act.

HOUSING OFFICER

The Town employee charged by the governing body with the responsibility for oversight and administration of all or portions of the affordable housing program for the Town of Dover as set forth herein.

MUNICIPAL HOUSING LIAISON

The Town employee charged by the governing body by resolution with the responsibility for oversight and administration of all or portions of the affordable housing program for the Town of Dover as set forth herein.

NJDCA

Shall mean the New Jersey Department of Community Affairs.

PROGRAM

Shall mean the Affordable Housing Dispute Resolution Program established by the Act.

§ 99-3 Administration; establishment of Housing Officer position and compensation; powers and duties.

- A.** Establishment of position of Housing Officer. There is hereby established the position of Housing Officer for the Town of Dover.
- B.** The Housing Officer shall be appointed by the governing body and may be a full- or part-time municipal employee.
- C.** A Housing Officer shall be responsible for oversight and administration of the affordable housing program for the Town of Dover and to act as a liaison to any contracting agency for housing services, the developers of low- and moderate-income housing.
- D.** The Town of Dover may contract with or authorize a consultant, authority, government or any agency charged by the Mayor and Council with the responsibility of administering all or any part of the affordable housing program of the Town of Dover.
- E.** Compensation. Compensation shall be fixed by the governing body at the time of the appointments of the Housing Officer.
- F.** Powers and duties.
 - (1)** The primary responsibility of the Housing Officer shall be to ensure that the restricted units under administration are sold or rented, as applicable, only to low- and moderate-income households. Among the responsibilities of the Housing Officer are the following:
 - (a)** Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Town of Dover and the provisions of N.J.A.C. 5:80-26.15;

- (b)** Soliciting, scheduling, conducting and following up on interviews with interested households;
- (c)** Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (d)** Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (e)** Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (f)** Employing the random selection process as provided in the Affirmative Marketing Plan of the Town of Dover when referring households for certification to affordable units;
- (g)** Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (h)** Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (i)** Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental;
- (j)** Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental;
- (k)** Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
- (l)** Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air-conditioning systems;
- (m)** Processing requests and making determinations on requests by owners of restricted units for hardship waivers;
- (n)** Communicating with lenders regarding foreclosures;
- (o)** Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10;
- (p)** Notifying the municipality of an owner's intent to sell a restricted unit;
- (q)** Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

- (r) Creating and publishing a written operating manual, as approved by the Program and the Superior Court, and setting forth procedures for administering such affordability controls;
 - (s) Providing annual reports to the NJDCA as and if required; and
 - (t) Such other responsibilities as may be necessary to carry out the affordable housing program of the Town of Dover and the provisions of COAH's regulations pursuant to N.J.A.C. 5:94 et seq. and the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.
- (2) The Housing Officer shall have authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder.

§ 99-4 Dual Role Permitted

The positions of Housing Officer and Municipal Housing Liaison may be held by the same municipal employee at the discretion of the Town Council.

§ 99-5 Through § 99-6 (Reserved)

Article II Affirmative Marketing Plan

§ 99-7 Applicability.

- A.** This article shall apply to all low- and moderate-income housing units created in the Town, including any future low- and moderate-income housing units.
- B.** An “Affirmative Marketing Plan” is a regional strategy designed to attract buyers and/or renters of all majority and minority groups within the housing region, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, the municipality and/or a designated administrative agency of affordable housing within the town. This Affirmative Marketing Plan prohibits discrimination in the sale, rental, financing or other services related to such housing on the basis of race, color, sex, religion, handicap, age (except for designated senior citizens' units), familial status, family size or national origin.
- C.** The Town of Dover is located in Housing Region 2 of the State, which includes Warren, Morris, Essex and Union Counties.

§ 99-8 Required Outreach.

- A.** Daily newspapers and publications.
 - (1) All newspaper articles, advertisements, announcements and requests for applications pertaining to low- and moderate-income housing units shall appear in the following daily regional newspapers/publications:
 - (a) Star Ledger.
 - (b) Daily Record.
 - (2) The primary marketing shall take the form of at least one press release sent to the above publications and a paid display advertisement (at least four column inches) in each of

the above newspapers. Additional advertising and publicity shall be on an as-needed basis.

(3) The advertisement shall include a description of the:

- (a)** Number of units currently available;
- (b)** Anticipated dates of future available units;
- (c)** Numbers of bedrooms per available unit;
- (d)** Range of monthly rents available;
- (e)** Sizes of available units;
- (f)** Income limit information;
- (g)** Where and how applications may be obtained, including business hours at each location; and
- (h)** Name, telephone number and location of the Municipal Housing Liaison's office.

B. Weekly newspapers, publications and newsletters.

(1) All newspaper articles, advertisements, announcements and requests for applications pertaining to low- and moderate-income housing units shall appear in at least the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

- (a)** Neighbor News.
- (b)** Citizen Lakeland News.

(2) The advertisement shall include a description of the:

- (a)** Number of units currently available;
- (b)** Anticipated dates of future available units;
- (c)** Numbers of bedrooms per available unit;
- (d)** Range of monthly rents available;
- (e)** Sizes of available units;
- (f)** Income limit information;
- (g)** Where and how applications may be obtained, including business hours at each location; and
- (h)** Name, telephone number and location of the Municipal Housing Liaison's office.

C. Radio and television. The following radio and television stations shall also be used:

- (1)** WMTR and WDHA (radio).
- (2)** Channel 3 (cable).

D. Applications and information.

(1) The following are the locations where applications and information packets to be used as part of the Affirmative Marketing Plan shall be available:

- (a) Dover Town Municipal Building.
 - (b) Morris County Library (all branches).
 - (c) Warren County Library (all branches).
 - (d) Essex County Library (all branches).
 - (e) Union County Library (all branches).
- (2) Community contact organizations, agencies, officials and departments.
- (a) Quarterly flyers and copies of applications and information packets shall be sent to the following community contact organizations, agencies, officials and departments:
 - [1] Morris County Director of Social Services.
 - [2] Warren County Director of Social Services.
 - [3] Essex County Director of Social Services.
 - [4] Union County Director of Social Services.
 - [5] Morris County Office on Aging.
 - [6] Warren County Office on Aging.
 - [7] Essex County Office on Aging.
 - [8] Union County Office on Aging.
 - [9] Morris County Rental Assistance Office (local NJDCA office).
 - [10] Warren County Rental Assistance Office (local NJDCA office).
 - [11] Essex County Rental Assistance Office (local NJDCA office).
 - [12] Union County Rental Assistance Office (local NJDCA office).
 - [13] Morris County Housing Agency.
 - [14] Warren County Housing Agency.
 - [15] Essex County Housing Agency.
 - [16] Union County Housing Agency.
 - [17] Morris County Board of Realtors.
 - [18] Warren County Board of Realtors.
 - [19] Essex County Board of Realtors.
 - [20] Union County Board of Realtors.
 - [21] Morris County Community Development Office.
 - [22] Warren County Community Development Office.
 - [23] Essex County Community Development Office.
 - [24] Union County Community Development Office.

[25] Morris County Department of Human Services.

[26] Warren County Department of Human Services.

[27] Essex County Department of Human Services.

[28] Union County Department of Human Services.

[29] NORWESCAP, Morris County.

§ 99-9 **Administration; Municipal Housing Liaison.**

- A.** Purpose. The purpose of this section is to create the administrative mechanisms needed for the execution of the Town of Dover's responsibility to assist in the provision of affordable housing pursuant to the Act.
- B.** Establishment of position and compensation; powers and duties.
- (1) Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Town of Dover.
 - (2) Subject to the approval of the NJDCA or the Superior Court to the extent required by the Act, the Municipal Housing Liaison shall be appointed by the governing body by resolution and may be a full- or part-time municipal employee.
 - (3) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Town of Dover, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - (a) Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the NJDCA, affordable housing providers, Administrative Agent(s) and interested households.
 - (b) The oversight of the Affirmative Marketing Plan and affordability controls.
 - (c) When applicable, overseeing and monitoring any contracting Administrative Agent.
 - (d) Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - (e) Verifying, certifying and providing annual information within the AHMS System at such time and in such form as required by the NJDCA.
 - (f) Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - (g) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the NJDCA.
 - (h) Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 - (i) Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the required documents have been duly recorded.

- (j) Listing on the municipal website contact information for the Municipal Housing Liaison and Administrative Agent(s).
- C. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.
- D. If the Town of Dover contracts with an Administrative Agent to administer all or any part of the affordable housing program, including the affordability controls and the Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting of the Town's Administrative Agent.
- E. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities herein.

§ 99-10 Prequalification and selection.

- A. Households that apply for low- and moderate-income housing will be prescreened by the Municipal Housing Liaison or Administrative Agent for income eligibility by comparing their total income to the current low- and moderate-income limits adopted by COAH, as same may be modified by the NJDCA, the Program and/or the Superior Court. Applicants will be notified as to their eligibility status.
- B. In order to ensure a sufficient supply of qualified applicants, the advertising process will continue until at least 10 income-eligible applicants have applied for each low- and moderate-income unit available or until all of the available low- and moderate-income units within the town have been sold, whichever occurs first.
- C. Having prescreened applicants for income eligibility, the Municipal Housing Liaison, together with the Administrative Agent, will analyze the income and household size of each applicant to determine which of the available low- and moderate-income housing units the applicant is qualified to occupy.
- D. The Municipal Housing Liaison, together with the Administrative Agent, will interview each applicant to verify the applicant's income and review the applicant's credit history. Applicants will be required to submit income verification for each household member 18 years or older. This process will be utilized in establishing the final certified applicant group.
- E. If there is more than one certified applicant for an available low- and moderate-income unit, placement will be made on a first come/first served basis, considering the date the application was first received by the Municipal Housing Liaison or the Administrative Agent.
- F. The process described above will begin at least 120 days before the issuance of a certificate of occupancy for an affordable dwelling unit in the affordable housing compliance program and will continue until all low- and moderate-income units are occupied and for as long as there are deed-restricted affordable units within the municipality.
- G. Households who live or work within the housing region will be given preference over households from outside of the housing region for the first 30 days that a unit becomes available. If no qualified households from within the housing region can be found within 30 days, the unit may be rented to a household from outside the housing region.

- H.** Households will generally be referred to available units using the following standards for occupancy:
- (1) A maximum of two persons per bedroom;
 - (2) Children of the same sex in the same bedroom;
 - (3) Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms; and
 - (4) Children not in same bedroom with parents.
- I.** Households may be considered for units other than as set forth herein, except that in no case shall a household be referred to a unit that provides for more than one additional bedroom over the number required by the application of Paragraphs H(1) through H(4) above.



TOWN OF DOVER MAYOR & TOWN COUNCIL

ORDINANCE NO. 05-2026

AN ORDINANCE OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE AFFORDABLE HOUSING SECTION OF THE TOWN OF DOVER CODE

WHEREAS, on or about March 20, 2024, Governor Murphy signed into law an Amendment (the “Amended FHA”) to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.)(the “FHA”); and

WHEREAS, consistent with the FHA and the Amended FHA, the Town of Dover desires to amend and supplement the Affordable Housing section of the Town of Dover Code so as to include the provisions attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of the Town of Dover, County of Morris, New Jersey, as follows:

Section 1. The Affordable Housing section of the Town of Dover Code is hereby amended and supplemented so as to include the provisions attached hereto and made a part hereof.

Section 2. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

Section 4. This Ordinance shall take effect in accordance with applicable law.

Attest:

Edward Ramirez, Acting Deputy Clerk

James P. Dodd, Mayor

INTRODUCED: _____

ADOPTED: _____

Affordable Housing

A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Town of Dover consistent with the provisions outlined in P.L. 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Town of Dover Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L. 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
 - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
 - c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

B. Definitions

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

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

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by

the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Non-lapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

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

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

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

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

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

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

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

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

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

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

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

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

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

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

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

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

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

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

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

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

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group

according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a

grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or

Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

"Regional median income" means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

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

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

"Residential development fee" means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

"Spending plan" means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

"State Development and Redevelopment Plan" or "State Plan" means the plan prepared pursuant to sections 1 through 12 of the "State Planning Act," P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

"Supportive housing household" means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney-Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in

aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

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

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans' preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given

preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

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

C. Monitoring and Reporting Requirements

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:

a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.

b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.

c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

D. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.

2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
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25+1	10
50	50
75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - a. Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - vi. Each bedroom in each restricted unit must have at least one window.

- vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - vii. Each bedroom in each restricted unit must have at least one window; and
 - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.

- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
 - b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.
- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded down to the nearest whole number shall be very low- or low-income units.
 - c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
 - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded up, of the total number of low- and moderate-income units. The municipality has chosen to allow rounding.
 - iv. At least 30% of all low- and moderate-income units, rounded down shall be two-bedroom units. The municipality has chosen to allow rounding.
 - v. At least 20% of all low- and moderate-income units, rounded down shall be three-bedroom units. The municipality has chosen to allow rounding.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
 - e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable

housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

6. Accessibility requirements.

- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
- b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multi-floor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

- (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
- (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

E. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
 - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 - b. Both ownership and rental units shall be eligible for rehabilitation funds.
 - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.

- e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L. 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
- f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
 - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
3. Redevelopment (per N.J.A.C. 5:97-6.6) affordable housing units created within a formally designated redevelopment area pursuant to New Jersey's Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1 et seq. shall satisfy the standards set forth in N.J.A.C. 5:97-6.6.

F. Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

G. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.

3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.

9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Freddie Mac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

H. Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 2 (Essex, Morris, Union, and Warren Counties) and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.

- a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b. There shall be a regional preference for all households that live and/or work in Housing Region 2 comprising Essex, Morris, Union, and Warren Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
 5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
 6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
 10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.
- I. Selection of Occupants of Affordable Housing Units.
1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.

2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

J. Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;
 - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - d. Avoid placing a one-person household into a unit with more than one bedroom.

K. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the

nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

L. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 - c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

M. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon

application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

N. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

O. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed

restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.

4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit;
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

P. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share

programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.

6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

Q. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

R. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - b. The oversight of the Affirmative Marketing Plan and affordability controls.
 - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 - i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
 - j. Listing on the municipal website contact information for the MHL and Administrative Agents.

S. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.

- c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
 4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
 - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
 - d. Affordability controls.
 - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.

- ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
 - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
 - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
 - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
 - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
 - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
 - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

- ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

T. Responsibilities of the Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.
 - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e. A projected construction schedule.
 - f. The location of any common areas and elevators.
 - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:

- a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - b. Provide to the administrative agent a description of any applicable fees.
 - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - e. Provide to the administrative agent a proposed form of lease for any rental units.
 - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- a. Proposed pricing for all units, including any purchaser options and add-on items.
 - b. Condominium or homeowner association fees and any other applicable fees.
 - c. Estimated real property taxes.
 - d. Sewer, water, trash disposal, and any other utility assessments.
 - e. Flood insurance requirement, if applicable.
 - f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

U. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. To the maximum extent permitted by law, a fine of not more than \$1,000.00 or imprisonment for a period not to exceed ten (10) days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall

- be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 - e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for

the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals
 - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

John McDonough Associates, LLC
Land Use Planning · Landscape Architecture

Redevelopment Plan for the NJ Transit/Lot B/Lot C Redevelopment Area

Block 510 Lots 6 & 6 (Unit B01);

Block 1213 Lots 2 & 4;

Block 1219 Lots 4, 5, & 6;

Block 1803 Lot 11

Prepared For



Town of Dover

Morris County, NJ

October 27, 2025

Amended February 2, 2026

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

A handwritten signature in black ink, appearing to read 'John McDonough', is written over a horizontal line.

John McDonough, LA, AICP, PP
NJPP License #33LI00518900

Section 1 - Overview

A. Introduction

On April 22, 2025 the Mayor and Town Council of the Town of Dover adopted Resolution 124–2025, which designated certain lands within the Town of Dover as an area in need of redevelopment and authorized the preparation of a redevelopment plan for same, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”). A copy of the resolution is attached as **Appendix A**.

This redevelopment plan is intended to address the resolution and to create a comprehensive and unified redevelopment plan for all the lots in Resolution #124–2025, except for Block 1804, Lot 13 (collectively hereafter referred to as the “NJ Transit/Lot B/Lot C Redevelopment Area”). A map of the lots that comprise the NJ Transit/Lot B/Lot C Redevelopment Area is provided in **Appendix B**.

The Town intends to adopt a separate redevelopment plan for Block 1804, Lot 13, and the redevelopment regulations governing same.

B. Identification of the Redevelopment Area

Resolution # 124–2025 designated nine (9) lots within the Town of Dover as a *non-condemnation* area in need of redevelopment, identified as Block 510 Lots 6 & 6 (Unit B01); Block 1213 Lots 2 & 4; Block 1219 Lots 4, 5, & 6; Block 1803 Lot 11; Block 1804 Lot 13 on the Town of Dover tax rolls. All the above lots comprise the NJ Transit/Lot B/Lot C Redevelopment Area, as shown on the map in Appendix B. The redevelopment area also includes mapped rights-of-way or easements contiguous or internal to same.

While Block 1804, Lot 13 is located within the designated redevelopment area, the redevelopment regulations that govern said lot will be part of a separate redevelopment plan.

C. Required Redevelopment Plan Components

Pursuant to Section 40A:12A-7 of the LRHL, redevelopment plans shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate the following:

- (1) The plan relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- (2) Proposed land uses and building requirements in the Redevelopment Area.
- (3) Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the area.
- (4) An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan.
- (5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities; (b) the master plan of the county in which the municipality is located; (c) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act”, P.L. 1985, c398 (C.52:18A-196 et al.)
- (6) An inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions

Section 1 - Overview

- (7) A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program shall have first priority for those replacement units provided under the plan. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area.
- (8) The redevelopment plan may include provisions of affordable housing in accordance with the “Fair Share Housing Act” P.L. 1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.
- (9) Description of the plan relationship to pertinent municipal development regulations as defined in the “Municipal Land Use Law” (MLUL). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.
- (10) All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.

D. Goals and Objectives

The intent and purpose of this redevelopment plan is to promote vibrancy and orderly development of the redevelopment area in accordance with the following goals and objectives:

- (1) To reverse continued stagnation and put underutilized land to productive use.
- (2) To provide for a variety of land uses including new and/or rehabilitated housing stock and a variety of commercial uses including retail, restaurants, and entertainment.
- (3) To create economic development opportunities that will generate private sector investment, produce new or sustain existing jobs, and increase the Town’s tax base.
- (4) To promote development that is appropriate for the area’s unique location in the community’s downtown.
- (5) To ensure an attractive streetscape that complements the existing neighborhood and enhances the built environment.
- (6) To promote resiliency and sustainability and development that recognizes and prepares for a future with more extreme weather events and a changing climate.
- (7) To ensure high-quality architecture and attractive redevelopment.
- (8) To promote walkability and healthy, livable communities.
- (9) To provide a resident population to support local businesses and transit ridership.

Section 2 – Land Development Regulations

A. General Regulations

- (1) The regulations set forth herein shall supersede any or all prior redevelopment plans and/or rehabilitation plans pertaining to this site and the Town of Dover Land Use and Development Ordinance Chapter 236, unless otherwise noted herein.
- (2) The regulations set forth herein shall apply to the tract as a whole, not to individual lots which may be created therein. For the purposes of this redevelopment plan, the word “tract” shall mean the entire redevelopment area.
- (3) The tract shall be permitted to be consolidated or subdivided into one or more lots. The tract and any lots therein shall be permitted to contain one or more buildings or uses. The tract shall be permitted to be developed in one or more phases.
- (4) All dimensional and other requirements shall apply to the tract as it exists at the time of the adoption of this redevelopment plan, and conforming conditions that are rendered nonconforming as a result of changes to the tract perimeter such as road widening or other municipal purposes shall not be considered deviations and shall not require variance relief on future applications for the full duration that the redevelopment plan remains in effect.
- (5) There shall be no requirement that the entire redevelopment area be developed unless required under a redevelopment agreement entered between the Town and the designated redeveloper of the Redevelopment Area. If the redevelopment area is partially developed and then the remainder portion is developed separately, there shall be no requirement that the same redeveloper be responsible for the development of both portions unless required under a redevelopment agreement entered between the Town and the designated redeveloper of the Redevelopment Area.
- (6) This redevelopment plan may be amended from time-to-time upon compliance with the requirements of law. A fee of \$1,000.00 plus all costs of copying and transcripts shall be payable to the Town of Dover for any request to amend this plan. If there is a designated redeveloper, said redeveloper shall pay these costs prior to any such amendment. If there is no redeveloper, the appropriate agency shall be responsible for any and all such costs, and may seek reimbursement from any redeveloper of the Redevelopment Area.
- (7) Affordable housing obligations or exemptions from or reductions of same shall be established in a redevelopment agreement between the Town and designated redeveloper for the redevelopment area.

B. Use Regulations

- (1) Permitted Principal Uses.
 - a. Multifamily residential dwellings
 - b. Retail sales and services
 - c. Restaurants, eateries, cafes, bars, taverns, and microbrew pubs
 - d. Recreational facilities
 - e. Offices
 - f. Educational uses
 - g. Civic uses
 - h. Outdoor Plaza and/or other Open Space
 - i. Any combination of the above uses

Section 2 – Land Development Regulations

(2) Permitted Accessory Uses

- a. Off Street parking, which shall be permitted as structured parking, surface parking or subterranean parking, or any combination above.
- b. Sidewalk Cafes
- c. Outdoor plaza
- d. Outdoor seating
- e. Residential amenities and recreation facilities that are accessory to a residential development and limited exclusively for the use and enjoyment of the residents of the development such as lounges, package rooms, fitness centers, game/party rooms, multipurpose rooms
- f. Balconies and terraces for individual units and/or for common use
- g. Open space that is accessory to a residential development and limited exclusively for the use and enjoyment of the residents of the development, such as courtyards interior to buildings, common rooftop spaces and common terraces for all residents and may include amenities such as, by way of example, pools and barbeque areas.
- h. Rooftop amenities such as observation rooms; sundecks; open recreation areas with bistro seating, benches, and planters; community tables, dining areas, outdoor bars; game areas such as ping pong table, pool table and/or bocce pit; artificial turf for lawn games such as corn hole or croquet, rooftop lofts and private or common terraces. Additional restrooms shall be permitted as accessory to these uses on rooftops.
- i. Utilities including alternative energy sources such as solar panels, electric charging stations, battery storage, and green infrastructure such as green roofs and rain gardens
- j. Refuse management structures and enclosures
- k. Auto-share (i.e. ZipCar) and/or ride-share (i.e. Uber/Lyft) facilities, spaces, shelters
- l. Bicycle racks, shelters, and storage areas regardless of whether they are inside or outside the building;
- m. Electric scooter racks, shelters, and storage areas regardless of whether they are inside or outside the building
- n. Ordinary site improvements such as landscaping, lighting, fencing, and signage
- o. Vestibules, breezeways, and other passageways from the inside to the outside shall be permitted, and shall be permitted to connect buildings, and shall also be permitted on the rooftop.
- p. Any use that is customary and incidental to any principal uses set forth herein.

(3) Prohibited Uses.

- a. Shops which offer firearms and/or ammunition for sale.
- b. Gold purchasing stores.
- c. Check cashing establishments.
- d. Adult-oriented uses.
- e. Motor fueling stations.
- f. Drive-throughs.
- g. Massage parlors not part of beauty parlors or fitness centers.
- h. Smoke and vaping shops.
- i. Any use not expressly permitted herein shall be considered prohibited.

Section 2 – Land Development Regulations

C. Bulk Regulations

(1) Bulk Regulations

a. Maximum Building Height: 85 feet (to roofline)

b. Maximum Number of Stories: 7 (see note below)

Note: Enclosed rooftop amenity space shall be permitted and shall not be considered an additional story, provided the floor area exclusive of stair/elevator bulkheads does not exceed forty percent (40%) of the story below; and further provided that enclosed rooftop amenity space shall be permitted to extend no more than 15 feet above the maximum permitted building height.

c. Minimum Building Setbacks:

1. From Street Lines 0 feet

2. From Other Lot lines 0 feet (unless more is required per building code)

d. Maximum lot coverage: 98%

e. Maximum density: 155 dwelling units per acre

f. Minimum affordable set-aside: 13 units on Lot “B” (Block 1803 Lot 11)

13 units on Lot “C” (Block 1219 Lot 4)

12 units on NJ Transit Yard (Block 510 Lot 6)

(2) General requirements for all residential units in the Bassett Highway Redevelopment Area, regardless of subdistrict.

a. A den or similar living space shall be considered a bedroom unless it lacks a closet or an entry door, and/or has an opening that cannot be fitted for a standard interior door (i.e. wider than 36 inches) or has dimensions that cannot fit a full-size bed (54” x 74”).

b. Each residential unit shall contain basic amenities such as a washer/dryer unit and capability for cable television/internet utility connections

c. A common package delivery room shall be required for each building with residential units within the redevelopment area

(3) Building projections, appurtenances, and architectural features shall be permitted to extend up to three feet into the right-of-way if permission is received from the Municipal Council. By way of example, this may include, but not be limited to, columns, cornices, vestibules, stoops, steps, canopies, balconies, and similar projections.

D. Parking Regulations

(1) Minimum Number of Off-Street Parking Spaces:

a. Residential: 0.8 spaces per unit

b. Nonresidential: none

c. Accessory uses: none

(2) Shared parking. For mixed-use developments, a shared parking approach to the provision for off-street parking may be provided for uses with non-coincident peak parking demands, based on current guidance from the Institute of Transportation Engineers. Monthly visitor parking could be permitted for adjacent developments if capacity exists in off peak hours.

(3) Handicapped parking. Designated parking for disabled persons shall be provided in accordance with the Americans with Disabilities Act (ADA).

Section 2 – Land Development Regulations

- (4) Electric vehicle (EV) parking. EV charging stations and/or “Make-Ready” electric infrastructure for the provision of EV charging stations shall be provided in accordance with New Jersey law S223 (July 9, 2021 or as amended thereafter). The term “Make-Ready” is synonymous with the term “charger ready” as defined by the legislation. A “Make-Ready” parking space shall count as two (2) spaces when calculating a development’s compliance with minimum parking requirements, up to a maximum 10% reduction, or as otherwise defined by the legislation.
- (5) Bicycle parking:
 - a. Minimum number of spaces: 0.5 spaces per dwelling unit
 - b. A minimum of ninety percent (90%) of the required number of bicycle parking spaces shall be provided in conveniently accessible indoor locations and/or storage rooms. Parking spaces that are against a wall shall be permitted to have a wall hanger for storing bicycles. Provisions for sidewalk bicycle racks in clear view of storefronts is encouraged, provided same does not impede pedestrian circulation.
- (6) Auto-share parking. Parking spaces reserved as auto-share spaces (i.e. Zipcar, Car2go, Enterprise CarShare, or other auto-share service companies) shall count as four (4) spaces when calculating a development’s compliance with minimum parking requirements, up to a maximum 40% of the required minimum number of parking spaces.
- (7) Ridesharing and bike-sharing. Provisions for ridesharing services (i.e Uber, Lyft and other ride share service companies) and drop-off/pick up areas for taxi and related transport services are encouraged. Provisions for bike-share service are also encouraged.
- (8) Vehicle Parking Stall Dimensions
 - a. Parking stall dimensions shall be based on the standards set forth below for standard parking stalls, compact parking stalls, parallel parking stalls, and tandem parking stalls, all of which shall be considered permitted parking types.
 - b. Standard parking stalls shall be a minimum of 8 feet wide by 18 feet deep
 - c. Compact parking stalls shall be a minimum of 7 feet 4 inches wide by 16 feet deep.
 - d. Parallel parking stalls shall be a minimum of 8 feet wide by 20 feet deep.
 - e. Tandem spaces shall be a minimum of 8 feet by 36 feet.
 - f. A maximum of forty percent (40%) of the off-street parking spaces may be compact-sized.
 - g. Mechanical (stacked) parking systems and/or automated parking systems (such as, by way of example, shuffle & slide, rack & rail, and the like) shall be permitted to increase parking capacity. Parking spaces incorporated into a mechanical and/or automated system shall be exempt from the dimensional requirements specified herein, but shall conform to all manufacturer specifications.
 - h. Handicapped designated parking stall dimensions shall be in accordance with the Americans with Disabilities Act (ADA).
- (9) Curb Cuts.
 - a. Maximum Number:
 - b. Lane Width: Lanes shall be a minimum of 9 feet in width, depending on the intended size of vehicles utilizing the driveway. Driveway widths (measured without the curb radii) shall be a maximum of 24 feet in width, or two lanes.\
 - c. Radius: Curb radii shall be a minimum of 10 feet and a maximum of 15 feet at the intersection of a driveway and a public street.

Section 2 – Land Development Regulations

- d. Intersection: The closest edge of a driveway to a street intersection (not including curb radii) shall be 60 feet, measured from the intersecting right-of-way.
 - e. Minimum Separation: No driveway shall be located within 20 feet of another driveway
- (10) Parking Structures.
- a. Parking structures shall be permitted to have subterranean parking levels and/or above-grade parking levels including at street level and above street level. Parking levels shall be permitted to be interconnected by ramps and/or vehicle elevators, and further provided that parking levels shall be permitted to have no interconnection if they have independent access to streets.
 - b. Parking structures shall be permitted to interconnect with adjacent parking structures.
 - c. Parking spaces shall be used to store motor vehicles or bicycles only. Parking structures shall be permitted to allow other types of storage in non-parking space areas, such as storage units for resident’s personal items.
 - d. The access door of the parking structure shall be designed to be consistent with building design and shall be designed to be electronically opened and immediately automatically closed unless opened by a travelling vehicle. The proposed door shall be aesthetically pleasing to match the rest of the building, no shutter doors are permitted.
 - e. The façade of the parking structures shall be treated with the same materials used on the building façade.
 - f. The sidewalk along entrance of the garage shall be treated in different materials to warn the pedestrians of a garage door entrance. This may be further enhanced by adding lights, mirrors or other safety features. The installation of audible and/or visual warning beacons are encouraged at the garage entrance to warn pedestrians of existing vehicles.
 - g. Parking structures shall have adequate security provisions.
 - h. Parking structures shall screen the view of parked vehicles from adjoining residences and right of way vantage points, except when the access door is open
 - i. Minimum Drive Aisle Width: 22’ (two-way) 12’(one-way)
- (11) The Residential Site Improvement Standards N.J.A.C. 5:21 et seq (RSIS) shall not apply to the NJ Transit/Lot B/Lot C Redevelopment Area, unless otherwise noted.

E. Design Standards

(1) Building Design

- a. Lobby Location. One residential lobby shall be permitted per building per street frontage, and same shall be located on any street in the redevelopment area.
- b. All building façades shall be designed to be attractive from each vantage point and be consistent in their quality and finish on all elevations.
- c. All buildings shall contain a distinctive base, middle and top.
- d. The buildings shall be designed in a manner that is complementary to the area.
- e. Blank or featureless walls shall be avoided, and repetition should be limited. No buildings shall have a wall with an uninterrupted length of more than 60 feet without

Section 2 – Land Development Regulations

- including any change in the vertical plane of the façade. This may be achieved through any one or combination of the following:
1. Use of a demise line. *A demise line is an artificial vertical boundary that breaks a façade conceptually into several smaller units*¹. The purpose of a demise line is to visually break up a large building by giving it the appearance of separate buildings designed by different architects within one building. Unique designs between the demise lines should be reflective of historic architecture in the Town. Elements of the parts of the building between the demise lines should vary in terms of wall material, color, windows, dormers and balconies. The intent should be that each individual “building” within the demise lines should be able to stand alone as a building.
 2. Pilasters, change in material, building step backs, and other façade recesses or projections.
 3. The step back or projection shall be a minimum of 24 inches from the primary building façade.
- f. Buildings shall be designed using a color palette that complements the architectural context of the surrounding area. Color palettes should be traditional and durable colors like beige, terra cotta, brick red, dark green, black and various grays are natural or muted and work well with the brick and stone facades of existing historic buildings in Dover. Overly bright, garish colors are to be avoided. Generally, one or two colors should be selected. The base color is the predominant color applied to the walls and major surfaces. Accent color is used for trim, hardware, doors, etc. The use of too many colors should be avoided.
 - g. High quality durable decorative materials shall be incorporated into the ground floor façade along street frontage.
 - h. Primary exterior building materials shall be wood, brick stone, stucco, metal glass or other similar durable materials. Aluminum siding, vinyl siding, EIFS, artificial stone, brick veneer, thin brick and ply gem shall be prohibited.
 - i. All buildings shall be designed to front on streets in order to create a street wall consistent with good urban form and design principles. Buildings shall be oriented towards the street so as to contribute to the overall liveliness of the pedestrian environment, particularly where building lots front on multiple streets.
 - j. All buildings shall provide a main entrance onto a street. Entrances shall be designed to be attractive and functional. Indicators such as awnings, changes in sidewalk paving materials, changes in height incorporating stairs, or any other indicator consistent with the design, proportions, material and character of the adjacent areas shall be encouraged.
 - k. Application renderings. A three-dimensional rendering and a colored elevation rendering shall be submitted during site plan application. This should provide a rendered depiction of the proposed building along with the proposed color palette.
 - l. Additional features such as canopies, awnings, and cornices are encouraged to create a sense of place. Any projection encroaching on to the public right of way shall require Municipal Council approval.

¹ Walkable Town Rules, Jeff Speck, Island Press, 2018. Pg. 214.

Section 2 – Land Development Regulations

- m. Any interior courtyard or rooftop terrace shall have sky exposure and views.
 - n. No fire escapes that are appurtenant to the building exterior shall be permitted, such as exterior fire escape stairways and/or ladders, and/or party wall balconies that area intended as an auxiliary means of egress; however nothing herein shall not be construed to prohibit any means of emergency egress that is required by fire code.
- (2) Commercial Storefront Design. In this context the word “shall” denotes a mandatory requirement and the word “should” is recommended by not required.
- a. The portion of the ground floor frontage where the commercial use is located should be primarily glazed with tall windows with elements of the styles indicated below.
 - 1. A minimum of 70 percent of the street-facing storefront façade between two and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas.
 - 2. Real or apparent columns of wood, stone or steel should be used to divide sections of the storefront in order to create vertical proportions.
 - 3. The storefront should be composed of real brick and stone, tile, real stucco or painted wood or Hardie Plank with real drop siding, trim and cornices. While painted wood requires regular maintenance, it maintains a clean and attractive appearance on the street and can also be color-changed over time.
 - 4. Color palettes should use traditional and durable colors such as, but not limited to, tan, terra cotta, brick red, dark green, black and various brown-grays to complement the brick and stone facades of existing historic buildings in Dover. Overly bright, garish colors are to be avoided. Generally, one to three colors should be selected. The base or field color should be the predominant color applied to the walls and major surfaces. Accent color should be used for trim, hardware, doors, etc. The use of too many colors should be avoided.
- (3) Streetscape Design
- a. Repair of faulty existing conditions. Existing sidewalks, curbs, and parallel parking spaces on both sides of the street shall be reconstructed or repaired as needed, as determined by the Town Engineer.
 - b. The minimum sidewalk width shall be the same as existing. All sidewalks in the redevelopment area shall be segmented into zones identified as follows:
 - 1. The Clear Zone. The Clear Zone is an unobstructed walkway for pedestrians. The Clear Zone shall be mandatory for all sidewalks in the redevelopment area. The Clear Zone shall be a minimum of six (6) feet wide, unless the existing sidewalk is less wide and cannot be widened. The Clear Zone shall consist of decorative pavers or decorative scoring.
 - 2. The Tree Zone. The Tree Zone is the portion of the sidewalk furthest from the building. The Tree Zone shall be provided on sidewalks that are 11 feet or wider. The Tree Zone shall not be a higher priority than the Clear Zone. The Tree Zone shall be a minimum five (5) feet wide and shall contain street trees and street lights, and may contain street furniture like benches, refuse containers, or plant containers.
 - 3. The Frontage Zone. The Frontage Zone is the portion of the sidewalk closest to the building. The Frontage Zone shall be provided on sidewalks that are 14 feet or wider. The Frontage Zone shall not be a higher priority than the Clear Zone

Section 2 – Land Development Regulations

- or the Tree Zone. The Frontage Zone shall be a minimum three (3) feet wide and shall be permitted to contain benches, planters, or outside seats/tables in front of eateries or café's.
4. Sidewalk bump-outs or curb extensions are encouraged to create greater opportunities for effectuating or enhancing any or all sidewalk zones above, subject to relevant approvals from the Town with respect to roadways, traffic flow, and parking.
- c. Street trees shall be required in all Tree Zones, placed in trees cells spaced 30 to 40 feet apart or in lieu of street trees, planters as indicated below.
 1. Street trees. Street trees shall be native or native-adaptive species that are hardy, drought tolerant and able to thrive in an urban environment. Street tree species shall be subject to review and approval by the Town planning staff. Tree grates shall not be provided to avoid their weight compacting the soil and stunting tree growth.
 2. Planters. Planters may be used in lieu of the installation of street trees or in conjunction with some street trees at half the same spacing as required for street trees. Planters should be 18 – 24 inches wide, 36 – 48 inches long and 24 – 36 inches tall, depending on the specific conditions of the design. Planters should be filled with native or native adapted shrubs, grasses or flowers that can thrive in an urban environment inside such a receptacle. A regular means of watering the planter boxes shall be employed and approved as part of the site plan application by the Planning Board.
 - d. At a minimum, sidewalk and streetscapes shall be designed to be compliant with the Americans with Disabilities Act (ADA) and all Local, State and Federal regulations related to barrier-free design. Compliance with ADA regulations shall be approved by the Town Engineer.
 - e. Sidewalks should be designed to be safe for pedestrians, those with mobility issues and individuals in wheelchairs. They should be wide, level, and include places for rest.
 - f. Multi-sensory wayfinding for the vision and hearing impaired should be included in sidewalk design.
- (4) Landscaping Standards
- a. A landscape plan shall be provided that is signed and sealed by a licensed landscape architect in the State of New Jersey.
 - b. The landscape plan shall be subject to review and endorsement by the Town's consulting landscape architect and/or planning staff, and further provided that same may seek input from an arborist and/or shade tree commission. The planning board shall have the sole authority to approve the landscape plan as part of an overall site plan
 - c. Street trees shall be hardy, native or native adaptive species that are drought tolerant and able to thrive in an urban environment.
 - d. It is recommended that at least three different species of deciduous trees be installed.
 - e. Plantings such as shrubs, flowers, or trees shall be used to accent entrances, arcades, sidewalks, communal plazas, communal rooftops and communal terraces. Such

Section 2 – Land Development Regulations

accent plantings shall be hardy, native or native adaptive species that are drought tolerant and able to thrive in an urban environment.

- f. Landscaping for rooftop amenities and terraces. Such plantings shall be hardy, native or native adaptive species that are able to thrive in an urban environment. Rooftop planters shall contain appropriate drainage outlet systems and may include storage reservoir systems, irrigation and root barriers.
 - g. Except as otherwise modified, the plant material used in the Redevelopment Plan area shall conform to ANSI Z60.1.
 - h. All plantings shall be maintained by the Redeveloper and subsequent property owners. Publicly accessible areas and areas within view of the public right-of-way shall be maintained with automated watering systems to be furnished and maintained by the Redeveloper and subsequent property owners.
 - i. Plant material installed in the public right-of-way shall be guaranteed by the Redeveloper for a period of two years.
 - j. A planting schedule shall be provided by the Redeveloper and approved by the Planning Board
- (5) Lighting
- a. General. All outdoor lighting, excepting street lighting, should be coordinated as to style, material and color. All exterior lighting shall be designed, located, installed and directed in such a manner to prevent objectionable light at and across property lines.
 - b. Street lighting. Street lighting shall conform to the Town of Dover municipal street lighting standards or as approved by the Planning Board or Town Engineer.
 - c. Pedestrian lighting. In general, pedestrian lighting should be building mounted at a mounting height no greater than fourteen (14) feet. The minimum footcandle illumination in the Clear Zone should be 0.5 at grade level. Maximum footcandle illumination should not exceed 4.0 at grade level.
 - d. Side and rear yard lighting. Lighting should only be proposed for security purposes and not exceed 0.25 footcandle at the property line.
 - e. Lamps shall emit a color temperature between 2800°K and 4000°K with a minimum color rendering index of seventy (70) or higher. At a minimum, sidewalk and streetscapes shall be designed to be compliant with the Americans with Disabilities Act (ADA) and all Local, State and Federal regulations related to barrier-free design. Compliance with ADA regulations shall be approved by the Town Engineer.
 - f. The redeveloper may incorporate decorative lighting into the design of the building that is arranged in a manner to provide for a creative and artful effect.

(6) Fences and Walls

- a. Fences and walls shall not be permitted between the building and the right-of-way or along street lines.
- b. Fences and walls shall be permitted along the rear property line only at a maximum height of six (6) feet.
- c. Fences shall be commercial or industrial grade powder-coated metal picket and freestanding walls shall be masonry consistent with the architectural elements of the principal building.

Section 2 – Land Development Regulations

(7) Signs

- a. Residential Signage. Residential signage shall be limited to one architectural wall sign for each street frontage affixed to the principal elevation having a maximum sign area of 100 square feet. Such sign may be affixed flat to the façade or be a perpendicular projecting sign extending no more than three (3) feet from such façade, provided Municipal Council approval for the overhang into the right-of-way is obtained.
- b. Commercial Signage. Each commercial tenant of any mixed-use development shall be permitted one architectural wall sign affixed to the storefront having a maximum sign area of no greater than forty (40) square feet. If the commercial use occupies the corner with storefront on two streets, two signs shall be permitted, one facing each street, provided the message is the same on both signs.
 1. Signs shall be of similar style, composition, coloration and font. Sign design shall be complimentary to the architectural design of the building.
 2. All lighting of signs shall be external but with the light source hidden from ground level view unless the only internally illuminated portion of the sign are the letters, glyphs or numbers, and not the sign background. Freestanding and roof signs shall be prohibited.
- c. Additional signage, such as decorative banners, canopies, and awnings are encouraged to create a sense of place, subject to the approval of the Planning Board.

(8) Additional Design Standards

- a. Traffic Signals. Traffic signals (a minimum of one) abutting the Redevelopment area must be fitted with signal preemption for emergency vehicles. At the request of the Redeveloper, the Town shall, at the Redevelopers expense, provide for the installation of necessary equipment to accomplish such signal preemption for emergency vehicles at the signalized intersections, if any. The equipment specifications are on file with the Superintendent of the Police & Fire Signal Communications Unit.
- b. Environmental Remediation. The designated Redeveloper of the Redevelopment area shall be responsible for any and all environmental regulatory compliance in accordance with New Jersey Department of Environmental Protection (NJDEP) requirements for property acquired by the Redeveloper.
- c. Trash and Recycling. Trash, recycling and waste removal shall be performed by a private hauler contracted by the redeveloper or building owner. All trash, recycling and refuse storage shall be fully enclosed and screened within the building or, if outside, within a minimum 6' enclosure of masonry construction on all four sides of said enclosure. The masonry enclosure and access gate shall match or complement the principal building.
- d. Open Space and Recreational Facilities. A minimum of twenty-five percent (25%) of the tract area shall consist of open space and recreation facilities, or leisure time space. This may include yard area, common roof terraces and common balconies.
- e. Public Art. Display of public art and/or design of murals are strongly encouraged and are subject to approval of the Planning Board and Municipal Council.
- f. Utilities and Mechanical Equipment.

Section 2 – Land Development Regulations

1. Stormwater management. A storm water management plan and stormwater calculations shall be prepared for review and approval by the Town Engineer. Such plan shall comply with the Town's stormwater management ordinance and NJDEP rules and regulations. However, regardless of the development classification, the applicant shall design the site's Stormwater Management System to fully comply with the standards for water quantity reductions as required for a Major Development. In addition, because this area of the municipality is in a flood hazard area, additional floodproofing and flood control measures may be required by the Town Engineer.
 2. Water and sanitary sewer utility extensions as approved by the Town Engineer, PVSC, and NJDEP shall be provided.
 3. The designated Redeveloper shall operate and maintain any newly installed sanitary, storm water and water utilities in the Redevelopment Area including connections to the municipal systems.
 4. All mechanical equipment serving the buildings shall be placed on the roof of the building. This equipment shall be screened in a manner consistent with the architecture of the building and shall utilize the same material used in construction of the building such that screening appears to be integral part of the building.
 5. All mechanical equipment, generators, HVAC equipment, and similar equipment shall be acoustically buffered such that any noise generated shall be within the applicable standards as defined by the State of New Jersey.
 6. No mechanical equipment shall be placed on the ground floor outside of the building on any area that abuts a public right of way.
 7. All units and common areas shall have central air conditioning.
- g. Sustainable Design
1. All buildings shall demonstrate the project would meet the requirements to achieve a LEED (Leadership in Energy Efficient Design) Silver rating or greater. Actual LEED Certification is not required.
 2. A minimum of 35% of the building's rooftop surfaces shall be devoted to one or more of the following sustainable elements and/or open space, in any combination:
 - a. Green roofs, which shall mean a vegetated roof or living roof, comprised of an engineered roofing system that supports a planting medium which enables the growth of specialized drought-tolerant plants such as grasses, sedums, and wildflowers that require little irrigation beyond rainfall. Green roofs shall be irrigated by water obtained directly from rainwater or from a rainwater collection system integrated into the building. Green roof areas shall be deed restricted.
 - b. Cool roof, which shall mean a roof that utilizes a material that has a solar reflectivity of 40% or greater.
 - c. Solar panels or other rooftop non-polluting renewable energy systems.
 - d. Rooftop open space (amenity space) which may include, by way of example, rooftop terraces, sundecks, sitting areas, and container plantings. Rooftop open space must be used in combination with one or more other

Section 2 – Land Development Regulations

sustainable elements noted above; it cannot be used to satisfy the 35% requirement alone. Container plantings shall not be considered green roofs, which are intended to serve a distinct ecological function of thermal reduction (heat island effect), energy conservation, water management, carbon absorption, and habitat.

- e. Provisions for non-polluting and renewable energy systems such as solar, wind, geothermal, low-impact hydro, biomass, and biogas strategies are encouraged throughout the entire redevelopment.

Section 3 – Relationship With Planning Policies

Introduction

Pursuant to the requirements of Section 7 of the LRHL, “[a]ll provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.” Further, the redevelopment plan should identify “[a]ny significant relationship of the redevelopment plan to (a) the master plans of the contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq.” (The “SDRP”). This redevelopment is substantially consistent with the plans of the municipality, other contiguous municipalities, the county and the SDRP as follows:

(1) Town of Dover Master Plan:

The Town of Dover adopted a new Master Plan in January 2007, however, there were two (2) prior Master Plan reexaminations of the original Master Plan, which were conducted on November 22, 1993 and October 27, 1999. The Town’s Master Plan incorporates the general purposes of the Municipal Land Use Law (“MLUL”) as set forth in §40-55D-2 and enumerates a number of specific goals and objectives which form the basis for the plan’s land use recommendations. Those objectives that are pertinent to the Redevelopment Area are as follows:

1. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
2. To secure safety from fire, flood, panic and other natural and man-made disasters;
3. To provide adequate light, air, and open space;
4. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities;
5. To promote the establishment of appropriate population densities and concentrations that will contribute to well-being of persons, neighborhoods, communities and regions and preservation of the environment.
6. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
7. To promote the desirable visual environment through creative development techniques and good civic design and arrangement;
8. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular use; and
9. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

The Redevelopment Law requires that the Redevelopment Plan define the relationship of the Plan to the local Master Plan goals and objectives such as appropriate land use, population densities, improvements to traffic, public utilities, recreational and community facilities, and other improvements. This Redevelopment Plan is consistent with these goals and objectives of the Town’s Master Plan. The 2007 Master Plan specifically states a goal in the housing section that discusses the importance of maintaining and encouraging “diversity in the type and character of available housing” types, densities, and affordability.

Section 3 – Relationship With Planning Policies

(2) Contiguous Municipalities' Master Plans

1. Town of Rockaway Master Plan Reexamination. This Redevelopment Plan is consistent with the following land use goals of the Town of Rockaway Master Plan Reexamination adopted November 18, 2019:
 - Goal 1: To maintain and enhance the existing areas of stability in the community and to encourage a property distribution of land uses by designated areas which have their own uniform development characteristics;
 - Goal 3: To concentrate development in the southerly portion of the Town;
 - Goal 6: To encourage the design of open space features in cluster developments to abut the open space elements of adjacent properties;
 - Goal 7: To provide a variety of housing types, densities, and a balanced housing supply, in appropriate locations, to serve the Town;
 - Goal 10: To encourage new development, and redevelopment, to take into account the aesthetic character of the community, in an effort to enhance the visual and aesthetic appearance of the municipality;
 - Goal 15: To support the overall philosophy of the Highlands Water Protection and Planning Act; and
 - Goal 16: To support the overall philosophy of the New Jersey State Development and Redevelopment Plan (“SDRP”) as a means of providing growth management on a state-wide basis while retaining the principals of home-rule.

2. Town of Randolph Master Plan. The 2006 Town of Randolph Master Plan establishes a series of goals that are consistent with this Redevelopment Plan as follows:
 - Goal 2.1-3: Permit development in a manner so as to protect environmentally sensitive areas and features;
 - Goal 2.2-1: Provide sufficient flexibility in development regulations to permit variety of housing types serving a broad range of income levels and age groups;
 - Goal 2.2-3: The density of housing development should be related to the carrying capacity of the land, roads and utility infrastructure;
 - Goal 2.2-4: Cluster development should be encouraged to minimize environmental disturbance and preserve open space;
 - Goal 3.0-2: Encourage creative planning and development to produce visual harmony and identity, preserve special physiographic features and protect natural resources; and
 - Goal 3.0-5 Refine and illustrate building, signage, landscape and streetscape design standards to ensure the development of a desirable physical environment in Town activity centers.

(3) Morris County Master Plan

The Plan is consistent with the goals and objectives of the Morris County Master Plan Land Use Element prepared in December 2020 as follows:

- Goal 1: The creation of balanced and diverse economic and housing opportunities; Encourage the creation of balanced and diverse economic and housing opportunities suitable to meet the economic, employment and housing needs of Morris County, consistent with the local determination of appropriate land use and community character, coordinated with infrastructure capability and the protection of environmental resources.

Section 3 – Relationship With Planning Policies

- Goal 2: The efficient use of land and resources; Encourage the focus of housing and economic growth in areas with existing or planned infrastructure (sewer, water, transportation) and in existing or planned population and employment centers consistent with environmental protection limitations and environmental protection goals. Encourage less intense growth, and focus major land conservation and preservation activities in areas that do not contain existing or planned infrastructure.
- Goal 4: Development that proceeds only after careful analysis of environmental conditions; and Support desired development that proceeds only after careful analysis of environmental conditions and within the limitations imposed by such analysis, with emphasis on the mitigation of associated environmental impacts and potential hazards to life and property.
- Goal 6: The achievement of community planning goals and objectives and increased cooperation between municipalities in their respective land use decisions. Support local efforts to achieve planning goals and objectives and encourage cooperation between municipalities in their respective land use decisions. Recognize and support local land use planning initiatives and activities where consistent with County goals and objectives and sound planning principles. Encourage inter-municipal cooperation and coordination for projects generating multi-jurisdictional impacts.
- Objective 1: Promote the continued revitalization and redevelopment of the County’s established downtown centers and commercial corridors;
- Objective 2: Encourage compact development patterns, cluster development, and infill development, consistent with local goals, to reduce sprawl, mitigate environmental impacts, and to make improved utility and transportation infrastructure feasible and economical;
- Objective 4: Promote the revitalization of suburban town centers as multi-modal, mixed-use centers of diverse commercial and housing opportunities;
- Objective 6: Support the creation of diverse housing types that meet the needs of all age groups, income levels and lifestyles;
- Objective 7: Encourage higher density and mixed-use developments in downtown areas, near public transit, consistent with infrastructure availability and community goals;
- Objective 8: Promote careful environmental analysis and the avoidance of environmental resources in all development proposals. Advance development in a manner that avoids these resources and mitigates potential environmental impacts;
- Objective 13: Encourage municipalities to invest in robust comprehensive planning, review of zoning and land development ordinances to ensure timely consideration of changing land use conditions, emerging land use/market trends, evolving techniques and development standards; and
- Objective 14: Encourage municipal governments to coordinate the planning and redevelopment of commercial corridors, particularly as concerns inter-municipal traffic impacts and to consider the compatibility of adjacent land uses along municipal boundaries in their land use planning. Facilitate inter-municipal communication, coordination and partnerships concerning significant land use issues and associated inter-municipal impacts, including, but not limited to traffic, stormwater, and incompatible land uses;Atlantic County Master Plan was adopted in 2018 and promotes cohesive development within the county and the municipalities therein. This redevelopment plan is substantially consistent with the county master plan overall planning goals to support the county’s status as a tourist destination with a wide array of points of interest, and to promote development in targeted growth areas.

(4) New Jersey Highlands Regional Master Plan

The 2008 New Jersey Highlands Regional Master Plan (“RMP”) guides the implementation of the Highlands Water Protection and Planning Act of 2004. The Town of Dover is situated within the Highlands Planning Area of the Highlands Region. The Highlands Planning Area is the portion of the Highlands

Section 3 – Relationship With Planning Policies

Region that is not included in the Highlands Preservation Area. While the Act does not establish any new standards for the Highlands Planning Area, the RMP provides a course for enhanced standards such as the transfer of development rights (“TDR”) and smart growth in this portion of the Highlands Region. Dover has not submitted a petition for Plan Conformance; however, this Redevelopment Plan is consistent with the following future land use goals and objectives of the RMP.

- Goal 6E: The incorporation of regional development patterns and related environmentally sensitive areas within existing community zones;
- Goal 6F: Support of compact development, mixed use development and redevelopment and maximization of water, wastewater and transit infrastructure investments for future use of land and development within the existing community;
- Goal 6H: Guide development away from environmentally sensitive and agricultural lands and promote development and redevelopment in or adjacent to existing developed lands;
- Goal 6J: Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, grayfields and underutilized sites;
- Goal 6K: Concentrate residential, commercial and industrial development, redevelopment, and economic growth in existing developed areas in locations with limited environmental constraints, access to existing utility, and transportation infrastructure;
- Goal 6N: Use of smart growth principals, including low impact development, to guide development and redevelopment in the Highlands Region;
- Goal 6O: Market-rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social, and environmental considerations and constraints;

(5) State Development and Redevelopment Plan (SDRP)

The SDRP adopted March 1, 2001, designates the Town of Dover as a P1 Metropolitan Planning Area. Under this designation, Dover and other similarly designated areas are charged with the goal of providing for much of the State’s future development and redevelopment. Furthermore, Dover was designated a Regional Center in 1994 by the New Jersey State Planning Commission. Although the SDRP is meant to be used as a guide, the consideration of these designations is taken into account specifically in terms of development when State agency approval is necessary. The Plan adheres to many of the 2025 SDRP goals as follows:

- Goal 1: Reverse the concentration of adverse environmental and public health impacts in overburdened communities and redress inequities resulting from past planning actions;
- Goal 2: Effectively address the adverse impacts of global climate change;
- Goal 3: Protect, maintain, and restore the State’s natural and water resources and ecosystems;
- Goal 4: Protect the environment; Prevent and clean up pollution;
- Goal 5: Revitalize and recenter the State’s underutilized developed areas;
- Goal 7: Provide an adequate supply of housing for residents of all ages and incomes, in location-efficient places with ready access to the full range of supportive goods and services.
- Goal 8: Provide affordable and effective public facilities and services; and
- Goal 10: Ensure sound and integration planning and implementation at all levels statewide.

Section 4 – Plan Administration

The Town may require the following administrative provisions in connection with the implementation of the redevelopment plan:

1. The Town may designate one or more redevelopers for the implementation of this Plan and enter into a redevelopment agreement or other agreements as necessary to effectuate this Plan.
2. This Redevelopment Plan shall supersede any or all prior redevelopment plans pertaining to this site and the Dover Land Use and Development Ordinance Chapter 236, unless otherwise noted herein.
3. This redevelopment plan may be amended from time-to-time upon compliance with the requirements of law. A fee of \$1,000.00 plus all costs of copying and transcripts shall be payable to the Town of Dover for any request to amend this plan. If there is a designated redeveloper, said redeveloper shall pay these costs prior to any such amendment. If there is no redeveloper, the appropriate agency shall be responsible for any and all such costs, and may seek reimbursement from any redeveloper of the Redevelopment Area.
4. All development within the Redevelopment Area shall be consistent with the provisions of this Plan including but not limited to permitted uses and bulk requirements.
5. This Redevelopment Plan shall be implemented consistent with the requirements of the LRHL for the effectuation of redevelopment plans.
6. A site plan, subdivision plat, architectural plan and other information typically required as part of the Town's development application checklist shall be submitted by the Redeveloper for Planning Board review and approval prior to commencement of new construction, rehabilitation of existing structures or a change in use in order to determine compliance with this Plan. The Planning Board and/or its professionals may grant submission waivers from any documents or information required in the plan. This plan specifically allows Site Plan, subdivision, variance, exception, or any other approvals, which shall be administered by the Planning Board in accordance with the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. No permits shall be issued without prior review and approval of the Planning Board. As part of the site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the Town, and the Town Engineer shall determine the amount of the performance guarantees in accordance with the foregoing.
7. The designation of the applicant as the redeveloper of the West Blackwell/Dewey Subdistrict and the execution of a redevelopment agreement with the Town shall be a prerequisite to a completeness determination and hearing by the Planning Board of any site plan application within the Redevelopment Area.
8. The Planning Board may grant relief from the requirements of this Plan pursuant to N.J.S.A. 40:55D-70c or N.J.S.A. 40:55D-51, as applicable, where the standards set forth therein are met. In no event shall relief be granted to provide a use that is not permitted by this Plan.
9. The designated Redeveloper shall cover the cost of professional services incurred by the Town for administration, review of projects, preparation of this Plan and implementation of redevelopment projects including but not limited to legal, engineering, planning, and environmental, real estate, traffic/parking and urban design services. Said services shall be paid through escrow accounts established in accordance with or as otherwise provided in a redevelopment agreement with the Town.
10. **This plan cannot be used as a basis for eminent domain, except for those lots that have been designated as a CONDEMNATION area in need of redevelopment.** For those lots designated as a NONCONDEMNATION area in need of redevelopment, the Town shall have all powers under the LHRL *except for* eminent domain. For those lots designated as a CONDEMNATION area in need of redevelopment, the Town shall have all powers under the LHRL *including* eminent domain.
11. **Relocation of Persons and Businesses.** Since this Plan does not contemplate the acquisition of property that will temporarily or permanently displace either residents or businesses, a Workable Relocation Assistance Program pursuant to N.J.A.C. 5:11-1, et seq. is not required.

Section 4 – Plan Administration

12. **Effect of Approval.** The effects of any Planning Board approval shall be consistent with the rights granted by Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) except to the extent they may be modified by the Redeveloper’s Agreement. The Redevelopment plan shall remain in full force and effect for a period of twenty (20) years from the effective date of adoption of this Redevelopment plan by the Municipal Council; however, the period of time granting rights for the redevelopment of the area to a redeveloper(s) shall be as established in an executed Redevelopment Agreement

Section 5- Appendices

Appendix A:

Resolution Authorizing Redevelopment Plan

RESOLUTION NO. _____ - 2025

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF DOVER, COUNTY OF MORRIS, DECLARING CERTAIN PROPERTY IN THE TOWN A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, N.J.S.A. 40A:12A-6 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”) authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation “area in need of redevelopment” pursuant to the criteria contained in N.J.S.A. 40A:12A-5 of the LRHL; and

WHEREAS, the Mayor and Town Council of the Town of Dover (the “Town Council”) considered it to be in the best interest of the Town to have the Town Planning Board conduct a preliminary investigation of certain properties located in the Town and shown on the official Tax Map of the Town as Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 11; and Block 1804, Lot 13, and as shown on **Exhibit 1** attached hereto (collectively, the “Property”), to determine whether such Property, or any portions thereof, is a non-condemnation area in need of redevelopment; and

WHEREAS, in Resolution No. 285-2024, adopted November 12, 2024, the Town Council authorized and directed the Planning Board to conduct a preliminary investigation to determine whether the Property, or any portions thereof, constitutes a non-condemnation “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5 of the LRHL; and

WHEREAS, the Property is generally located along and on the north and south sides of a portion of the Norfolk Southern (Morris & Essex) railroad right-of-way, and along and on portions of Orchard Street and South Morris Street; and

WHEREAS, the Mayor and Town Council believes the Property is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Town; and

WHEREAS, the Planning Board, at a duly noticed public hearing held on April 17, 2025, reviewed the report entitled “Non-Condensation Area in Need of Redevelopment, Preliminary Investigation, Block 510 Lots 6 & 6 (Unit B01); Block 1213 Lots 2 & 4; Block 1219 Lots 4, 5, & 6; Block 1803 Lot 11; Block 1804 Lot 13”, dated March 25, 2025, prepared by John McDonough Associates, LLC (the “Preliminary Investigation”) and testimony of the Town’s professional planning consultant pursuant to and in accordance with the procedural requirements of N.J.S.A. 40A:12A-6, to determine whether the Property satisfies the criteria set forth in N.J.S.A. 40A:12A-5 (or, if and as applicable, N.J.S.A. 40A:12A-3) to be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, at the hearing, the Planning Board heard from all persons who were interested in or would be affected by a determination that the Property is a non-condemnation redevelopment area. All objections to a determination that the Property is an area in need of redevelopment and evidence in support of those objections were received and considered by the Planning Board and made part of the public record; and

WHEREAS, the Planning Board considered and reviewed each of the statutory criteria in the LRHL and the condition of the Property as analyzed in detail in the testimony of the Town’s professional planning consultant and in the Preliminary Investigation, as well as comments from all persons who were interested in or would be affected by a determination that the Property is a non-condemnation

redevelopment area, including but not limited to the functional obsolescence of the use of the property as surface parking and the layout of the improvements within the Property, and concurred with the finding in the Preliminary Investigation; and

WHEREAS, after conducting its investigation and reviewing the Preliminary Investigation, preparing a map of the proposed redevelopment area, and completing a public hearing at which all objections to and support of the designation were received and considered, the Town of Dover Planning Board resolved to recommend that the Property illustrated on **Exhibit 1** attached hereto, be declared as a non-condemnation area in need of redevelopment; and

WHEREAS, in Resolution No. _____, dated April __, 2025, the Planning Board recommended to the Mayor and Town Council that the Property be declared a non-condemnation “area in need of redevelopment” under the LRHL in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, the Town Council concurs and agrees with Planning Board’s recommendation as supported by the reasons stated in the Preliminary Investigation that the Property constitutes and meets the criteria under the LRHL and that the Property should be determined and declared a non-condemnation “area in need of redevelopment”, which would authorize the Town to use all those powers provided under the LRHL, except that such determination shall not permit the Town to exercise the power of eminent domain to acquire all or any portion of the Property.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Dover, State of New Jersey, that the property illustrated on **Exhibit 1** attached hereto, is hereby designated a non-condemnation “area in need of redevelopment” under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which designation authorizes the Town to use all those powers provided under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., except that such determination shall not permit the Town to exercise the power of eminent domain to acquire all or any portion of the Property; and

BE IT FURTHER RESOLVED, that the Town Council hereby directs the Town Clerk to (a) serve this Resolution declaring that the property illustrated on **Exhibit 1** attached hereto is designated a non-condemnation redevelopment area upon the Commissioner of Community Affairs in accordance with N.J.S.A. 40A:12A-6.b(5)(c), and (b) serve notice of such designation, within ten (10) days hereof, upon all record owners of property located within the delineated area, those whose names are listed in the tax assessor's records, and upon each person who filed a written objection thereto and stated an address to which notice of determination may be sent in accordance with N.J.S.A. 40A:12A-6.b(5)(d); and

BE IT FURTHER RESOLVED, that the Town Council hereby authorizes John McDonough Associates, LLC to prepare a redevelopment plan for the Property illustrated on **Exhibit 1** attached hereto for review and consideration by the Town Council in accordance with the LRHL; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published as required by law.

ATTEST:

Tara M. Pettoni, Municipal Clerk

James P. Dodd, Mayor

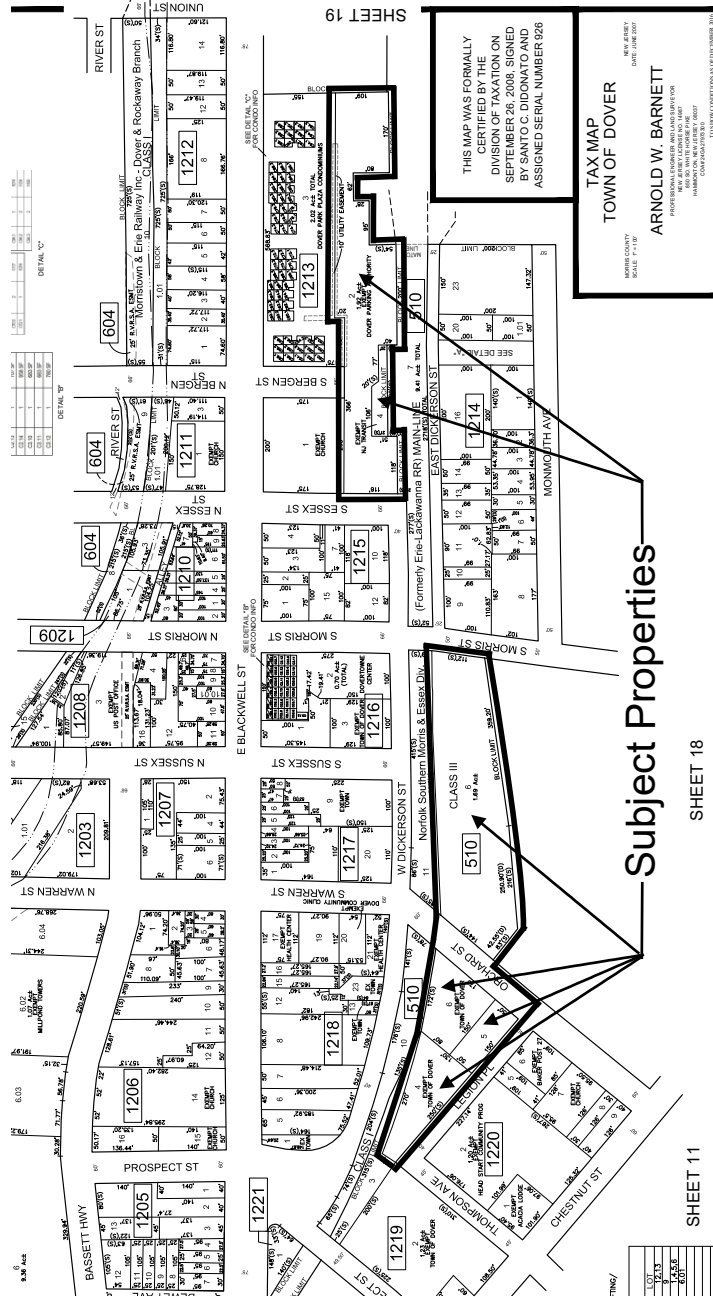
ADOPTED: _____

CERTIFICATION

I, Tara M. Pettoni, Municipal Clerk of the Town of Dover in the County of Morris, State of New Jersey, do hereby Certify that the foregoing Resolution __-2025 is a true copy of the Original Resolution duly passed and adopted by the Mayor and Town Council of the Town of Dover at its meeting on _____, 2025.

Tara M. Pettoni
Municipal Clerk

Exhibit 1
Map of Study Area



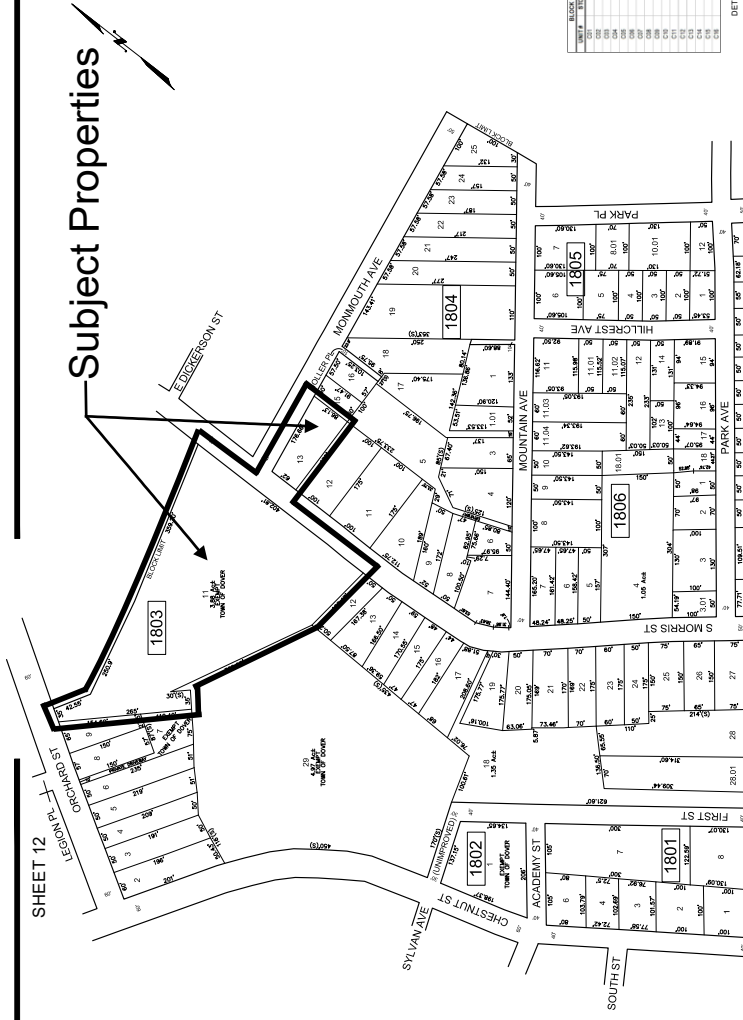
**Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4;
and Block 1219, Lots 4, 5 and 6**

(1 of 2)

SHEET 12

SHEET 19

Subject Properties



BLK	LOT	AREA
1801	1	1.00
1801	2	1.00
1801	3	1.00
1801	4	1.00
1801	5	1.00
1801	6	1.00
1801	7	1.00
1801	8	1.00
1801	9	1.00
1801	10	1.00
1801	11	1.00
1801	12	1.00
1801	13	1.00
1801	14	1.00
1801	15	1.00
1801	16	1.00
1801	17	1.00
1801	18	1.00
1801	19	1.00
1801	20	1.00
1801	21	1.00
1801	22	1.00
1801	23	1.00
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1801	25	1.00
1801	26	1.00
1801	27	1.00
1801	28	1.00
1801	29	1.00
1801	30	1.00
1801	31	1.00
1801	32	1.00
1801	33	1.00
1801	34	1.00
1801	35	1.00
1801	36	1.00
1801	37	1.00
1801	38	1.00
1801	39	1.00
1801	40	1.00
1801	41	1.00
1801	42	1.00
1801	43	1.00
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1801	87	1.00
1801	88	1.00
1801	89	1.00
1801	90	1.00
1801	91	1.00
1801	92	1.00
1801	93	1.00
1801	94	1.00
1801	95	1.00
1801	96	1.00
1801	97	1.00
1801	98	1.00
1801	99	1.00
1801	100	1.00

DETAIL "A"

Block 1803, Lot 11; and Block 1804, Lot 13

Section 5- Appendices

Appendix B:

Map of NJ Transit/Lot B/Lot C Redevelopment Plan Parcels

Section 5- Appendices



Figure 1 ~ Aerial satellite imagery of NJ Transit/Lot B/Lot C Redevelopment Plan Parcels

Section 5- Appendices



Figure 2 ~ Aerial satellite imagery of NJ Transit/Lot B/Lot C Redevelopment Plan Parcels (portion)



Figure 3 ~ Aerial satellite imagery of NJ Transit/Lot B/Lot C Redevelopment Plan Parcels (portion)



TOWN OF DOVER

MAYOR & TOWN COUNCIL

ORDINANCE NO. 04-2026

AN ORDINANCE OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR THE NJ TRANSIT/LOT B/LOT C REDEVELOPMENT AREA

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of parcel(s) of property designated as “areas in need of redevelopment”; and

WHEREAS, the Mayor and Town Council of the Town of Dover (the “Town Council”) serve as an instrumentality and agency of the Town pursuant to the Redevelopment Law for the purpose of implementing a redevelopment plan and carrying out redevelopment projects within a rehabilitation area; and

WHEREAS, in Resolution No. 285-2024, dated November 12, 2024, the Town Council directed the Town Planning Board to conduct a preliminary investigation of the following property located in the Town commonly known and shown on the official Tax Map of the Town of Dover as Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 1; and Block 1804, Lot 13 (collectively, the “Redevelopment Area”) to determine whether same, or any portions thereof, is a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board, at a duly noticed public hearing held on April 17, 2025, reviewed the report entitled “Non-Condensation Area in Need of Redevelopment, Preliminary Investigation, Block 510 Lots 6 & 6 (Unit B01); Block 1213 Lots 2 & 4; Block 1219 Lots 4, 5, & 6; Block 1803 Lot 11; Block 1804 Lot 13”, dated March 25, 2025, prepared by John McDonough Associates, LLC (the “Preliminary Investigation”) and considered the testimony of the Town’s professional planning consultant pursuant to and in accordance with the procedural requirements of N.J.S.A. 40A:12A-6, to determine whether the Redevelopment Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 (or, if and as applicable, N.J.S.A. 40A:12A-3) to be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, at the April 17, 2025 hearing, the Planning Board heard from all persons who were interested in or would be affected by a determination that the Redevelopment Area is a non-condemnation redevelopment area, and all objections to a determination that the Redevelopment Area is an area in need of redevelopment and evidence in support of those objections were received and considered by the Planning Board and made part of the public record; and

WHEREAS, the Planning Board considered and reviewed each of the statutory criteria in the Redevelopment Law and the condition of the Redevelopment Area as analyzed in detail in the testimony of the Town’s professional planning consultant and in the Preliminary Investigation, as well as comments from all persons who were interested in or would be affected by a determination that the Redevelopment Area is a non-condemnation redevelopment area, including but not limited to the deleterious conditions, ongoing vacancy and the functional obsolescence of the layout of the

improvements within the Redevelopment Area, and concurred with the finding in the Preliminary Investigation; and

WHEREAS, at the April 17, 2025 Planning Board hearing, the Town’s professional planning consultant testified as set forth above and as stated and recommended in the Preliminary Investigation; and

WHEREAS, after conducting its investigation and reviewing the Preliminary Investigation, preparing a map of the proposed redevelopment area, and completing the above public hearing at which all objections to and support of the designation were received and considered, the Town of Dover Planning Board, in a Resolution dated April 17, 2025, recommended to the Town Council that it should designate the entirety of the Redevelopment Area as a non-condemnation area in need of redevelopment: and

WHEREAS, the Town Council concurred and agreed with Planning Board’s recommendation, and on April 22, 2025, adopted resolution No. 124-2025 declaring that the Redevelopment Area be and is a non-condemnation “area in need of redevelopment” and authorizing and directing John McDonough Associates, LLC to prepare a redevelopment plan or redevelopment plans for all or portions of the Redevelopment Area; and

WHEREAS, the Redevelopment Area is generally located along and on the north and south sides of a portion of the Norfolk Southern (Morris & Essex) railroad right-of-way, and along and on portions of Orchard Street and S. Morris Street; and

WHEREAS, John McDonough Associates, LLC prepared a redevelopment plan for the Redevelopment Area entitled “Redevelopment Plan for the NJ Transit/Lot B/Lot C Redevelopment Area, Block 510 Lots 6 & 6 (Unit B01); Block 1213 Lots 2 & 4; Block 1219 Lots 4, 5, & 6; Block 1803 Lot 11”, dated October 27, 2025 and amended February 2, 2026 (removing Block 1804, Lot 13)(the “Redevelopment Plan”); and the Town Council referred same to the Planning Board for master plan consistency review under N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Planning Board considered and reviewed the Redevelopment Plan on February __, 2026 and found that same is not inconsistent with the Town’s Master Plan and 2018 Re-examination Report under N.J.S.A. 40A:12A-7(e) as stated in the letter report transmitted from the attorney for the Planning Board to the Town Council, dated February __, 2026; and

WHEREAS, the Town Council believes that the redevelopment of the Property in accordance with the Redevelopment Plan is in the best interests of the Town and the health, safety, morals and welfare of its residents and is in accord with the public purpose and provisions of the applicable federal, state and local laws.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Town Council of the Town of Dover, County of Morris, State of New Jersey, being the Town Council thereof, that pursuant to N.J.S.A. 40A:12A-7 the Town Council hereby accepts, approves and adopts the Redevelopment Plan; and

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

BE IT FURTHER ORDAINED, 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, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Town’s development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Town’s zoning ordinance shall be deemed amended accordingly; and

BE IT FURTHER ORDAINED, this Ordinance shall be part of the Redevelopment Plan, and to the extent necessary the Town of Dover Code, as though codified and fully set forth therein. The Town Clerk shall have this Ordinance codified and incorporated in the official copies of the Redevelopment Plan, and to the extent necessary the Town of Dover Code; and

BE IT FURTHER ORDAINED, the Town Clerk is directed to file a copy of the Redevelopment Plan along with a copy of this Ordinance in the Office of the Town Clerk for inspection by the public; and

BE IT FURTHER ORDAINED, prior to adoption of this Ordinance on second and final reading the Town Council shall refer this Ordinance to the Planning Board for its review and recommendations in accordance with N.J.S.A. 40A:12-7; and

BE IT FURTHER ORDAINED, the Town Council hereby amends the zoning district map of the Town of Dover to reflect that Block 510, Lot 6; Block 510, Lot 6 (UnitB01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 11 is zoned in accordance with the Redevelopment Plan; and

BE IT FURTHER ORDAINED, this Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage.

Attest:

Edward Ramirez, Acting Deputy Clerk

James P. Dodd, Mayor

INTRODUCED: _____

ADOPTED: _____