

**HOUSING ELEMENT AND FAIR SHARE PLAN
FOR THE THIRD ROUND: 1999 - 2025**

PREPARED FOR


**THE TOWNSHIP OF WOOLWICH
IN THE COUNTY OF GLOUCESTER
STATE OF NEW JERSEY**

February 18, 2022

**Adopted by the Township Joint Land Use Board: March 3, 2022
(Resolution # 2022-16)**



2059 Springdale Road,
Cherry Hill, NJ 08003



Joseph M. Petrongolo, L.L.A., R.L.A., P.P.
License #33LI00525100

N.B. The original of this document was signed and sealed as per N.J.A.C. 13:41-1.3.b.

Mayor

Mayor Craig Frederick

Township Committee

Dennis Callahan, Deputy Mayor

Cindy Minhas

Michael Nocentino

Vernon Marino

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Bob Rushton, Vice Chair

Craig Frederick, Mayor

Vernon Marino

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Ken Morris

Carolyn Grasso

John Juliano

Sal Barbagallo

Jon Fein, Alternate #1

Joint Land Use Board Attorney

Mike Aimino, Esquire

Joint Land Use Board Secretary

Shannon Kilpatrick

Joint Land Use Board Professionals

Stephen Nardelli, P.E., Engineer

Ashton Jones, P.P., AICP, CFM, Planner

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PART 1: EXECUTIVE SUMMARY

This is the amended Third Round Housing Element and Fair Share Plan (“Fair Share Plan”) of Woolwich Township, Gloucester County, New Jersey. This component of the Township’s Master Plan was developed in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (“FHA”); the procedural and substantive regulations and policies adopted and implemented by the New Jersey Council on Affordable Housing (“COAH”) at N.J.A.C. 5:91-1.1 et. seq. and N.J.A.C. 5:93 et. seq. of the New Jersey Administrative Code.

This Fair Share Plan was also prepared to comply with the Township’s Court-approved Agreements with Main Street at Woolwich, LLC, Woolwich Commons, LLC, Woolwich Crossings, LLC, Woolwich Residential, LLC (“the Wolfson Group”) and Fair Share Housing Center (“FSHC”), executed on or around May 3, 2021 and approved by the Honorable Robert P. Becker, Jr., P.J.Ch. on July 28, 2021 pursuant to a duly-noticed Mount Laurel Fairness Hearing.

This Fair Share Plan amends the prior Third Round Fair Share Plan adopted by the Joint Land Use Board (“JLUB”) on April 26, 2007 and endorsed by the Township Committee on May 7, 2007 and will serve as the foundation for the Township’s submission to Judge Becker and its request for a Final Third Round Judgment of Compliance and Repose and immunity from all affordable housing related litigation through July 2, 2025.

The Township’s “fair share” obligation is comprised of three components: (1) the Rehabilitation obligation (Present Need); (2) the Prior Round obligation, and (3) the Third Round obligation. Pursuant to the court-approved FSHC Agreement, the Township’s fair share obligations are:

- | | |
|-------------------------------|-----------|
| 1. Rehabilitation obligation: | 0 units |
| 2. Prior Cycle obligation: | 209 units |
| 3. Third Round obligation: | 525 units |

To address these obligations, and as set forth in detail below, the Township shall:

1. Consider establishing an affordable housing Rehabilitation Program at some date in the future which, once established, would be underwritten through funds collected and deposited into the Township’s affordable housing trust fund as permitted by law.
2. Address its 209-unit Prior Round obligation as follows:

Woolwich Township's 209-unit Prior Round Compliance Mechanisms	Credits	Bonuses	Total
<i>Alternate Living Arrangements</i>			
Group Home Bedrooms	52	-	52
<i>Regional Contribution Agreements</i>			
Borough of Paulsboro/ Borough of Swedesboro	19	-	19 ¹
<i>100% Affordable Family Rentals- Existing</i>			
The Oaks Family Rental Apartments	85	53	138
Total	156	53	209

3. Address its 525-unit Third Round obligation as follows:

Woolwich Township's 525-unit Third Round Compliance Mechanisms	Credits	Bonuses	Total
<i>Regional Contribution Agreements</i>			
Borough of Swedesboro/ Borough of Paulsboro	20	-	20
<i>100% Affordable Family Rentals- Existing</i>			
Eagle View Trail Development, Block 4 - Lot 3.02	80	80	160
<i>100% Affordable Development- Proposed</i>			
Fair Share Housing Development - Block 18, Lots 4 and 6	132	52	184
<i>Inclusionary Developments- Proposed</i>			
Weatherby Phase III - Block 2.09, Lot 1.03	71	-	71
Woolwich Residential Inclusionary Development - Block 18, Lots 4 & 6, Block 22, Lots 2, 2.01, and 4 ²	90	-	90
Woolwich Assisted Living - Block 28.01, Lot 2	7	-	7
Total	400	132	532

The compliance techniques above demonstrate that Woolwich Township has already taken measures that resulted in 217 existing housing units that are affordable to the region's low- and moderate-income households. When the additional affordable units identified herein are eventually constructed, there will be at least 510 total affordable housing units in Woolwich Township.

Finally, as is true with all Fair Share Plans, unforeseen obstacles may arise that frustrate the realistic nature of one or more of the above-referenced compliance techniques. In such an event, the Township will identify the issue and take proactive measures to replace the units

¹ The Township funded a total of 39 RCA credits totaling \$1.4 million. Pursuant to the FSHC Agreement, 19 of the credits are applied to the Prior Round Obligation, and the remaining 20 credits are applied to the Round 3 Obligation.

² As the successor in interest to Woolwich Adult, LLC, the Wolfson Group accepted responsibility to construct (1) 1,029 age-restricted units, 90 of which would be affordable to lower income households; and (2) an 18-hole golf course for the senior residents. However, it currently has two GDP applications pending before the Township's Joint Land Use Board, neither of which include senior units or a golf course, based upon the current zoning.

and/or credits necessary to remain voluntarily compliant with its constitutional Mount Laurel obligations without the need to be forced to do so via litigation.

JUDICIAL AND LEGISLATIVE BACKGROUND

In 1975, the New Jersey Supreme Court issued So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 67 N.J. 151 (1975), cert. denied, 423 U.S. 808, 96 S.Ct. 18, 46 L.Ed.2d 28 (1975), also known as "Mount Laurel I," a landmark opinion announcing that the equal protection and general welfare clauses of the New Jersey Constitution requiring all "developing municipalities" to create a "realistic opportunity" for construction of its "fair share" of low- and moderate-income housing. Despite its ground-breaking nature, however, the Court failed to provide guidance on how municipalities could calculate their fair share, or how to address this obligation thereafter. Nor did the Court create any risk for failing to comply with this new constitutional obligation.

In 1983, however, the Supreme Court issued So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") which addressed several issues left open in Mount Laurel I. For example, the Court removed the "developing" requirement and extended fair share obligations to **all** municipalities. The Court also strongly incentivized voluntary municipal compliance by creating "builder's remedy lawsuits," a form of exclusionary zoning litigation used to force a town to comply if it failed to do so voluntarily. Under this new cause of action, if a developer demonstrates that the municipality was noncompliant, the Court could order the town to rezone the builder's site for high-density multifamily housing if (1) the site was suitable for such development; and (2) the builder proposed a "substantial amount" of affordable housing, typically between 15 and 20 percent of the total number of units.

As expected, Mount Laurel II opened the floodgates to litigation and, between 1983 and 1985, developers filed well-over 100 builder's remedy lawsuits. During that highly controversial period, the three original Mount Laurel trial judges (Judge Gibson handled South Jersey cases, Judge Skillman handled cases in North Jersey, and Judge Serpentelli handled Central Jersey) developed innovative and practical procedures and methodologies to address the unique, complex, and controversial aspects of Mount Laurel litigation. For example, to further incentivize voluntary compliance, Judge Serpentelli developed the concept of "temporary immunity" granted to towns that "stipulated noncompliance" and demonstrated a good faith commitment to achieve it within 90 days. J.W. Field Co., Inc. v. Tp. of Franklin, 204 N.J.Super. 445 (Law Div. 1985). Although modified over the years, immunity remains critical for any municipality seeking to comply with its Mount Laurel obligations.

In 1985, the Legislature responded to the spate of builder's remedy lawsuits and the extraordinarily high fair share obligations stemming from the methodology set forth in AMG Realty Co. v. Warren Tp., 207 N.J.Super. 388 (Ch. Div. 1984) by enacting the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. ("FHA"). Among other things, the FHA created an administrative alternative to Mount Laurel litigation through the New Jersey Council on Affordable Housing ("COAH") which was given "primary jurisdiction" over all affordable housing matters. The Legislature also charged COAH with promulgating regulations that:

1. Defined housing regions;
2. Provided the methodology for calculating municipal fair share obligations;
3. Established guidelines for municipalities to address their fair share numbers; and
4. Created an administrative process for review and approval of municipal Fair Share Plans.

COAH's initial (Round 1) regulations covered the six-year period between 1987 and 1993, and were codified in the New Jersey Administrative Code at N.J.A.C. 5:92-1 et seq.

COAH's Round 2 regulations recalculated a portion of the 1987-1993 fair share obligations for each municipality and computed the additional municipal affordable housing need for the period between 1993 to 1999 using data from the 1990 U.S. Census. The Round 2 regulations were codified at N.J.A.C. 5:91-1.1 et seq. (procedural rules) and N.J.A.C. 5:93-1.1 et seq. (substantive rules).

COAH failed to adopt its Third Round regulations in 1999 as scheduled. However, on December 20, 2004, its first set of Third Round rules ("Round 3.1") became effective and were codified at N.J.A.C. 5:94-1 et. seq. and N.J.A.C. 5:95-1. and covered the "delivery period" between January 1, 2004 through January 1, 2014.

Round 3.1 marked a significant departure from the methods utilized in COAH's two prior rounds. Rather than assigning specific numerical obligations, COAH chose a "growth share" approach that based the affordable housing obligation as a ratio to the development of residential and non-residential development within a municipality. Generally, municipalities were required to create a realistic opportunity of one affordable unit for every 8 market rate housing units developed and one affordable unit for every 25 jobs created.

On January 25, 2007, the New Jersey Appellate Division invalidated key elements of Round 3.1 in In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J.Super. 1 (2007). In this opinion, the Court gave COAH six months to propose and adopt amendments to its Round 3.1 rules. COAH missed this deadline.

On June 2, 2008 and October 20, 2008, however, COAH's Round 3.2 rules became effective. These regulations largely retained the growth share approach, but included several changes intended to comply with the Appellate Division's 2007 decision. In addition, COAH expanded the end of Third Round from 2014 to 2018, which effectively required municipalities to address nineteen (19) years of affordable housing obligations created between 1999-2018 in the ten-year period between 2008-2018.

On October 8, 2010, the Appellate Division issued In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J.Super. 462 (2010), which expressly invalidated the "growth share" approach to fair share calculations and directed COAH to adopt rules using methods like those applied in the Prior Rounds. The Court gave COAH five months (March 8, 2011) to adopt valid Round 3 regulations with a warning that the Judiciary may have to take additional measures if COAH's next set of rules were deemed invalid.

COAH sought a stay of the March 8, 2011 deadline from the New Jersey Supreme Court. The Supreme Court granted COAH's application for a stay, and further accepted the various petitions and cross-petitions filed by numerous affordable housing stakeholders challenging various aspects of the Appellate Division's 2010 decision. This decision prompted a lengthy briefing period involving various municipalities, residential and non-residential developers, statewide affordable housing advocate FSHC, and several *amici curiae* ("friends of the court").

On July 10, 2013, Supreme Court issued In re Plan for the Abolition of the Council on Affordable Hous., 214 N.J. 444, 456 (2013) which upheld the Appellate Division's decision to invalidate Governor Christie's attempt to abolish COAH through "Reorganization Plan No. 001-2011." This opinion held that (1) the Governor lacked legal authority to unilaterally reorganize COAH out of existence; and (2) such an action requires action by the Legislature.

On September 26, 2013, the Supreme Court issued In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013), and ordered COAH to amend its regulations in the manner previously directed by the Appellate Division.

On March 14, 2014, the Supreme Court responded to further delays by COAH by entering an Order requiring COAH to adopt its amended Third Round rules (Round 3.3) no later than October 22, 2014. COAH issued its proposed Round 3.3 regulations on April 30, 2014. Two days before the deadline, however, the COAH Board reached a 3-3 deadlock and therefore failed, once again, to comply with a court-issued deadline.

FSHC responded by filing a Motion In Aid of Litigant's Rights with the New Jersey Supreme Court, which heard oral argument on January 6, 2015. During oral argument, COAH's attorney admitted that no action had been taken whatsoever by the agency since the deadlock and that nothing had been scheduled at that time.

On March 10, 2015, the Supreme Court responded by issuing In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV") which, among other things, declared COAH to be "moribund," transferred jurisdiction of all Mount Laurel matters back to the trial courts, and effectively brought the Mount Laurel doctrine back thirty (30) years to the days prior to enactment of the FHA in July of 1985. Pursuant to Mount Laurel IV, municipalities could no longer wait for COAH to adopt valid rules before adopting Third Round Fair Share Plans. However, the Court recognized that municipalities should not be punished for COAH's failings by imposing a 90-day delay in the effectiveness of its rulings followed by a thirty (30) day period between June 8, 2015 and July 8, 2015 for municipalities to file Declaratory Judgment Actions ("DJ Actions") and to secure immunity from exclusionary zoning lawsuits as long as they made a good faith effort to achieve compliance.

In response, roughly 350 of New Jersey's 566 municipalities filed DJ Actions and secured immunity as a result. During the months and years that followed, numerous municipalities executed settlement agreements with FSHC which established the fair share obligations and a framework for the Fair Share Plans for each town. Trial judges thereafter conducted duly noticed Fairness Hearings to approve the settlement agreements, followed by Compliance Hearings for purposes of approving municipal Fair Share Plans. The process concludes upon the entry by the trial judge of a Final Third Round Judgment of Compliance and Repose.

ACTIONS TAKEN BY THE TOWNSHIP PRIOR TO MOUNT LAUREL IV

In 2001 Woolwich Adult instituted an exclusionary zoning suit against the Township, seeking a “builder’s remedy” on approximately 293 acres in proximity to the Routes 322 corridor. In 2003, the Township entered into a Settlement Agreement (dated September 2003) with Woolwich Adult, LLC and associated businesses for the purpose of (1) creating a “realistic opportunity” for the construction of affordable housing; (2) developing a mixed-use community comprised of active adult housing, a golf course, commercial, nonresidential and other recreational uses; and (3) to facilitate the provision of public sewer and water along the 322 Corridor. In 2004, the above-referenced Settlement Agreement was amended twice (March and August) in order to:

1. Accommodate a change in the allocation of RCA, and other issues. In lieu of funding 39 unit through an RCA, the developer was to make a lump sum payment on the day that the development obtains the first building permit for any of the residents or commercial structures in the project.
2. Make adjustments necessary to both construct affordable housing due to the uncertainty of COAH regulations and to permit FSHC to build a 100-unit, 100 percent family affordable project within the Township.

On December 22, 2004, Honorable James E. Rafferty, J.S.C. (ret.) approved the 2004 Agreement and the Township’s “Prior Round” Fair Share Plan and accordingly entered a final Judgment of Compliance and Repose.

Judge Rafferty's Order declared that the Township had not only met its 209-unit Prior Round obligation, but that it exceeded it by 67% ($139/209 = .67$). The Order also granted the Township a Judgment of Repose and conveyed to the Township and Joint Land Use Board protection from Mount Laurel lawsuits for one year after "the effective date of the regulations COAH adopts for the third housing cycle" (Order at 3).

On December 20, 2005, the Township filed its initial Third Round DJ Action and its initial Third Round Fair Share Plan pursuant to Section 317 of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301- to 329 (“FHA”), N.J.S.A. 52:27D-317.³ The Township’s initial Fair Share Plan was based on COAH’s first set of Third Round regulations.

Due to various issues out of the Township’s control, the Court had not yet approved Woolwich’s first Third Round when, as mentioned above, the New Jersey Appellate Division invalidated key elements of Round 3.1 in In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J.Super. 1 (2007).

In other words, COAH’s failure to adopt valid Third Round regulations rendered the Township’s initial Fair Share Plan a waste of finite municipal resources.

On December 8, 2009, the Township filed with the Court its second Third Round Fair Share Plan, which was based upon COAH's second set of Third Round regulations.

³ This statutory provision in the FHA permits municipalities to seek approval of their Fair Share Plans by the court as an alternative to COAH’s administrative process.

After the Appellate Division invalidated COAH's second set of Third Round regulations in 2010, which effectively the Township's **second** Third Round Fair Share Plan **another** waste of time and taxpayer dollars, see In re Adoption of N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462 (App. Div. 2010), New Jersey municipalities remained in "limbo" with regard to the Third Round rules. Finally, as set forth above, COAH's deadlocked vote on October 20, 2014 perpetuated the uncertainty.

After the deadlocked vote, the Township recognized the possibility – if not the likelihood – that the Supreme Court would take extreme measures to assure that implementation of the Mount Laurel doctrine would continue without the FHA's administrative process. Therefore, on January 5, 2015, the Township adopted Resolution R-2015-32 which, among other things, declared Woolwich's continued commitment to maintain compliance without the need to be *forced* into compliance through litigation.

That action proved prescient because, on March 10, 2015, the Supreme Court released Mount Laurel IV, and Woolwich was well-positioned to maintain and extend its immunity according to the principles set forth therein.

ACTIONS TAKEN BY THE TOWNSHIP AFTER MOUNT LAUREL IV

On July 2, 2015, Woolwich complied with Mount Laurel IV by filing its timely DJ Action and a Motion to Extend Immunity. On September 9, 2015, the Court granted the Township's motion and entered an Order extending the Township's immunity from exclusionary zoning lawsuits.

On December 8, 2015, the Township filed a timely "Fair Share Plan Summary" as Ordered by the Honorable Anne McDonnell, P.J.Ch. (ret.), after which court-ordered mediation ensued between Woolwich and the Wolfson Group, an intervenor in the Township's DJ Action. The mediator at the time was court-appointed Special Master Francis J. Banisch, III, P.P., A.I.C.P.

Mediation was unsuccessful in 2015 and 2016.

In 2017, a number of relevant events took place. First, the Township and Wolfson Group continued weekly negotiations centering on various non-Mount Laurel issues including the obstacles facing the Township's efforts to facilitate installation of water and sewer infrastructure and to secure sufficient sewer conveyance and treatment capacity to serve the businesses and residences on and near Route 322. Second, Woolwich filed a successful motion eliminating another property owner's interests in the 2004 Agreement. Third, two entities referred to as the Bathgate Group intervened by consent.

In July of 2018, Woolwich and FSHC reached an agreement in principle regarding the Township's overall fair share obligations and the framework of compliance techniques to satisfy same. Around the same time, the Township and the Bathgate Group also reached an agreement in principle regarding the uses planned for his parcels.

In 2018, it came to light that Logan Township Municipal Utility Authority (LTMUA) lacked sufficient capacity to accept a full build-out condition within Woolwich Township (LTMUA was willing to accept 240,000 gallons per day (GPD) of flow. Upon learning of the deficiency, the

New Jersey Infrastructure Bank⁴ informed the Township of their concerns that the LTMUA option was not viable.

On December 27, 2018, the Township and FSHC executed the initial Third Round Settlement Agreement. On April 9, 2019, Judge McDonnell approved the FSHC Agreement after the conclusion of a duly-noticed Mount Laurel “Fairness Hearing.” On June 13, 2019, Judge McDonnell entered the Order approving the FSHC Agreement.

Thus, although Woolwich Township did its best to secure sufficient capacity from the LTMUA, and fully expected to be able to accomplish this task, it became clear as of early 2019 that the LTMUA was no longer an option without additional efforts to expand the receiving utility. Despite the hardship caused by the LTMUA’s inability to immediately service the full buildout of the Route 322 corridor, the Woolwich’s Mayor investigated a potential collaboration between the Township and Gloucester County as a possible viable alternative.

On October 10, 2019, the Township and the GCUA executed a formal Memorandum of Understanding (MOU) thus agreeing to an alternative approach to moving the sewer project forward.

On January 13, 2020, Woolwich filed its draft Third Round Fair Share Plan and Planner’s Certification with the Master and all interested parties. This draft was consistent with the compliance techniques and crediting analysis included in the 2018 Settlement Agreement with FSHC.

Soon thereafter, negotiations with the Wolfson Group, which had commenced in late 2015, reached an impasse which was followed by the worldwide Covid-19 outbreak. Undeterred, Judge Becker appointed the Honorable Mark A. Troncone, J.S.C. (the Mount Laurel trial judge from Ocean County) as the new mediator.

During a mediation session in Ocean County Courthouse in August of 2020, Judge Troncone managed to break the impasse, and the Township’s and the Wolfson Group’s mediation team placed the general terms of settlement on the record, subject to ratification by the Township Committee followed by the execution of a formal settlement agreement.

On November 16, 2020, the Woolwich governing body conducted a regular public meeting during which Mayor Marino confirmed on the record that the members of the committee found the terms of the Wolfson Group Settlement Agreement acceptable in principle.

Subsequently, the Township, the Wolfson Group, FSHC, and Fair Share Development Corp (“FSHD”)⁵ engaged in additional negotiations regarding additional and revised settlement terms as monitored by Judge Troncone. During this period, the Township and FSHC agreed to terms amending the 2018 Settlement Agreement referenced above.

⁴ The Infrastructure Bank is an independent state financing authority, in but not of the Treasury authorized to issue revenue bonds to make loans to finance the construction of eligible environmental and transportation infrastructure projects.

⁵ This entity is the development arm and sister company to Fair Share Housing Center, and the proposed developer of the 132-unit, two-phased, all-affordable housing development identified in the Township’s Fair Share Plan as set forth below.

On March 15, 2021, a groundbreaking ceremony took place and the installation of sewer/water infrastructure commenced.

On May 3, 2021, the Township Committee adopted a resolution authorizing Mayor Marino to execute both the Wolfson Group Settlement Agreement and the First Amendment to the 2018 FSHC Settlement Agreement.

On July 28, 2021, Judge Becker approved both agreements pursuant to another duly-noticed Mount Laurel Fairness Hearing and, on July 28, 2021, entered an Order approving same. This Order fixed February 15, 2022 for the Township's Third Round Mount Laurel "Compliance Hearing" which, barring unforeseen obstacles, will result in approval of this Housing Element and Fair Share Plan and the entry of a Final Third Round Judgment of Compliance and Repose.

Today, sewer and water infrastructure continue to be installed and is progressing on schedule.

PART 2: HOUSING ELEMENT

1.0 INTRODUCTION

Under Section 28 of the Municipal Land Use Law, N.J.S.A. 40:55D-28, the Housing Plan Element, through incorporation by reference of the provisions of Section 310 of the Fair Housing Act, N.J.S.A. 52:27D-301, must be designed to achieve the goal of access to affordable housing to meet present and prospective housing need, with particular attention to low- and moderate-income housing, and shall incorporate elements which are set forth below. While the Housing Element is not identified under the Municipal Land Use Law as a required element of the master plan, it is nonetheless a required element of Woolwich Township's Master Plan inasmuch as the Township has an adopted zoning ordinance. Pursuant to N.J.S.A. 40:55D-62(a), a governing body may not adopt or amend a zoning ordinance, until and unless, the planning board would have adopted a land use plan element and housing plan element of the master plan.

Required essential elements of the Housing Element as set forth under the Fair Housing Act are as follows:

An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;

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

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

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

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

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

2.0 MUNICIPAL OVERVIEW

Woolwich Township is situated in the southwestern portion of Gloucester County in Southern New Jersey. The Township covers an area just over 22 square miles and surrounds the Borough of Swedesboro, is bound to the south by South Harrison, Pilesgrove (Salem County), and Oldmans Townships (Salem County), to the west by Logan Township, and to the north by East Greenwich Township.

The 2010 Census revealed that the Township had a total population of 10,200 residents, which represents a 236.4% increase from the 2000 population, which was a mere 3,032 residents as reported by the 2000 Census. The U.S. Census Bureau offers numbers based on the American Community Survey which estimated a total population in 2017 of 12,172 residents in Woolwich Township.

With respect to the State Development and Redevelopment Plan (SDRP), the Township is classified as various planning areas ranging from Suburban Planning Area (PA2), to Parks and Natural Areas (PA8). Many parks and environmentally sensitive areas are located in Woolwich Township, along with much undeveloped land that is expected to see investment in the next several decades. The PA2 areas are characterized by "availability of developable land, and a more dispersed and fragmented pattern of predominately low-intensity development."⁶ For these areas, the SDRP anticipates the creation of development patterns with reasonable densities, given the availability of public infrastructure, and "retrofitting" to mean, the redeveloping of existing sprawl."⁷

In addition to the designated planning areas through the SDRP, a northern portion of Woolwich Township has been designated a State Planning Town Center. The designation of a regional center is beneficial to the Township, as it defines "a center that has a high investment in public facilities and services several neighborhoods with a highly diverse housing stock and a central core of retail, office and community facilities."⁸ Development in

⁶ The New Jersey State Development and Redevelopment Plan, p. 194.

⁷ The New Jersey State Development and Redevelopment Plan, p. 196.

⁸ The New Jersey State Development and Redevelopment Plan, p. 335-336.

the Township is expected to be heavily focused around the area which also overlaps with much of the Kings Landing Redevelopment Plan.

3.0 BACKGROUND

This Third Round Housing Element and Fair Share Plan has been prepared for the Township of Woolwich, Gloucester County in accordance with the New Jersey Fair Housing Act (FHA) and the rules of the New Jersey Council on Affordable Housing (COAH) at N.J.A.C. 5:93 et seq., and to address the Settlement Agreement (FSHC Agreement) between Woolwich Township and Fair Share Housing Center (FSHC), executed pursuant to a Township resolution dated December 27, 2018 and approved by the Court June 13, 2019. The Settlement Agreement was subsequently amended on May 3, 2021, and approved by the Court July 28, 2021. This plan is an amendment to the prior Third Round Housing Element and Fair Share Plan adopted by the Planning Board on December 3, 2009 and endorsed by the Township Committee on December 17, 2009. This Round 3 Plan will serve as the foundation for the Township's submission to the Honorable Anne McDonnell, P.J.Ch. or her successor for purposes of securing a final Third Round Judgment of Compliance and Repose through July 2, 2025.

In 2018, the Township and FSHC engaged in detailed negotiations culminating in the FSHC Agreement referenced above, executed on December 27, 2018. The FSHC Agreement determined the Township's affordable housing fair share obligations and also delineated a framework of the means by which the Township would satisfy same. On April 4, 2019, court-appointed Special Master Francis J. Banisch, III, P.P., A.I.C.P. issued a report entitled "Report of the Special Master Regarding the Fairness of a Settlement Agreement Between [the] Township of Woolwich and Fair Share Housing Center" which reviewed the fairness of the Agreement and concluded with a recommendation to the Court for approval of same. On June 13, 2019, after a duly-noticed Fairness Hearing, Honorable Anne McDonnell, P.J.Ch. entered an Order approving the FSHC Agreement. This Housing Element and Fair Share Plan comport with the terms of the Agreement to the extent practicable⁹ under the circumstances.

Subsequently, the Township, the Wolfson Group, FSHC, and Fair Share Development Corp ("FSHD")¹⁰ engaged in additional negotiations regarding additional and revised settlement terms as monitored by Judge Troncone. During this period, the Township and FSHC agreed to terms amending the 2018 Settlement Agreement referenced above.

On May 3, 2021, the Township Committee adopted a resolution authorizing Mayor Marino to execute both the Wolfson Group Settlement Agreement and the First Amendment to the 2018 FSHC Settlement Agreement.

On July 28, 2021, Judge Becker approved both agreements pursuant to another duly-noticed Mount Laurel Fairness Hearing and, on July 28, 2021, entered an Order approving same.

⁹ Unexpected events, beyond the Township's control, occurred after the execution and approval of the FSHC Agreement.

¹⁰ This entity is the development arm and sister company to Fair Share Housing Center, and the proposed developer of the 132-unit, two-phased, all-affordable housing development identified in the Township's Fair Share Plan as set forth below.

This Order fixed February 15, 2022 for the Township’s Third Round Mount Laurel “Compliance Hearing” which, barring unforeseen obstacles, will result in approval of this Housing Element and Fair Share Plan and the entry of a Final Third Round Judgment of Compliance and Repose.

4.0 HOUSING STOCK: OCCUPANCY AND PHYSICAL CHARACTERISTICS

4.1 Housing Unit Type

Woolwich Township has a total of 4,156 dwelling units. 78.4% of dwelling units are single-family detached while, 6.4% are single-family attached dwellings which represent a typical townhome development. While there are no 2 units structures in the Township, 13.4% of units are located in structures containing 3 or more units. Many of the housing units in the Township are single family detached because of the low-density development that Woolwich has experienced. 95.9% of the housing units in Woolwich Township are occupied, and the other 4.1% represent vacancies. Of the occupied housing units, 90.2% are owner occupied while just 9.8% are renter occupied.

Table 1: Units in Structure

Unit Type	Number of Units	Percent
1, Detached	3,257	78.4%
1, Attached	268	6.4%
2	0	0.0%
3 or 4	97	2.3%
5 to 9	258	6.2%
10 to 19	201	4.8%
20 or more	75	1.1%
Mobile Home	0	0.0%
Other	0	0.0%
Total	4,156	100.0%

Source: US Census Bureau 2013-2017 5 Year ACS Selected Housing Characteristics

Table 2: Occupancy Status

Status	Households	Percent
Occupied Total	3,141	95.9%
Owner Occupied	2,834	90.2%
Renter Occupied	307	9.8%
Vacant Total	134	4.1%
For rent	10	7.5%
Rented, not occupied	1	0.7%
For Sale	50	37.3%
Sold, not occupied	12	9.0%
Seasonal	12	9.0%
Other	49	36.6%
Total	3,275	100.0%

Source: 2010 Census, Summary File 1

4.2 Housing Units by Age

85.6% of all units were constructed between 1990 and 2013, with 59.2% being constructed between 2000 and 2009. Between the mid-1990s and mid-2000s, Woolwich Township saw a 298% increase in construction, making it one of the fastest growing municipalities in the state.

Table 3: Year Structure Built

Year Built	Number	Percent
1939 or earlier	54	1.3%
1940 to 1949	55	1.3%
1950 to 1959	69	1.7%
1960 to 1969	39	0.9%
1970 to 1979	85	2.0%
1980 to 1989	236	5.7%
1990 to 1999	618	14.9%
2000 to 2009	2,460	59.2%
2010 to 2013	477	11.5%
2014 and later	63	1.5%
Total	4,156	100.0%

Source: US Census Bureau 2013-2017 5 Year ACS DP-04 Selected Housing Characteristics

4.3 Substandard Housing Conditions

Indicators of Housing Deficiency include lack of plumbing or kitchen facilities, overcrowding, and housing built more than 50 years ago. When combined, these metrics can be used by municipalities to determine the amount of housing that could qualify for rehabilitation support efforts to provide affordable housing through renovations.

Of the Township's 217 housing units that are at least 50 years old, zero are considered crowded or overcrowded, 16 units lack complete plumbing, and 56 units lack complete

kitchens. As a result, none of the housing units in Woolwich are considered substandard and unsafe.

Plumbing Facilities: Complete plumbing facilities include hot and cold piped water, a flush toilet, and a bathtub or shower, all three of which must be located inside the unit.

Kitchen Facilities: Complete kitchen facilities include a sink with piped water, a range or cooktop and oven, and a refrigerator, all three of which must be located inside the unit.

Table 4: Indicators of Housing Deficiency

Indicator	50+ Years Old	Incomplete Plumbing	Incomplete Kitchen	Crowded or Overcrowded, and built pre 1950
Number of Units	217	16	56	0

Sources: Table B25050 Plumbing Facilities By Occupants Per Room By Year Structure Built, ACS 2013-2017; Table B25051: Kitchen Facilities for All Housing Units, ACS 2013-2017; Table B25034 Year Structure Built, ACS 2013-2017

5.0 HOUSING STOCK: VALUE AND AFFORDABILITY

5.1 Value of Owner-Occupied Units

The median value of the Township's owner-occupied housing units is \$330,400. Comparatively, the median value of owner-occupied housing in the year 2000 was \$194,800¹¹. This indicates that the owner-occupied housing stock experienced a percent change of 70% in the 17-year span. Much of this is due to the low quantity of housing prior to 2000, and an increase in the quality and luxury of homes in the Township. Of the entire owner-occupied housing stock, 88.6% of units fall within the \$200,000 to \$500,000 value range.

Table 5: Value of Owner-Occupied Units

Value	Number of Units	Percent
Less than \$199,999	212	6.6%
\$200,000 to \$299,999	941	29.4%
\$300,000 to \$499,999	1,894	59.2%
\$500,000 to \$999,999	143	4.5%
\$1,000,000 or more	10	0.3%
Total	3,200	100.0%
Median Value	\$330,400	

Source: US Census Bureau ACS, 2013-2017 5-Year Estimate DP-04 Selected Housing Characteristics, B25077 Median Value

¹¹ US Census Bureau, Census 2000 Summary File 3

5.2 Gross Rent

Woolwich Township's median rent for a housing unit is \$1,623. Only 17 Township households or 2.5% pay less than \$1,000 monthly for rent. Compare that to the 410 households, or 61.3% that pay more than \$1,500 monthly.

Table 6: Gross Rent

Cost	Number of Units	Percent
Less than \$1,000	17	2.5%
\$1,000 to \$1,499	242	36.2%
\$1,500 or more	410	61.3%
No cash rent	0	0.0%
Total	669	100.0%
Median	\$1,623	

Source: US Census Bureau 2013-2017 5 Year ACS, Gross Rent

5.3 Housing Costs as Percentage of Household Income

That the percentage of monthly household income dedicated to housing costs is a measure of affordability is reinforced by the HUD policy cited above, i.e., households should not spend more than 30% of their income on housing. This metric, however, applies to affordable rental units only. In the case of mortgaged property, an affordable unit is one in which monthly housing expenses (principal and interest) do not exceed 28% of monthly household income.

In Woolwich Township, renters bear a higher burden of housing costs than homeowners. Thus, 43.9% of renter households pay at least 30% of their annual income on housing, compared to only 24.5% of homeowners who do. Overall, 75.5% of Township households pay less than 30% of their annual income towards housing. Increasing housing prices have resulted in a rising number of households paying more on housing than is recommended.

Table 7: Selected Monthly Owner Costs as a Percentage of Household Income (SMOCAPI)

% of Income	# of Units	Percent
Less than 20%	841	32.3%
20% to 25%	641	24.6%
25% to 29.9%	485	18.6%
30% to 34.9%	150	5.8%
35% or more	488	18.7%
Total	2,605	100.0%

Source: US Census Bureau 2013-2017 5 Year ACS DP-04 Selected Housing Characteristics

Table 8: Gross Rent as a Percentage of Household Income in 2017

Percent of Income	Number of Units	Percent
Less than 15%	32	5.0%
15% to 19.9%	124	19.4%
20% to 24.9%	173	27.0%
25% to 29.9%	30	4.7%
30% to 34.9%	50	7.8%
35% or more	231	36.1%
Total	640	100.0%
Woolwich Gross Median Rent	\$1,623	
Gloucester County Median Rent	\$1,134	

Source: US Census Bureau 2013-2017 5 Year ACS DP-04 Selected Housing Characteristics

6.0 SELECTED DEMOGRAPHICS: AGE AND POPULATION, HOUSEHOLD TYPE, HOUSEHOLD SIZE, AND INCOME

6.1 Population and age

Woolwich Township's population remained relatively stagnant in the decades leading up to 2000, and in fact it's population decreased throughout 1960 to 1980. However, the population rose sharply from 3,032 to 10,200 residents between 2000 and 2010, representing a percent change of 236.4%.

Table 9: Population Change by Decade

Year	Population	Change	Percent
1940	1,193	---	---
1950	1,343	150	12.6%
1960	1,235	-108	-8.0%
1970	1,147	-88	-7.1%
1980	1,129	-18	-1.6%
1990	1,459	330	29.2%
2000	3,032	1,573	107.8%
2010	10,200	7,168	236.4%

Source: <http://lwd.dol.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf> and 2010 Census

From 2010 to 2017, the median age of a Woolwich Township resident increased by one year from 35.7 to 37.1¹². Although it merely reflects a modest aging of the overall population, many of the older age cohorts represent a larger percentage of the population in 2017 than in 2010.

¹² US Census Bureau, 2010 Census, ACS 2013-2017 Estimate

Table 10: Population by Age 2010

Age	Total	Percent
Under 5 years	930	9.1%
5 to 9 years	1,129	11.1%
10 to 14 years	934	9.2%
15 to 19 years	605	5.9%
20 to 24 years	324	3.2%
25 to 34 years	1,040	10.2%
35 to 44 years	2,203	21.6%
45 to 54 years	1,531	15.0%
55 to 59 years	471	4.6%
60 to 64 years	383	3.8%
65 to 74 years	423	4.1%
75 to 84 years	171	1.7%
85 years and over	56	0.5%
Total	10,200	100.0%
Median Age	35.7 years	

Source: US Census Bureau 2010, DP-1 Profile of General Demographic Characteristics

6.2 Households: Type and Size

Households can be categorized by type and size. In Woolwich Township, 86.9% of all households are considered family households, while 13.1% are non-family households. With an average of 3.46 persons, family households are larger than the average household size of 3.21 persons. Many more women live alone in non-family households than men at 173 and 13, respectively.

Table 11: Household Type

Type	Number	Percent
Family Households	2,730	86.9%
Husband-Wife Family	2,450	78.0%
with children under 18	1,546	49.2%
Male Householder, no wife	93	3.0%
Female Householder, no husband	187	6.0%
Non-family Households	411	13.1%
Male living alone	13	0.4%
Female living alone	173	5.5%
Total	3,141	100.0%
Average Household Size	3.21	
Average Family Size	3.46	

Source: 2010 Census, 2010 Summary File 1

6.3 Household Income

As measured by household income, Woolwich Township is substantially wealthier than the county. Median household income in the Township is \$123,347, \$41,858 more than that of the county, and \$46,872 more than the state median income.

According to the 2020 Affordable Housing Regional Income Limits by Household Size, prepared by Affordable Housing Professionals of New Jersey (AHPNJ) in April 2020, the median income level for an individual in Region 5 (Burlington, Camden, Gloucester Counties) is \$67,620. This income level is set on a regional scale and established as an income level to determine moderate, low, and very low-income levels. In Region 5 of New Jersey, which includes Woolwich Township, the moderate household income limit for one person is \$54,096. Low-income, one-person households are defined with an income limit of \$33,810, and very low-income, one-person households are defined as earning \$20,286.

Table 12: Household Income

	Woolwich Township		Gloucester County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	31	0.8%	3,368	3.2%	173,815	5.4%
\$10,000 to \$14,999	135	3.5%	2,105	2.0%	103,002	3.2%
\$15,000 to \$24,999	81	2.1%	6,735	6.4%	228,535	7.1%
\$25,000 to \$34,999	124	3.2%	6,946	6.6%	225,316	7.0%
\$35,000 to \$49,999	128	3.3%	11,155	10.6%	309,005	9.6%
\$50,000 to \$74,999	290	7.5%	15,259	14.5%	482,820	15.0%
\$75,000 to \$99,999	615	15.9%	15,575	14.8%	399,131	12.4%
\$100,000 to \$149,999	1,018	26.3%	22,626	21.5%	569,727	17.7%
\$150,000 to \$199,999	720	18.6%	11,681	11.1%	309,005	9.6%
\$200,000 or more	727	18.8%	9,787	9.3%	418,444	13.0%
Total	3,869	100.0%	105,236	100.0%	3,218,798	100.0%
Median Household Income	\$123,347		\$81,489		\$76,475	

Source: 2013-2017 American Community Survey 5-year Estimates, S1901 Household Income in Past 12 Months

6.4 Poverty Rate

The poverty rates in Woolwich Township for both families and individuals are significantly lower than the corresponding rates for the county and the state. At 2.8%, the Township's poverty rate for families is nearly half the 5.3% rate for the county. The Township's poverty rate for individuals is 4.6%, while Gloucester County and New Jersey sit at 7.9%. Both family and household income levels indicate much higher median incomes for Woolwich Township, as compared to county and state data.

Table 13: Individual and Family Poverty Rates

Income Type	Woolwich Township	Gloucester County	New Jersey
Median Household Income	\$123,347	\$81,489	\$76,475
Median Family Income	\$134,643	\$98,313	\$94,337
Per Capita Income	\$45,961	\$36,205	\$39,069
Poverty Status (Percent of People)	4.6%	7.9%	7.9%
Poverty Status (Percent of Families)	2.8%	5.3%	10.7%

Source: 2013-2017 American Community Survey 5-year Estimates

7.0 EXISTING AND PROBABLE FUTURE EMPLOYMENT

7.1 Employment Status

The employment status of Woolwich Township's labor force mirrors that of the county as a whole. The percentage of the Township's civilian labor force that is employed (70.2%) is similar to the percentage for the county (62.4%), while the unemployment rate for Woolwich Township is much lower at 2.8%, compared to the county unemployment rate at 5.0%.

Table 14: Employment Status

	Woolwich Township		Gloucester County	
	Number	Percent	Number	Percent
In labor force	6,441	73.0%	157,549	67.5%
Civilian labor force	6,441	73.0%	157,464	67.5%
Employed	6,198	70.2%	145,749	62.4%
Unemployed	243	2.8%	11,715	5.0%
Armed Forces	0	0%	85	0.0%
Not in labor force	2,393	27.1%	75,842	32.5%
Population 16+ yrs.	8,834	100.0%	233,391	100.0%

Source: 2013-2017 American Community Survey 5-year Estimates, B23025 Selected Economic Characteristics

7.2 Employment by Industry

At 25.7% of employed residents, “Educational Services, Health Care and Social Assistance Services” is by far the largest employment category in the Township; a distant second at 12.7% is “Professional, scientific, and management, and administrative and waste management services”, followed closely by “Manufacturing” at 12.4%. The three least accounted for industries are “Agriculture, forestry, fishing and hunting, and mining,” “Information,” and “Transportation and warehousing, and utilities.”

Table 15: Employment by Industry

Industry	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	121	2.0%
Construction	214	3.5%
Manufacturing	771	12.4%
Wholesale trade	255	4.1%
Retail trade	611	9.9%
Transportation and warehousing, and utilities	167	2.7%
Information	160	2.6%
Finance and insurance, and real estate and rental and leasing	576	9.3%
Professional, scientific, and management, and administrative and waste management services	785	12.7%
Educational services, health care and social assistance	1,590	25.7%
Arts, entertainment, and recreation, and accommodation and food services	511	8.2%
Other services, except public administration	249	4.0%
Public administration	188	3.0%
Civilian employed population 16 years and over	6,198	100.0%

Source: Table DP03 Selected Economic Characteristics, ACS 2013-2017

7.3 Employment by Occupation

Another way to view a workforce is by separating it into occupation groups. More employed residents work in “Management, professional, and related” (3,581, or 57.8%) than in any other group, followed by “Sales and Office Occupations” at 1,167 employed residents (18.8%). Natural Resources, Construction, and Maintenance is the smallest occupation classification in the Township, accounting for only 6.2% of the labor force. While it is important to note that the percentage rank regarding occupation is the same between Woolwich and the County, Woolwich has higher percentages of high-income occupations.

Table 16: Distribution of Employment by Occupation

Occupation	Woolwich Twp.		Gloucester County	
	Total	Percent	Total	Percent
Management, professional, and related	3,581	57.8%	60,818	41.7%
Service	671	10.8%	21,736	14.9%
Sales and office	1,167	18.8%	36,304	24.9%
Natural resources, construction, and maintenance	385	6.2%	12,218	8.4%
Production, transportation, and material moving	394	6.4%	14,673	10.1%
Total	6,198	100.0%	145,749	100.0%

Source: 2013-2017 American Community Survey 5-year Estimates, DP-03 Selected Economic Characteristics

7.4 Journey to Work

15.0% of Woolwich Township residents have a commute between 30-34 minutes. While this range represents the largest single percent, many residents (37.2%) have at least a 40-minute commute. This measure indicates both the lack of job types employing Woolwich residents, and the suburban nature of the community.

Table 17: Journey to Work

Travel Time (in minutes)	Number of Workers	Percent
Less than 5	41	0.7%
5 to 9	417	7.3%
10 to 14	515	9.1%
15 to 19	628	11.1%
20 to 24	395	7.0%
25 to 29	317	5.6%
30 to 34	853	15.0%
35 to 39	400	7.0%
40 to 44	479	8.4%
45 to 59	750	13.2%
60 to 89	721	12.7%
90 or more	162	2.9%
Total	5,678	100.0%

Source: 2013-2017 American Community Survey 5-year Estimates: Table B08303

7.5 Probable Future Employment Opportunities

The Delaware Valley Regional Planning Commission (DVRPC) is the federally funded Metropolitan Planning Organization (MPO) for the Greater Philadelphia Region, which includes Gloucester County. The organization projects that the Region will have gained over 373,000 jobs from 2015 to 2045, with the largest share to occur in Gloucester County, NJ (32.2%) and Chester County, PA (28%). The DVRPC also projects that much of the growth

by 2045 will be concentrated in suburban areas similar to Woolwich Township, and that employment in the four New Jersey counties within the organization’s jurisdiction will grow by 9.8%.¹³ The organization also projects an increase of 658,000 residents by 2045 within the nine-county region. Like the employment projections, the largest increases are expected in Gloucester and Chester Counties (29.1% and 28.4%, respectively).¹⁴ As a municipality located within Gloucester County, Woolwich Township should expect an increase in both employment and population over the next twenty-five years.

It is reasonable to assume that within Woolwich Township, future employment and population growth will emanate from redevelopment activity within the Kings Landing Regional Center and the anticipation of full buildout within Weatherby Town Center.

7.6 Projections

According to DVRPC’s published population and employment projections for the years 2015-2045, Woolwich Township’s population and employment will increase considerably. Thus, as Table 6.8 shows, the Township’s population has grown 305.8% from 2000 to 2015 and is expected to double from 2015-2045. Aligned with the spike in population, employment projections from 2015 to 2045 expect an increase of 4,338 jobs, representing a percent change of 164.1%.

Table 18: Population Projections, DVRPC

Year	Population	Change	Percent
2000	3,030	---	---
2015	12,295	9,265	305.8%
2045	24,657	12,362	100.5%

Source: DVRPC Population Forecast by County and Municipality 2015-2045

Table 19: Employment Projections, DVRPC

Year	Jobs	Change	Percent
2015	2,643	---	---
2045	6,981	4,338	164.1%

Source: DVRPC Employment Forecast by County and Municipality 2015-2045

8.0. HOUSING STOCK PROJECTION

8.1 Building and Demolition Permits by Year

The Fair Housing Act requires that Housing Plans include a projection of new housing units based on the number of building permits, development applications approved, and probable developments, as well as other indicators deemed appropriate. As Table 21 below shows,

¹³ Delaware Valley Regional Planning Commission, Regional, County, and Municipal Employment Forecasts, October 2016, p. 3.

¹⁴ Delaware Valley Regional Planning Commission, Regional, County, and Municipal Population Forecasts, July 2016, p. 5.

annual building permit issuance in Woolwich Township from 2000 through 2018 averaged 169 units, while annual demolition permit issuance averaged one unit. Assuming these rates remains relatively constant, the Township may see a net increase of 845 new dwellings by the year 2025. Factors such as the business cycle and physical constraints to development may result in a lower or higher number.

Table 20: Housing Unit Building and Demolition Permits by Year

Year	Units Building Permits Issued For	Units Demolition Permits Issued For	Net Difference
2000	196	2	194
2001	102	1	101
2002	276	2	274
2003	189	1	188
2004	190	1	189
2005	533	0	533
2006	262	0	262
2007	154	0	154
2008	99	0	99
2009	92	0	92
2010	165	1	164
2011	74	0	74
2012	188	0	188
2013	181	1	180
2014	124	1	123
2015	42	0	42
2016	39	0	39
2017	135	0	135
Average	169	1	168
5-Year Projection	845	5	840

Source: NJDCA Construction Reporter, Housing Units Authorized by Building Permits, Demolition Permits

9.0 LANDS MOST APPROPRIATE FOR PRODUCTION OF AFFORDABLE HOUSING

Woolwich Township's preference is for affordable housing to be provided throughout the municipality by numerous private sector initiatives so as to achieve a seamless integration of affordable and market rate housing. Specifically, tracts of land within Redevelopment Areas are most appropriate for the development of affordable housing for the following reasons: (i) issues relating to production of affordable housing may be resolved more readily through redeveloper agreement negotiations, and (ii) the emphases of the Redevelopment Plans on mixed-use development, availability of supporting infrastructure, and location on principal roadways render these Areas suitable for affordable housing.

PART 3: ACHIEVEMENT OF FAIR SHARE

1.0 INTRODUCTION

This Fair Share Plan (*hereinafter* Plan) sets forth, in the first instance, Woolwich Township's Present Need (Rehabilitation Obligation), Prior Round Obligation (1987-1999), and its Round 3 Obligation.

This Plan addresses the affordable housing obligations set forth in the court approved FSHC Settlement Agreement referenced above, which determined that the Township's Rehabilitation Obligation is 0; its Prior Round Obligation (1987-1999) is 209; and its Round 3 Obligation is 525.

2.0 PRESENT NEED: DEFINED, DETERMINED, AND ADDRESSED

2.1 As Defined

As diagramed at N.J.A.C. 5:93-2.1, present need was determined by the addition of indigenous need (to mean deficient housing units occupied by low- and moderate-income households within a municipality) and reallocated present need (to mean that portion of a housing region's present need that is redistributed throughout the housing region). Under the second round rules, surrogates evidencing deficient housing included: year structure built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply.¹⁵ The third round rules reduced the number of surrogates evidencing deficient housing to three: crowded units pre-1950, to mean units having more than 1.0 persons per room; incomplete plumbing, and incomplete kitchen facilities.¹⁶ This reduction in the number of surrogates was found to be by the Appellate Division to be within the Council's discretion and was upheld in the Supreme Court's decision Mount Laurel IV.

Pursuant to the above cited Supreme Court decision, reallocated need is no longer a component in the determination of present need, so that now present need equates to indigenous need, to mean that this component of the obligation is based on deficient housing as determined by crowded units pre-1950, incomplete plumbing, and incomplete kitchen facilities.

2.2 As Determined

The Township accepts as the Present Need, the number promulgated by the Settlement Agreement between the Township of Woolwich and the Fair Share Housing Center. The Settlement Agreement sets forth the municipal obligation of Woolwich Township for its Rehabilitation obligation, which is 0.

2.3 As Addressed

Not applicable.

¹⁵ N.J.A.C. 5:93, Appendix A, Present Need.

¹⁶ N.J.A.C. 5:97, Appendix B, Tables.

3.0 PRIOR ROUND OBLIGATION: 1987 - 1999

3.1 Numeric Obligation as Recognized

As referenced above, the Township's Prior Round Obligation is 209.

3.2 Formulas Having Applicability for Award of Credit

Regional Contribution Agreements (N.J.A.C. 5:93-6.1(a)1): For a municipality that has received substantive certification or a judgment of repose and is not seeking a vacant land adjustment, the number of units that may be transferred through this mechanism equates to $.25(\text{municipal pre-credited need} - \text{prior cycle credits} - \text{credits pursuant to N.J.A.C. 5:93-3.4} - \text{impact of the 20 percent cap} - \text{the impact of the 1,000 units limitation to N.J.A.C. 5:93-14} - \text{any units transferred as a result of a previously approved RCA})$.

Based on the formula, and as long as any RCA Agreement was entered into prior to 2008, Woolwich Township may transfer up to 53 units $[\text{.25}(209)]$ to a receiving community in that: (i) there are no prior cycle credits, (ii) no impacts resulting from the 20 percent cap or 1,000-unit limitation, nor (iii) units transferred as a result of a previously approved RCA.

Rental Obligation (N.J.A.C. 5:93-5.15(a)): For a municipality not receiving an adjustment pursuant to N.J.A.C. 5:93-4.2, the rental obligation shall equal $.25(\text{municipal pre-credited need} - \text{prior cycle credits} - \text{impact of the 20 percent cap} - \text{the impact of the 1,000 units limitation pursuant to N.J.A.C. 5:93-14} - \text{the rehabilitation component})$.

Based on the formula, Woolwich Township has a rental obligation of 53 units $(.25 \times 209)$ in that: (i) there are no prior cycle credits claimed for this component, (ii) there are no impacts relative to the 20 percent cap or 1,000-unit limitation, and (iii) the impact of the rehabilitation component is applied to the 1999 - 2025 obligation.

Age Restricted Housing Limitation (N.J.A.C. 5:93-6.1(b)): For RCA sending municipalities, the age restricted housing cap is set at: $.25(\text{municipal pre-credited need} - \text{rehabilitation component} - \text{prior cycle credits} - \text{transferred or proposed RCA units}) - \text{any First Round age restricted units}$.

Based on the formula, Woolwich Township has an age restricted housing limitation of 47 units $[\text{.25}(215-6-19)-0]$ in that: (i) there is rehab component of 6¹⁷, as indicated in the prior round rules, (ii) 19 RCA, and (iii) no age restricted units were applied in satisfaction of the 1987 - 1993 housing obligation.

Rental Unit Bonuses and Limitations (N.J.A.C. 5:93-5.15(d)): A municipality shall receive two units (2.0) of credit for rental units available to the general public and one and one-third (1.33) units of credit for age restricted rental units. However, no more than 50 percent of the rental obligation shall receive a bonus for age restricted units; further providing, no rental bonus shall be granted for rental units in excess of the rental obligation, which here is 53 units.

¹⁷ Indigenous Need (7) – Rehab (1) = 7 – 1 = 6

3.3 Summary of Prior Round 1987 - 1999 Satisfaction

Woolwich Township's 209-unit Prior Round Compliance Mechanisms	Credits	Bonuses	Total
<i>Alternate Living Arrangements</i>			
Group Home Bedrooms	52	-	52
<i>Regional Contribution Agreements</i>			
Borough of Paulsboro/ Borough of Swedesboro	19	-	19 ¹⁸
<i>100% Affordable Family Rentals - Existing</i>			
The Oaks Family Rental Apartments - Block 28.02, Lot 1	85	53	138
Total	156	53	209

3.4 Projects Addressing the Obligation

The Township is able to fully satisfy the Prior Round 1987 - 1999 Obligation through the application of: (i) 19 credits emanating from Regional Contribution Agreements (RCAs), (ii) 52 credits for Alternate Living Arrangements (Group Homes), (iii) 85 credits for The Oaks family rental units, and (iv) 53 Rental Bonus Credits as described below:

3.4.1 Regional Contribution Agreements

The township executed two (2) Regional Contribution Agreements for which all funds were transferred. The Township will utilize 19 of such credits in the Prior Round while utilizing remaining credits in the Third Round.

Borough of Paulsboro/Borough of Swedesboro

Credits:	19
Total Credits:	19

3.4.2 100% Affordable Family Rentals- Existing

The Oaks Family Rental Apartments. This project is situated at 1 Oaks Drive (Block 28.02, Lot 1) and is a 100 percent affordable development, comprised of 85 occupied family rental units. The project was funded through the 9% Federal Low-Income Housing Tax Credit (LIHTC) Program. Administration of the affordability controls is performed by the management company, The Oaks at Weatherby, LLC. The project was completed in 2010. Pursuant to the Township's 2004 Judgment of Compliance and Repose, the Township was awarded 85 rental credits plus 53 rental bonuses for this round.

Credits:	85
<u>Bonus Credits:</u>	<u>53</u>
Total Credits:	138

¹⁸ The Township funded a total of 39 RCA credits totaling \$1.4 million. Pursuant to the FSHC Agreement, 19 of the credits are applied to the Prior Round Obligation, and the remaining 20 credits are applied to the Round 3 Obligation.

3.4.3 Alternate Living Arrangements

A full description of each unit, including block and lot, address, bedroom, operator, low/mod income split, state approval and length of affordability controls, will be provided. The Township is still confirming and obtaining appropriate documentation from the operator.

Credits: 52
Total Credits: 52

3.5 Prior Round Low/Moderate Income Split Chart

Project	Tenancy	Very Low	Low	Mod	Total Units
Group Homes	Rent	52	0	0	52
The Oaks Family Rental Apartments - Block 28.02, Lot 1	Rent	12	31	32	85
Total		64	31	32	137

3.6 Prior Round Bedroom Distribution Chart

Existing Projects	Tenancy	1 Bedroom	2 Bedroom	3+ Bedroom	Total Units
Group Homes	Rent	52	0	0	52
The Oaks Family Rental Apartments - Block 28.02, Lot 1	Rent	42	26	17	85
Total		94	26	17	137

4.0 THIRD ROUND

4.1 Numeric Obligation as Recognized

As referenced above, the Township's Round 3 Obligation is 525.

4.2 Formulas Having Applicability for Award of Credit

Rental Obligation (N.J.A.C. 5:93-5.15(a)): For a municipality not receiving an adjustment pursuant to N.J.A.C. 5:93-4.2, the rental obligation shall equal .25 (municipal pre-credited need - prior cycle credits - impact of the 20 percent cap - the impact of the 1,000 units limitation pursuant to N.J.A.C. 5:93-14 - the rehabilitation component).

Based on the formula, Woolwich Township has a rental obligation of 132 units [.25 (525)] in that: (i) there are no prior cycle credits claimed for this component, (ii) there are no impacts relative to the 20 percent cap or 1,000-unit limitation, and (iii) the rehabilitation obligation is 0 units.

Age Restricted Housing Limitation (N.J.A.C. 5:97-3.1(b)): For RCA sending municipalities, the age restricted housing cap is set at: .25 (municipal Obligation - transferred or proposed RCA units).

Based on the formula, Woolwich Township has an age restricted housing limitation of 126 units [.25 (525-20)].

Rental Unit Bonus and Limitation (N.J.A.C. 5:93-5.15(d)): A municipality shall receive two units (2.0) of credit for rental units available to the general public and one and one-third (1.33) units of credit for age restricted rental units. However, no more than 50 percent of the rental obligation shall receive a bonus for age restricted units; further providing, no rental bonus shall be granted for rental units in excess of the rental obligation, which here is 132 units.

Very-low Requirement: 13% of affordable housing units which were part of a formal Township action which took place after July 17, 2008, will be required to be very-low. The Township has yet to determine the exact number of units that would be affected by this decision but will comply with statutory requirements.

4.3 Summary of Satisfaction of the Township's Third Round Obligation:

Woolwich Township's 525-unit Third Round Compliance Mechanisms	Credits	Bonuses	Total
<i>Regional Contribution Agreements</i>			
Borough of Swedesboro/ Borough of Paulsboro	20	-	20
<i>100% Affordable Family Rentals - Existing</i>			
Eagle View Trail Development, Block 4 - Lot 3.02	80	80	160
<i>100% Affordable Development - Proposed</i>			
Fair Share Housing Development - Block 18, Lots 4 and 6	132	52	184

<i>Inclusionary Developments - Approved</i>			
Weatherby Phase III - Block 2.09, Lot 1.03	71	-	71
<i>Inclusionary Developments - Proposed</i>			
Woolwich Residential Inclusionary Development - Block 18, Lots 4 & 6, Block 22, Lots 2, 2.01, and 4	90	-	90
<i>Assisted Living - Approved</i>			
Woolwich Assisted Living - Block 28.01, Lot 2	7	-	7
Total	400	132	532

4.4 Projects Addressing the Obligation

Woolwich Township is able to fully satisfy its Round 3 Obligation through: (i) 20 Regional Contribution Agreements with the Boroughs of Swedesboro and Paulsboro; (ii) 80 credits for the Eagle View Trail family rental units; (iii) a proposed 132-unit 100% affordable family rental development; (iv) 71 credits for a site already zoned for inclusionary development; (v) 90 credits for the already zoned Wolfson Group site; (vi) 7 credits from Medicaid beds at the Woolwich Gardens Assisted Living Facility and (vii) 132 Rental Bonus Credits recognized in connection with the Fair Share Housing Center and Conifer developments as described below:

4.4.1 Regional Contribution Agreements

The Township executed two (2) regional contribution agreements for which all funds were transferred during the prior round resulting in the transferring in sum of 19 units, being less than the maximum number of units that may be transferred of 53. The RCAs include a total of 39 units, 20 of which will be carried forward to the Third Round prospective need.

Borough of Paulsboro/Borough of Swedesboro

Credits:	20
Total Credits:	20

4.4.2 100% Affordable Development- Existing

Eagle View Trail Development. This project is situated at 1050 Auburn Road (Block 4, Lot 3.02) and is an occupied development, comprised of 80 family rental units. Woolwich Township adopted an ordinance creating the Weatherby Redevelopment Area and approved the Weatherby Redevelopment Plan in September 2018. The Eagle View Trail Development consists of 100% affordable units, financed and constructed through the utilization of 9% Low-Income Housing Tax Credits, awarded in November 2015. Units were first rented out in July of 2017 and have 45-year controls on affordability. Administration of the affordability controls is performed by the management company, Conifer Real Estate Development.

Credits:	80
Bonus Credits:	80
Total Credits:	160

4.4.3 100% Affordable Development - Proposed

Fair Share Housing Development: This proposed project is a 100% affordable, municipally sponsored family rental development to be developed by Fair Share Housing Development in two phases with Phase 1 containing 70 units and Phase 2 containing 62 units. The 12-acre site is located on Block 18, Lots 4 and 6, with frontage on Kings Highway.

Per the current Settlement Agreement, the Township shall adopt the conventional “Resolution in Need” necessary for the developer to apply for Federal 9% Tax Credits and provide a payment In Lieu of Taxes (PILOT) at 6.28% of gross sheltered rents, or at whatever percentage is required by NJ HMFA or otherwise negotiated as necessary to maximize points under the Qualified Allocation Plan.

As indicated in the Settlement Agreement, the Township has agreed to provide funds to help render the FSHD project economically feasible.

The Township has confirmed that sanitary sewer service and capacity will be provided for the FSHD project, and sufficient water/sewer service and capacity will exist to ensure a realistic opportunity to complete the project.

- Site Control
 - Lots 4 and 6 are currently owned by Woolwich Residential, LLC.
- Administrative Entity
 - An experienced affordable housing administrative entity acceptable to the Township that will administer 30-year affordability controls and affirmative marketing. The administrative entity will income qualify applicants and will provide long-term administration of the units in accordance with COAH regulations at N.J.A.C. 5:93-9.2 and 5:93-11.1 and Uniform Housing Affordability Controls (“UHAC”) regulations codified at N.J.A.C. 5:80-26.1 et. seq.
- Bedroom Distribution
 - Per UHAC regulations, the combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low-and moderate-income units, at least 30% of all low-and moderate-income units shall be two-bedroom units, at least 20% of all low-and moderate-income units shall be three-bedroom units.
- Very Low/ Low/ Moderate Income Split
 - At least 50% of the affordable units constructed shall be divided equally between low- and moderate-income households and the odd number is split in favor of the low-income unit (N.J.A.C. 5:93-2.20). Additionally, at least 13% of all affordable units shall be affordable to very low-income households.

- Rental Bonus Credits
 - This project is eligible for Third Round rental bonuses per N.J.A.C. 5:93-5:15.
- Site Suitability Analysis
 - The site is available, approvable, developable and suitable, and is appropriate for multi-family housing. The site has a clear title, free of encumbrances which may preclude development for low- and moderate-income housing.
 - The site is suitable for residential development because it is located nearby various single family residential homes and Kingsway Regional High School.
 - There exists a very small area of wetlands along the Conrail right-of-way between the two properties which will not impact development due to the size of the tract.
 - The site is located in the Fringe Planning Area (PA3) according to the New Jersey State Development and Redevelopment Plan.
 - The site contains access to streets via frontage on Kings Highway and will have access to Township water and sewer service.
 - The site is zoned MLR - Mount Laurel Residential as per the Kings Landing Redevelopment Plan.

Credits:	132
Bonus Credits:	<u>52</u>
Total Credits:	184

4.4.4 100% Affordable Development - Approved

Weatherby Phase III: The Township anticipates credit for the 71 family rental units approved for the Weatherby Phase III development (Block 2.09, Lot 1.03), which is located at the intersection of Center Square Road and Tavistock Drive on the western edge of Woolwich Township. This proposed development is the subject of a General Development Plan and an executed Developer’s Agreement.

In the 2020 tax credit cycle, Michaels Development Company was awarded a reservation of 9% Low Income Housing Tax Credits ("LIHTC") from the New Jersey Housing Mortgage Finance Agency ("HMFA") to construct 71 affordable family non-age-restricted rental units on Block 2.09, Lot 1.03, subject to demonstrating satisfactory compliance with N.J.A.C. 5:80-33.9(b) and 5:80-33.12(a) and HMFA's determination that the project has conclusively demonstrated that the market rate and/or commercial units at Weatherby are unable to internally subsidize the affordable units.

- Site Control
 - Lot 1 is currently owned by Summit Ventures, LLC
- Administrative Entity

- An experienced affordable housing administrative entity acceptable to the Township that will administer 30-year affordability controls and affirmative marketing. The administrative entity will income qualify applicants and will provide long-term administration of the units in accordance with COAH regulations at N.J.A.C. 5:93-9.2 and 5:93-11.1 and UHAC at N.J.A.C. 5:80-26.1.
- Bedroom Distribution
 - Per UHAC regulations, the combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low-and moderate-income units, at least 30% of all low-and moderate-income units shall be two-bedroom units, at least 20% of all low-and moderate-income units shall be three-bedroom units.
- Very Low/ Low/ Moderate Income Split
 - At least 50% of the affordable units constructed shall be divided equally between low- and moderate-income households and the odd number is split in favor of the low-income unit (N.J.A.C. 5:93-2.20). Additionally, at least 13% of all affordable units shall be affordable to very low-income households.
- Rental Bonus
 - This project is not eligible for Third Round rental bonuses per N.J.A.C. 5:93-5:15.
- Site Suitability Analysis

The site received Preliminary and Final Major Site Plan approval from the Joint Land Use Board under Resolution 2019-31. The project is expected to start construction in June 2022, complete construction in August 2023, and complete leasing of the properties by January 2024.

Credits:	71
Credits:	71

Auburn Road Inclusionary Zoning. On February 3, 2011, the Woolwich Township JLUB approved a GDP that would allow 502 total units inclusive of 56 on-site affordable family non-age-restricted units via Resolution 2011-11. At this time, due to a lack of infrastructure and developer’s agreement, the parties agree that a realistic opportunity for the affordable units has not been demonstrated. The Township shall require that any residential development, including any rezoning, on Block 2 Lot 9 include at least 56 family affordable units and if ever built, the Township may apply the credits in future rounds.

Credits:	0
Total Credits:	0

4.4.5 Inclusionary Projects - Proposed

Woolwich Residential Inclusionary Development. As indicated in the 2021 Settlement Agreement the project will consist of 90 affordable family (non-age-restricted) units located on Block 18, Lots 4 and 6 and Block 22, Lots 2, 2.01, 4. The project is located at multiple addresses and parcels but is generally located along Kings Highway within the Kings Landing Redevelopment Area and Woolwich Township Center. The overall development will consist of approximately 900 residential units. As a part of its annual affordable housing report, the Township will provide updates on the number of total units approved and constructed within the Woolwich Residential Inclusionary development. The Township will also provide bedroom and income distribution information on these units, as well as any deed restriction imposition.

- Site Control
 - Block 18, Lots 4 and 6 and Block 22, Lots 2, 2.01, 4. are currently owned by Woolwich Residential, LLC.
- Administrative Entity
 - An experienced affordable housing administrative entity acceptable to the Township that will administer 30-year affordability controls and affirmative marketing. The administrative entity will income qualify applicants and will provide long-term administration of the units in accordance with COAH regulations at N.J.A.C. 5:93-9.2 and 5:93-11.1 and UHAC at N.J.A.C. 5:80-26.1 et. seq.
- Bedroom Distribution
 - Per UHAC regulations, the combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low-and moderate-income units, at least 30% of all low-and moderate-income units shall be two-bedroom units, at least 20% of all low-and moderate-income units shall be three-bedroom units.
- Very Low/ Low/ Moderate Income Split
 - At least 50% of the affordable units constructed shall be divided equally between low- and moderate-income households and the odd number is split in favor of the low-income unit (N.J.A.C. 5:93-2.20). Additionally, at least 13% of all affordable units shall be affordable to very low-income households.
- Rental Bonus Credits
 - This project is not eligible for Third Round rental bonuses per N.J.A.C. 5:93-5:15.
- Site Suitability Analysis

- The site is available, approvable, developable and suitable, and is appropriate for multi-family housing. The site has a clear title, free of encumbrances which may preclude development for low- and moderate-income housing.
- The site is suitable for residential development because it is located nearby various single family residential homes and Kingsway Regional High School.
- There exists a very small area of wetlands along the Conrail right-of-way between the two properties which will not impact development due to the size of the tract.
- The site is located in the Fringe Planning Area (PA3) according to the New Jersey State Development and Redevelopment Plan.
- The site contains access to streets via frontage on Kings Highway and has access to Township water and sewer service.
- The site is zoned MLR - Mount Laurel Residential as per the Kings Landing Redevelopment Plan.

Credits: _____ 90
Total Credits: 90

4.4.6 Assisted Living - Approved

Woolwich Assisted Living. This under construction assisted living facility is entitled to seven age-restricted affordable housing credits from 7 out of 70 total beds (10% Medicaid bed set-aside) located in the facility, which is located along Auburn Road (Block 28.1, Lot 2),

Credits: _____ 7
Total Credits: 7

4.5 Third Round Low/Moderate Income Split Chart

Project	Tenancy	Very Low	Low	Mod	Total Units
Eagle View Trail Development, Block 4 - Lot 3.02	Rent	8	31	41	80
Fair Share Housing Development - Block 18, Lots 4 and 6	Rent	18	48	66	132
Weatherby Phase III - Block 2.09, Lot 1.03	Rent	10	26	35	71
Woolwich Residential Inclusionary Development - Block 18, Lots 4 & 6, Block 22, Lots 2, 2.01, and 4	Rent	12	33	45	90
Woolwich Assisted Living - Block 28.01, Lot 2	Rent	7	0	0	7
Total		64	31	32	380 units

4.6 Third Round Bedroom Distribution Chart

Existing Projects	Tenancy	1 Bedroom	2 Bedroom	3+ Bedroom	Total Units
Eagle View Trail Development, Block 4 - Lot 3.02	Rent	16	40	24	80
Fair Share Housing Development - Block 18, Lots 4 and 6	Rent*	65	40	27	132
Weatherby Phase III - Block 2.09, Lot 1.03	Rent	14	39	18	71
Woolwich Residential Inclusionary Development - Block 18, Lots 4 & 6, Block 22, Lots 2, 2.01, and 4	Rent*	18	54	18	90
Woolwich Assisted Living - Block 28.01, Lot 2	Rent	7	0	0	7
Total		106	173	87	380 units

* Units have yet to receive land use approval. Numbers based on UHAC standards for bedroom distribution

PART 4: APPENDIX

- 1. 2018 FSHC Agreement**
- 2. 2021 FSHC Agreement**
- 3. Map of Prior and Third Round Sites**
- 4. Resolution Appointing the Municipal Housing Liaison**
- 5. Municipal Low- and Moderate-Income Housing Need**

1. 2018 FSHC Agreement

2. 2021 FSHC Agreement

3. Map of Prior and Third Round Sites

4. Resolution Appointing the Municipal Housing Liaison

5. Municipal Low- and Moderate-Income Housing Need