SUPPLEMENT TO

HOUSING PLAN ELEMENT & FAIR SHARE PLAN

TOWNSHIP OF FRANKLIN
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY

Prepared For:

Township of Franklin
1571 Delsea Drive
Franklinville, New Jersey 08322

Prepared By:

BRYSON & YATES
CONSULTING ENGINEERS, LLC

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Sewell, New Jersey 08080
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File No. 26010
April 9, 2026

Wayne L. Roorda, Jr. PE, PP, CME
N.J.P.E. License No. GE45813
N.J.P.P. License No. 6262

TABLE OF CONTENTS

PROJECT SUMMARY.....1

APPENDICES

APPENDIX A: Fries Mill Road Inclusionary Development Plan

APPENDIX B: Oak Avenue Inclusionary Development Plan

APPENDIX C: Pennsylvania Avenue Inclusionary Development Plan

APPENDIX D: Mediation Agreement for FSHC

APPENDIX E: Mediation Agreement for ALR

APPENDIX F: Housing Plan Element & Fair Share Plan, dated June 3, 2025

SUPPLEMENT SUMMARY

This document is intended to append the Housing Plan Element & Fair Share Plan (HEFSP), prepared by CME Associates, dated June 3, 2025, no revision, and adopted by the Planning Board on June 17, 2025.

Since the June 17, 2025 HEFSP was adopted by the Township and filed with the Affordable Housing Dispute Resolution Program (the Program) by the statutory deadline of June 30, 2025, the Township received the following challenges to its HEFSP: one from Fair Share Housing Center (FSHC) and challenges from ALR Franklin Property 1 LLC, ALR Franklin Property 2 LLC, ALR Franklin Property 3 LLC (ALR Franklin Properties Challengers). The matter was referred to mediation as a contested case before the Program, which culminated in proposed Mediation Agreements with FSHC and the ALR Franklin Properties Challengers, which are scheduled for consideration of approval by the Franklin Township Committee on April 14, 2026.

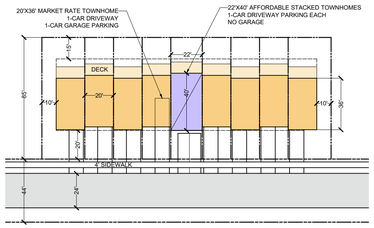
In accordance with the Mediation Agreements with FSHC and the ALR Franklin Properties Challengers, the Township would be required to amend its June 17, 2025 HEFSP to include the three ALR Franklin Properties Challengers' proposed projects, which are set forth in the appended Mediation Agreement, and concept plans.

Additionally, the Mediation Agreement between FSHC and the Township removes the obligation for the Township to support any additional development applications outside of the ALR Franklin Properties Challengers' proposed projects and the ability for the Township to remove the previously-adopted overlay zoning if it is determined that the units are no longer needed for compliance. The final version of the Mediation Agreement between the Township and FSHC is provided in the Supplement Appendix and the terms of which are included in this Supplement as if fully set forth in detail.

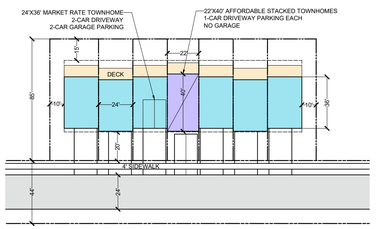
This amendment to the June 17, 2025 HEFSP will be considered for adoption by the Township Planning Board following a public hearing at its April 21, 2026 regular meeting, which was noticed on April 10, 2026. This Amendment to the June 17, 2025 HEFSP was placed on file for public inspection and served on all required agencies in accordance with the Municipal Land Use Law on April 10, 2026. Upon adoption, this amendment shall be incorporated into the Township's adopted June 17, 2025 HEFSP.

APPENDIX A

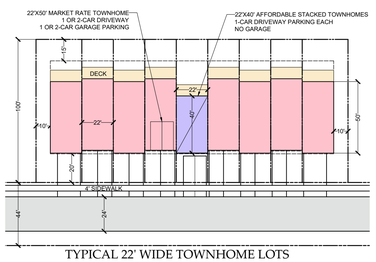
FRIES MILL ROAD
INCLUSIONARY DEVELOPMENT PLAN



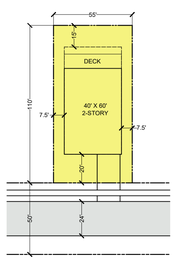
TYPICAL 20' WIDE TOWNHOME LOTS
SCALE: 1" = 50'



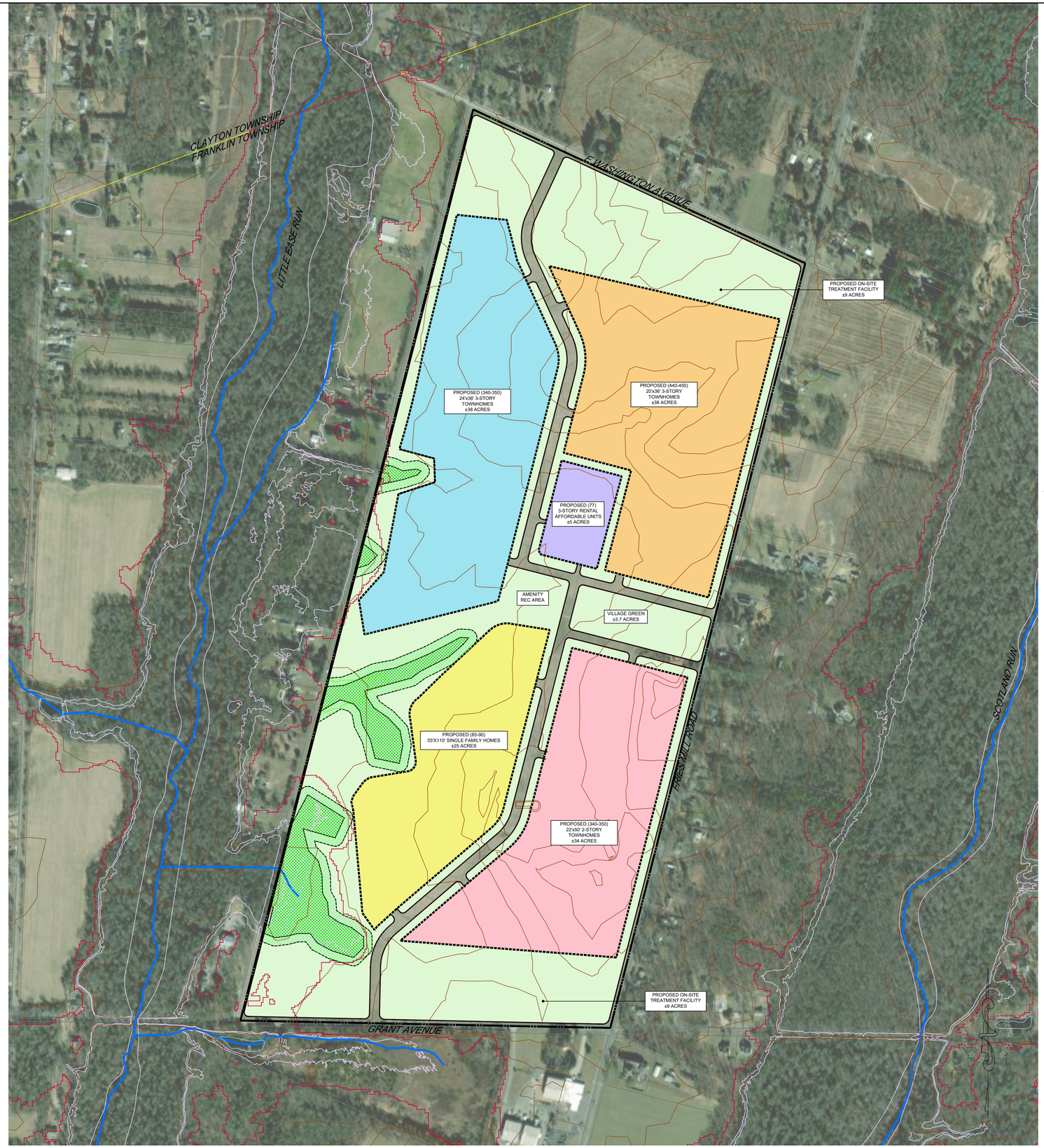
TYPICAL 24' WIDE TOWNHOME LOTS
SCALE: 1" = 50'

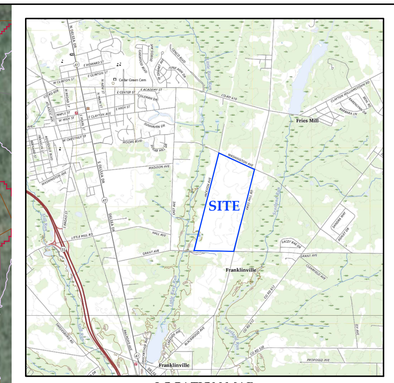


TYPICAL 22' WIDE TOWNHOME LOTS
SCALE: 1" = 50'



TYPICAL SINGLE FAMILY LOTS
SCALE: 1" = 50'





LOCATION MAP
SCALE: 1" = 4,000'

PROPERTY INFORMATION:
ADDRESS: 1457 FRIES MILL ROAD FRANKLINVILLE, NJ
BLOCK/LOT: B:1902 L:1
TOTAL SITE AREA: ±256 ACRES
ZONING DISTRICT: B - BUSINESS DISTRICT
MIXED USE OVERLAY ZONE
PROPOSED USE: INCLUSIONARY DEVELOPMENT

MARKET RATE HOMES		AFFORDABLE HOMES	
SINGLE FAMILY DETACHED			
85-90	55' X 110' LOTS 40' WIDE, 2-STORY HOMES		
SINGLE FAMILY ATTACHED			
440-450	20' X 36' TOWNHOMES 3-STORY HOMES, 1-CAR GARAGE	90	22' X 40' STACKED TOWNHOME, NO GARAGE
340-350	24' X 36' TOWNHOMES 3-STORY HOMES, 2-CAR GARAGE	70	22' X 40' STACKED TOWNHOME, NO GARAGE
340-350	22' X 50' TOWNHOMES 2-STORY HOMES, 1-CAR GARAGE	70	22' X 40' STACKED TOWNHOME, NO GARAGE
1,136 DU TOTAL		230 DU TOTAL	
		FAMILY RENTAL FLATS	
		77	1, 2 & 3 BDRM FLATS
1,228 DU PROJECT TOTAL		307 DU PROJECT TOTAL	

PROPOSED OPEN SPACE CALCULATIONS

68 AC	COMMON OPEN SPACE (INCLUDING STORMWATER BMPS)
17 AC	WETLANDS & WETLAND BUFFER
18 AC	ON-SITE TREATMENT FACILITIES
14-28 AC	INTERNAL NEIGHBORHOOD OPEN SPACE & STORMWATER BMPS (OUTSIDE FEE SIMPLE LOTS)
117-131 AC	TOTAL PROPOSED OPEN SPACE (45-51%)

SITE PLAN NOTES:
1. PLAN ASSUMES ON-SITE COMMUNITY WASTE WATER TREATMENT FACILITY. CONCEPTUAL SIZING AND LOCATION- FURTHER ANALYSIS REQUIRED.
2. CONCEPT PLAN ASSUMES INCLUSIONARY ZONING OVERLAY TO BE WRITTEN IN CONJUNCTION WITH PROPOSED SITE PLAN.
3. AREA AND LOCATIONS FOR STORMWATER BMPS ARE CONCEPTUAL. FURTHER ANALYSIS REQUIRED.
4. ARCHITECTURAL FOOTPRINTS ARE CONCEPTUAL. FOOTPRINT MAY VARY PENDING BUILDER ARCHITECTURE.

LEGEND:

WETLANDS
WETLANDS MARGIN (50 FT)
STREAM
100-YEAR FLOODPLAIN
NJ INLAND FLOOD ELE.

PRELIMINARY BASE MAPPING SOURCES:
1. BASE INFORMATION PROVIDED BY NEW JERSEY GIS DATA.
2. WETLANDS INFORMATION PROVIDED BY: PLAN TITLED WETLANDS AND TOPOGRAPHIC SURVEY FOR GLOUCESTER SOLAR 1, LLC PREPARED BY SAM DATED: 1-9-2024, APPROVED BY DEP 3-13-2025.
3. PROPOSED ON-SITE TREATMENT AREA ESTIMATED. AREA BASED ON 275 GPD/DU, FURTHER ANALYSIS REQUIRED.
4. ALL FEATURES ILLUSTRATED ON THIS PLAN ARE CONSIDERED PRELIMINARY.

REV	DATE	DESCRIPTION	BY

Independence ENGINEERING LLC
1773 SENTRY PARKWAY WEST
BUILDING 12, SUITE 103
BLUE BELL, PENNSYLVANIA 19422
(215) 798-4450
INDEPENDENCE PROFESSIONAL SERVICE ENGINEERING
NEW JERSEY ★ PENNSYLVANIA ★ MASSACHUSETTS

CONCEPT PLAN
FOR
FRIES MILL ROAD
1457 FRIES MILL ROAD, FRANKLIN TOWNSHIP
GLOUCESTER COUNTY, NEW JERSEY

0 150 300
GRAPHIC SCALE: 1" = 300'

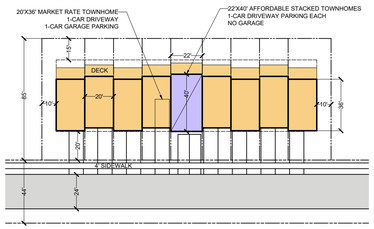
PROJECT	
081-010	
DATE	
11/24/2025	
SCALE	DRAWN
1" = 300'	EES
DESIGNED	CHECKED
EES	NES

CP-C1

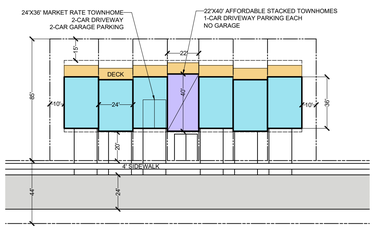
SHEET	OF
1	1

APPENDIX B

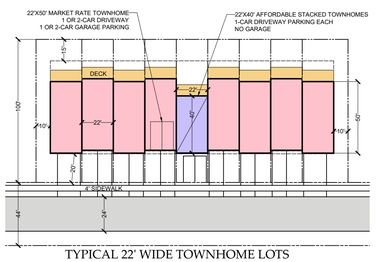
OAK AVENUE
INCLUSIONARY DEVELOPMENT PLAN



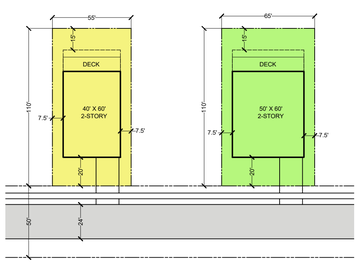
TYPICAL 20' WIDE TOWNHOME LOTS
SCALE: 1" = 50'



TYPICAL 24' WIDE TOWNHOME LOTS
SCALE: 1" = 50'



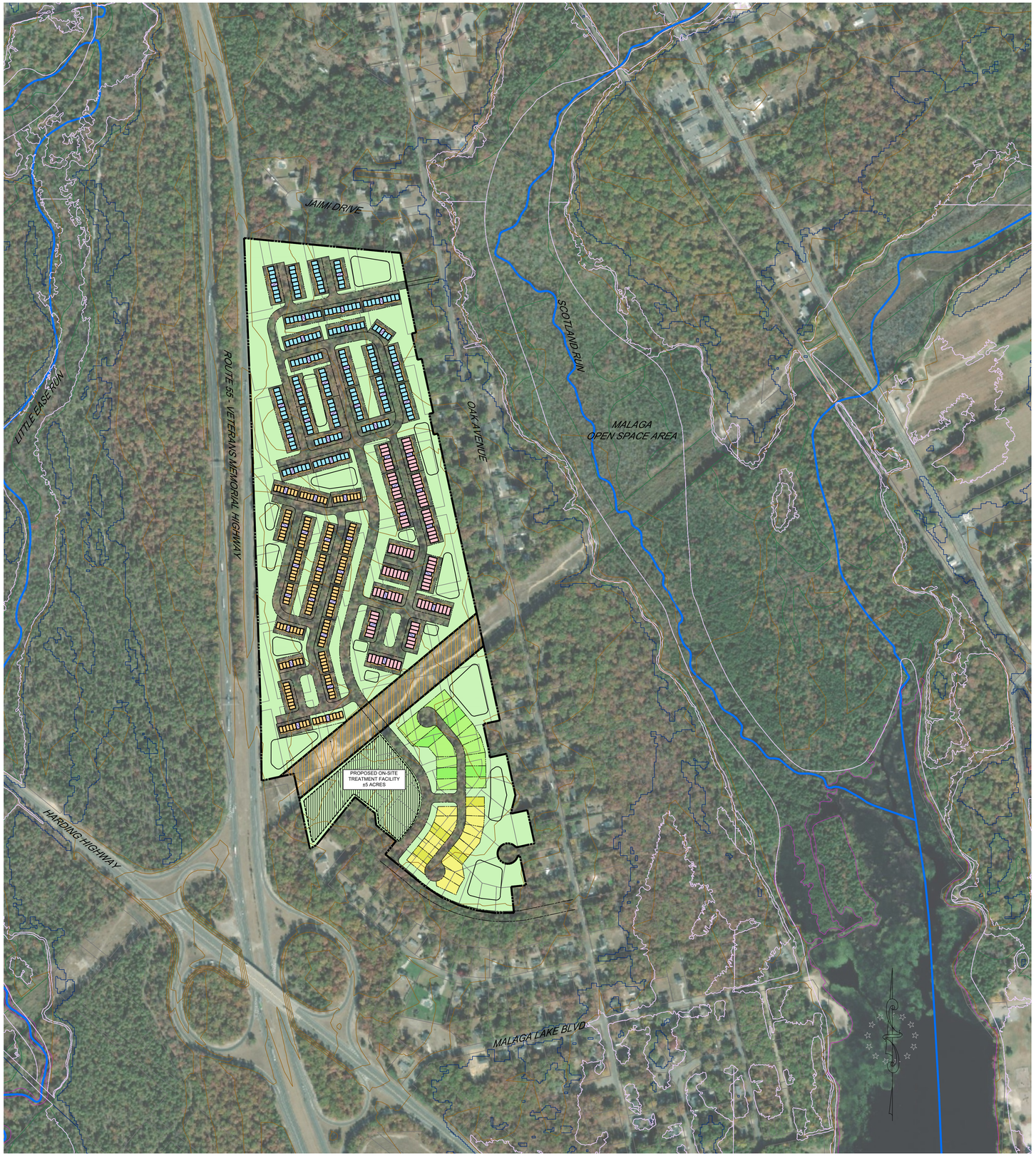
TYPICAL 22' WIDE TOWNHOME LOTS
SCALE: 1" = 50'

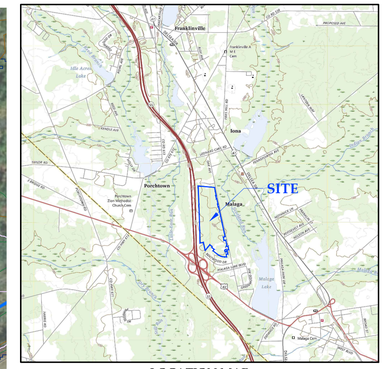


TYPICAL SINGLE FAMILY LOTS
SCALE: 1" = 50'

PROPOSED OPEN SPACE LEGEND

41.4 AC	HOA COMMON AREA INCLUDING STORMWATER MANAGEMENT
5 AC	ON SITE TREATMENT FACILTY
46.4 AC	TOTAL OPEN SPACE





LOCATION MAP
SCALE: 1" = 4,000'

PROPERTY INFORMATION:
ADDRESS: 535 OAK AVENUE MALAGA, NJ
BLOCK/LOT:
TOTAL SITE AREA: ±97 ACRES
POWER LINE EASEMENT: ±5.7 ACRES
ZONING DISTRICT: R-A RESIDENTIAL AGRICULTURE DISTRICT
PROPOSED USE: INCLUSIONARY DEVELOPMENT

BULK and AREA STANDARDS
R-A INCLUSIONARY DEVELOPMENT

BULK STANDARD	PERMITTED	PROPOSED
MIN. TRACT SIZE:	50 AC	97 AC
MAX. DENSITY:	6 DU/AC (582 DU)	6 DU/AC (582 DU)
REQUIRED OPEN SPACE: *	50% (45.6 AC)	50% (46.4 AC)
MIN. USABLE GREENS/REC AREA OPEN SPACE	20% (9.1 AC)	20% (9.1 AC)
MIN. BUILDING SEPARATION	20 FT	20 FT
MAX. BUILDING HEIGHT:	(35 FT) 40 FT	40 FT
MIN. SETBACK FROM EXTERNAL ULT ROW:	100 FT	100 FT
MIN. SETBACK FROM OTHER TRACT BOUNDARIES	50 FT	50 FT
MIN. SETBACK FROM ACTIVE REC AREAS:	(150 FT) 50 FT	(150 FT) 50 FT

* TOTAL REQUIRED/PROPOSED OPEN SPACE EXCLUDES POWERLINE EASEMENT
(97 ACRES - 5.7 AC EASEMENT = 91.3 AC)

MARKET RATE HOMES		AFFORDABLE HOMES	
SINGLE FAMILY DETACHED			
13	55' X 110' LOTS 40' WIDE, 2-STORY HOMES	4	55' X 110' LOTS AFFORDABLE
12	65' X 120' LOTS 50' WIDE, 2-STORY HOMES	4	65' X 120' LOTS AFFORDABLE
25 DU TOTAL		8 DU TOTAL	
SINGLE FAMILY ATTACHED			
150	20' X 36' TOWNHOMES 3-STORY HOMES, 1-CAR GARAGE	38	22' X 40' STACKED TOWNHOME, NO GARAGE
190	24' X 36' TOWNHOMES 3-STORY HOMES, 2-CAR GARAGE	48	22' X 40' STACKED TOWNHOME, NO GARAGE
99	22' X 50' TOWNHOMES 2-STORY HOMES, 1-CAR GARAGE	24	22' X 40' STACKED TOWNHOME, NO GARAGE
439 DU TOTAL		110 DU TOTAL	
464 DU PROJECT TOTAL		118 DU PROJECT TOTAL	

SITE PLAN NOTES:
1. PLAN ASSUMES ON-SITE COMMUNITY WASTE WATER TREATMENT FACILITY. CONCEPTUAL SIZING AND LOCATION- FURTHER ANALYSIS REQUIRED.
2. CONCEPT PLAN ASSUMES RELIEF /ZONING MODIFICATIONS TO ITEMS NOTED ABOVE.
3. AREA AND LOCATIONS FOR STORMWATER BMP ARE CONCEPTUAL. FURTHER ANALYSIS REQUIRED.
4. SITE DOES NOT CONTAIN WETLANDS BASED ON GIS. FURTHER FIELD STUDY REQUIRED.
5. ARCHITECTURAL FOOTPRINTS ARE CONCEPTUAL.FOOTPRINT MAY VARY PENDING BUILDER ARCHITECTURE.

LEGEND:

- WETLANDS
- WETLANDS MARGIN (50 FT)
- POWERLINE EASEMENT
- STREAM
- 100-YEAR FLOODPLAIN
- NJ INLAND FLOOD ELE.

PRELIMINARY BASE MAPPING SOURCES:
1. ALL BASE INFORMATION PROVIDED BY NEW JERSEY GIS DATA.
2. PROPOSED ON-SITE TREATMENT AREA ESTIMATED. AREA BASED ON 275 GPD/DU, FUTHER ANALYSIS REQUIRED. FURTHER ANALYSIS REQUIRED.
3. ALL FEATURES ILLUSTRATED ON THIS PLAN ARE CONSIDERED PRELIMINARY.

REV	DATE	DESCRIPTION	BY

Independence ENGINEERING LLC
1777 SENTRY PARKWAY WEST
BUILDING 12, SUITE 103
BLUE BELL, PENNSYLVANIA 19422
(215) 798-4450
INDEPENDENCE ENGINEERING
NEW JERSEY ★ PENNSYLVANIA ★ MASSACHUSETTS

CONCEPT PLAN

FOR
535 OAK AVENUE, FRANKLIN TOWNSHIP
GLOUCESTER COUNTY, NEW JERSEY

0 150 300
GRAPHIC SCALE: 1" = 300'

PROJECT	
081-012	
DATE	
11/11/2025	
SCALE	DRAWN
1" = 200'	EES
DESIGNED	CHECKED
EES	NES

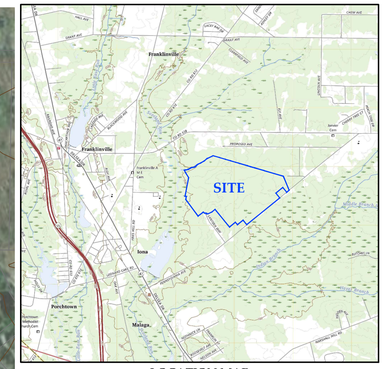
CP-B

SHEET	OF
1	1

X:\081-012 OAK AVENUE FRANKLIN NJ\PROJECT ENGINEERING\DRAWINGS\CONCEPTS\CONCEPT B\B-11-6-25.DWG BRIAN STEWART 2025-11-11

APPENDIX C

PENNSYLVANIA AVENUE
INCLUSIONARY DEVELOPMENT PLAN



LOCATION MAP
SCALE: 1" = 4,000'

PROPERTY INFORMATION:
ADDRESS: 997 PENNSYLVANIA AVENUE FRANKLINVILLE, NJ
BLOCK/LOT: B:1401 L:58, L63 & L68.24
TOTAL SITE AREA: ±355 ACRES
ZONING DISTRICT: R-A RESIDENTIAL AGRICULTURE DISTRICT
PROPOSED USE: INCLUSIONARY DEVELOPMENT

BULK and AREA STANDARDS R-A INCLUSIONARY DEVELOPMENT		
BULK STANDARD	PERMITTED	PROPOSED
MIN. TRACT SIZE:	50 AC	355 AC
MAX. DENSITY:	6 DU/AC (2,130 DU)	5.6 DU/AC (2,000 DU)
REQUIRED OPEN SPACE:	50% (178 AC)	50% (180 AC)
MIN. USABLE GREENS/REC AREA OPEN SPACE	20% (36 AC)	20% (36 AC)
MIN. BUILDING SEPARATION	20 FT	20 FT
MAX. BUILDING HEIGHT:	(35 FT) 40 FT	40 FT
MIN. SETBACK FROM EXTERNAL ULT ROW:	100 FT	100 FT
MIN. SETBACK FROM OTHER TRACT BOUNDARIES	50 FT	50 FT
MIN. SETBACK FROM ACTIVE REC AREAS:	(150 FT) 50 FT	(150 FT) 50 FT

MARKET RATE HOMES

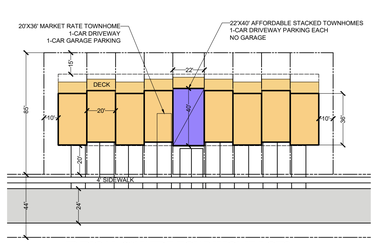
SINGLE FAMILY DETACHED

84	55' X 110' LOTS 40' WIDE, 2-STORY HOMES
68	65' X 120' LOTS 50' WIDE, 2-STORY HOMES

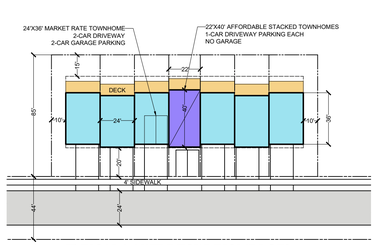
152 DU TOTAL

SINGLE FAMILY ATTACHED		AFFORDABLE HOMES	
573	20' X 36' TOWNHOMES 3-STORY HOMES, 1-CAR GARAGE	160	22' X 40' STACKED TOWNHOME, NO GARAGE
500	24' X 36' TOWNHOMES 3-STORY HOMES, 2-CAR GARAGE	140	22' X 40' STACKED TOWNHOME, NO GARAGE
375	22' X 50' TOWNHOMES 2-STORY HOMES, 1-CAR GARAGE	100	22' X 40' STACKED TOWNHOME, NO GARAGE
1,448 DU TOTAL		400 DU TOTAL	
1,600 DU PROJECT TOTAL		400 DU PROJECT TOTAL	

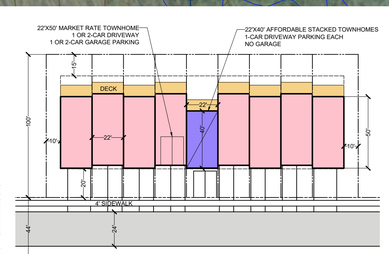
SITE PLAN NOTES:
1. PLAN ASSUMES ON-SITE COMMUNITY WASTE WATER TREATMENT FACILITY. CONCEPTUAL SIZING AND LOCATION- FURTHER ANALYSIS REQUIRED.
2. CONCEPT PLAN ASSUMES RELIEF /ZONING MODIFICATIONS TO ITEMS NOTED ABOVE.
3. AREA AND LOCATIONS FOR STORMWATER BMPS ARE CONCEPTUAL. FURTHER ANALYSIS REQUIRED.
4. ARCHITECTURAL FOOTPRINTS ARE CONCEPTUAL. FOOTPRINT MAY VARY PENDING BUILDER ARCHITECTURE.



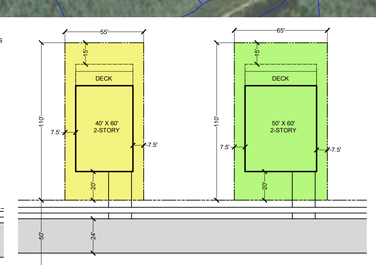
TYPICAL 20' WIDE TOWNHOME LOTS
SCALE: 1" = 50'



TYPICAL 24' WIDE TOWNHOME LOTS
SCALE: 1" = 50'



TYPICAL 22' WIDE TOWNHOME LOTS
SCALE: 1" = 50'



TYPICAL SINGLE FAMILY LOTS
SCALE: 1" = 50'

PROPOSED OPEN SPACE LEGEND

132 AC	HOA COMMON AREA INCLUDING STORMWATER MANAGEMENT
23 AC	WETLANDS & WETLAND BUFFER
25 AC	ON SITE TREATMENT FACILTY
180 AC	TOTAL OPEN SPACE

LEGEND:

WETLANDS
WETLANDS MARGIN (50 FT)
STREAM
FLOOD HAZARD LINE
NJ INLAND FLOOD ELE.

PRELIMINARY BASE MAPPING SOURCES:
1. ALL BASE INFORMATION PROVIDED BY NEW JERSEY GIS DATA & "DEVELOPABLE AREA EXHIBIT" PREPARED BY DYNAMIC ENGINEERING DATED: 5/21/2025.
2. PROPOSED ON-SITE TREATMENT AREA ESTIMATED. AREA BASED ON 275 GPD/DU, FUTHER ANALYSIS REQUIRED. FURTHER ANALYSIS REQUIRED.
3. ALL FEATURES ILLUSTRATED ON THIS PLAN ARE CONSIDERED PRELIMINARY.

REV	DATE	DESCRIPTION	BY

Independence ENGINEERING LLC
1777 SENTRY PARKWAY WEST
BUILDING 12, SUITE 103
BLUE BELL, PENNSYLVANIA 19422
(215) 798-4450
INDEPENDENCE IS YOUR ADVANCE ENGINEERING
NEW JERSEY ★ PENNSYLVANIA ★ MASSACHUSETTS

CONCEPT PLAN
FOR
997 PENNSYLVANIA AVENUE, FRANKLIN TOWNSHIP
GLOUCESTER COUNTY, NEW JERSEY

0 150 300
GRAPHIC SCALE: 1" = 300'

PROJECT	
081-011	
DATE	
11/11/2025	
SCALE	DRAWN
1" = 300'	EES
DESIGNED	CHECKED
EES	NES

CP-B1

SHEET	OF
1	1

THIS DRAWING IS THE PROPERTY OF INDEPENDENCE ENGINEERING LLC, AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.

APPENDIX D

MEDIATION AGREEMENT FOR FSHC

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

In the Matter of the Application of the Township of Franklin, County of Gloucester
Docket No. GLO-L-68-25

WHEREAS, the Township of Franklin (the "Township" or "Franklin") filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 *et. seq.* (the "Fair Housing Act") on January 16, 2025; and

WHEREAS, the Court entered an order on May 5, 2025 setting the Township's Fourth Round fair share obligations as a Present Need of 48 and a Prospective Need of 243, which no party appealed, and ordering the Township to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Township filed its HEFSP on June 18, 2025 ("Adopted HEFSP"); and

WHEREAS, FSHC filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township's HEFSP on August 25, 2025; and

WHEREAS, ALR Franklin 1 Property LLC, ALR Franklin 2 Property LLC, and ALR Franklin 3 Property LLC (collectively, "ALR") having filed a challenge dated September 3, 2025 pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township's HEFSP; and

WHEREAS, the Township and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement and present this agreement for review by the Program and referral to the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, which, if approved, will result in a compliance certification for the Township for the Fourth Round;

THEREFORE, the Township and FSHC agree:

Fair Share Obligations

1. The Township's Present Need or Rehabilitation Obligation is 48, the Township's Prior Round Obligation (1987-1999) is 166, the Township's Third Round Obligation (1999-2025) is 527, and the Township's Fourth Round Prospective Need (2025-2035) is 243.

Satisfaction of Fair Share Obligations

2. The Township will address its Present Need via continued participation in the Gloucester County owner-occupied rehabilitation program.
3. The Township's Prior Round Obligation is 166 and has been met with the following mechanisms:
    a. 36 prior cycle credits
4. The Township's Third Round Obligation is 527. When combined, the Township's Prior Round and Third Round Prospective Need Obligation, less the existing prior cycle credits is 657. Because the Township currently does not have public water and sewer, the Township and FSHC agreed that the Township is entitled to a Durational Adjustment pursuant to N.J.A.C. 5:93-4.3(c). The Township addresses the obligation with the following mechanisms, as established in the court-approved May 26, 2022 Settlement Agreement between the parties:
    a. Mandatory set aside ordinance
    b. Inclusionary overlay zoning on the following properties providing 1,006 credits:

Block	Lot(s)	Net Acreage	Total Units	Affordable Units
1903	1, 63, 64, 65, 66	36.34	508	102
2001	11, 12, 13, 14, 15, 16	117.97	1,651	330
2401	1	12.26	171	34
5101	2, 2.01, 3, 4, 5, 6, 7, 8, 9	115.16	1,612	322
5501	30	13.89	194	39
5502	8	9.48	132	26
5503	4, 5	16.58	232	46
5504	2, 3, 4, 5, 6	38.14	533	107
Totals		321.73	5,003	1,006

c. Due to the settlement with the ALR Challengers, thereby resulting in enough proposed affordable housing units to satisfy the Township's remaining Prior Round and Third Round obligations, as well as fully satisfy its Fourth Round obligation in excess, the requirements included in N.J.A.C. 5:93-4.3(c)3 and 4 related to the inclusion in a fair share plan when the DEP or its designated agent approves a proposal to provide water and/or sewer to a site other than those designated for the development of low and moderate income housing in the housing element and fair share plan are hereby waived in accordance with N.J.A.C. 5:93-4.3(c)4, which permits a waiver of such requirements when a municipality has a plan that will provide water and/or sewer to sufficient sites to address the municipal obligation within the repose period.

d. Township commitment to assist in the provision of public water and sewer for any proposed inclusionary developments, but is not required to expend any funds related to infrastructure.

e. Township commitment to reserve new public water and/or sewer capacity for affordable housing.

f. Nothing in this Agreement commits the Township to fund the expansion of infrastructure for water and/or sewer pursuant to N.J.S.A. 52:27D-311 and the Township is expressly not required to expend any funds in support of providing such infrastructure.

5. The Township's Fourth Round Prospective Need Obligation of 243 will be addressed through continuation of a Durational Adjustment:

   a. As demonstrated, the Township does not have any capacity for water or sewer to support inclusionary housing and thus is entitled to a Durational Adjustment in accordance with N.J.A.C. 5:93-4.3. Over the years, the Township has attempted to work with utility authorities in adjacent municipalities without success. Those efforts are well known to the parties to this Agreement, as well as to the Program. The Township has the option of detailing its efforts to obtain sewer and water capacity in its Amended Housing Element and Fair Share Plan, or as otherwise needed for a Fairness/Compliance Hearing as directed by the Court.

   b. Within the zoning described in this agreement, where the NJDEP or its designated agent approves a proposal infrastructure to a site for the development of very-low-, low-, and moderate-income housing identified in the Fourth Round Housing Element and Fair Share Plan, the Township shall permit such development and Franklin shall support all applications to NJDEP or its agents to provide water and/or sewer capacity.

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

i. The Township will seek court approval for, and FSHC will support, a Durational Adjustment of the 243-unit obligation. In accordance with N.J.A.C. 5:93-4.3(c), the requirement to address the obligation shall be deferred until adequate water and/or sewer are made available. Nothing in this Agreement commits the Township to fund the expansion of infrastructure for water and/or sewer pursuant to N.J.S.A. 52:27D-311 and the Township is expressly not required to expend any funds in support of providing such infrastructure.

d. Fries Mill Road (Block 1902, Lot 1): The Township will amend the current zoning to allow for the development of up to 1,535 dwelling units with a 20% set aside, yielding 307 affordable units.

e. Oak Avenue: The Township will amend the current zoning to allow for the development of up to 582 dwelling units with a 20% set aside, yielding 118 affordable units. The property consists of the following parcels:

i. 16th Street: Block 4401, Lots 19-22

ii. 15th Street: Block 4402, Lot 1; Block 4403, Lot 1; Block 4044, Lot 1; Block 4405, Lot 1

iii. 14th Street: Block 4410, Lot 1; Block 4411, Lot 1; Block 4412, Lot 1; Block 4413, Lot 1; Block 4414, Lot 1

iv. 13th Street: Block 4415, Lot 1; Block 4416, Lot 1; Block 4417, Lot 1; Block 4418, Lot 1; Block 4419, Lot 1

v. 12th Street: Block 4426, Lot 1; Block 4427, Lot 1; Block 4428, Lot 1; Block 4429, Lot 1; 4430, Lot 1

vi. 11th Street: Block 4431, Lot 1; Block 4432, Lot 1; Block 4433, Lot 1; Block 4434, Lot 1; Block 4435, Lot 1; Block 4436, Lot 1

vii. Block 4443, Lot 1

viii. 10th Street: Block 4444, Lot 1; Block 4445, Lot 1

ix. Willow Ave: Block 4447, Lot 1

x. Smallwood Drive: Block 4442, Lot 5; Block 4501, Lot 1

xi. Heather Court: Block 4502, Lot 8

f. Pennsylvania Avenue (Block 1401, Lots 58, 63, and 68.24): The Township will amend the current zoning to allow for the development of up to 2,000 dwelling units with a 20% set aside, yielding 400 affordable units.

g. Mandatory set-aside ordinance: The Township will maintain the Township-wide mandatory set-aside ordinance requiring a 20% affordable housing set aside for new development of 5 or more residential units at 6 du/ac or greater.

h. The Township shall be permitted to amended its zoning ordinances to remove sites from the overlay zone adopted in the Third Round based upon a determination that the zoning of the sites referenced in this section above provide a realistic opportunity for the development of up to 825 affordable dwelling units, which if built, would satisfy the Township's remaining Prior Round, Third Round, and Fourth Round, as well as a potential surplus to be credited against future rounds (subject to any bonus credits to be claimed).

Unit Type and Income Distribution Requirements

6. The Township and FSHC agree that the Township's HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the Township shall maintain satisfaction with such requirements for the Fourth Round:

    a. Age Restricted Cap. The Township agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.

    b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the Township shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).

    c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.

    d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the Township's

Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.

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

f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Township, statutory requirements, and the Prior Round and Third Round regulations.

7. In all developments that produce affordable housing, the Township and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:

a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.

b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.

c. The Township agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required to be for very low-income households earning 30 percent or less of the regional median income.

d. The Township agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.

e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law The affirmative marketing plan shall include the following community and regional organizations: FSHC; the New Jersey State Conference of the NAACP; the Latino Action Network; Gloucester County and Salem County Branches of the NAACP; Senior Citizens United Community Services; and the Supportive Housing Association.

Process for Approval and Implementation

8. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, as well as the Court's Case Management Order, thereby extending the Township's implementation deadline to April 29, 2026 the municipality and FSHC recognize that the Program and/or county level housing judge must still review this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuing a compliance certification, as follows:
    a. The Township and FSHC shall present this mediation agreement to the Program member for review upon full execution by both parties.
    b. The Program Member shall review the agreement and if satisfied with compliance with the Fair Housing Act shall refer this matter to the Mount Laurel judge for review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.
    c. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(c), the Township shall adopt all implementing ordinances and resolutions no later than April 29, 2026, including but not limited to the outstanding items identified in the next paragraph and will file same on eCourts.
    d. Within thirty (30) days of filing the implementing ordinances in compliance with subsection (c) above, the Township and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.

e. Both parties agree to implement the terms of this Agreement. If the Program, county level housing judge, or any appellate court rejects this Agreement, the parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.

9. The Township and FSHC agree that following conditions remain to be met prior to April 29, 2026 as conditions of compliance certification:

   a. Fries Mill Road: The Township will provide the adopted zoning ordinance. ALR is under contract to purchase the site. Therefore, a site suitability analysis shall be provided by ALR.

   b. Oak Avenue: The Township will provide the adopted zoning ordinance. The parties will work together to ensure the income breakdown and bedroom distribution of all affordable units complies with UHAC.

   c. Pennsylvania Avenue: The Township will provide the adopted zoning ordinance. The parties will work together to ensure the income breakdown and bedroom distribution of all affordable units complies with UHAC.

   d. The Township will provide the list of sites the Township proposes to remove from the affordable housing overlay zone to FSHC for review.

   e. The Township will provide the following adopted administrative documents:

i. Resolutions designating the positions of Municipal Housing Liaison and Administrative Agent.

ii. Affordability assistance program manual

f. The Township will adopt a Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and regulations at N.J.A.C. 5:99.

g. The Township will update and adopt its affordable housing ordinance, development fee ordinance, and affirmative marketing plan in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. before March 15, 2026.

10. The Township's Compliance Certification shall be subject to required ongoing monitoring as follows:

a. The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.

b. The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type,

tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Township or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

11. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be

adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections. No member, official or employee of the municipality shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement, which is prohibited by law, absent the need to invoke the rule of necessity.

On behalf of the Township of Franklin:	On behalf of Fair Share Housing Center:
_____	Laura S. Smith-Denker, Esq.
Date:	Date: 04/06/2026

APPENDIX E

MEDIATION AGREEMENT FOR ALR

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM
BETWEEN THE TOWNSHIP OF FRANKLIN AND ALR FRANKLIN PROPERTY 1, LLC, ALR FRANKLIN PROPERTY 2, LLC, AND ALR FRANKLIN PROPERTY 3, LLC

In the Matter of the Application of the Township of Franklin, County of Gloucester
Docket No. GLO-L-68-25

WHEREAS, the Township of Franklin (the "Township" or "Franklin") having filed a resolution of participation ("Resolution") in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action pursuant to the New Jersey Fair Housing Act N.J.S.A. 52:27D-391 et seq. (the "FHA") on January 16, 2025; and

WHEREAS, the Court entered an order on May 5, 2025, setting the Township's Fourth Round fair share obligations at a Present Need of 48 units and a Prospective Need of 243 units, which the Township appealed, and ordering the Township to file a Housing Element and Fair Share Plan ("HEFSP") by June 30, 2025; and

WHEREAS, the Township filed its HEFSP with the Affordable Housing Dispute Resolution Program ("Program") on June 18, 2025; and

WHEREAS, Fair Share Housing Center ("FSHC") filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township's HEFSP on August 25, 2025; and

WHEREAS, the challenge filed by FSHC shall be resolved in a separate mediation agreement between the Township and FSHC; and

WHEREAS, ALR Franklin Property 1 LLC ("ALR Franklin 1") is the contract purchaser of the approximately 256-acre tract located at 1457 Fries Mill Road and designated as Block 1902, Lot 1 on the Township tax maps ("Fries Mill Road Tract"); and

WHEREAS, ALR Franklin Property 2 LLC ("ALR Franklin 2") is the contract purchaser of the approximately 97.17-acre tract located at 535 Oak Avenue ("Oak Avenue Tract") designated as the following lots and blocks on the Township tax maps:

Block 4401, Lots 19-22; Block 4402, Lot 1; Block 4403, Lot 1; Block 4404, Lot 1; Block 4405, Lot 1; Block 4410, Lot 1; Block 4411, Lot 1; Block 4412, Lot 1; Block 4413, Lot 1; Block 4414, Lot 1; Block 4415, Lot 1; Block 4416, Lot 1; Block 4417, Lot 1; Block 4418, Lot 1; Block 4419, Lot 1; Block 4426, Lot 1; Block 4427, Lot 1; Block 4428, Lot 1; Block 4429, Lot 1; Block 4430, Lot 1; Block 4431, Lot 1; Block 4432, Lot 1; Block 4433, Lot 1; Block 4434, Lot 1; Block 4435, Lot 1; Block 4436, Lot 1; Block 4442, Lot 5; Block 4443, Lot 1; Block 4444, Lot 1; Block 4445, Lot 1; Block 4447, Lot 1; Block 4501, Lot 1; Block 4502, Lot 8; and

WHEREAS, ALR Franklin Property 3 LLC ("ALR Franklin 3)," is the contract purchaser of the approximately 355-acre tract located at 997 Pennsylvania Avenue and designated as Block 1401, Lots 58, 63 & 68.24 on the Township tax maps (the "Pennsylvania Avenue Tract"); and

WHEREAS, ALR Franklin 1, ALR Franklin 2, and ALR Franklin 3 are collective referred to as, the "ALR Franklin Entities;" and

WHEREAS, the Fries Mill Road Tract, the Oak Avenue Tract, and the Pennsylvania Avenue Tract are collectively referred to as the "ALR Franklin Properties;" and

WHEREAS, the ALR Franklin Entities filed a challenge to the HEFSP with respect to the ALR Franklin Properties pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) on August 29, 2025 ("ALR Franklin Challenge"); and

WHEREAS, the Township and the ALR Franklin Entities have agreed to amicably resolve the issues set forth in the ALR Franklin Challenge through this Mediation Agreement, and present this agreement for review by the Program and referral to the Mount Laurel/County level housing

judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, which if approved will result in a compliance certification in favor of the Township for its Fourth Round Mount Laurel Obligation pursuant to the FHA;

THEREFORE, the Township and the ALR Franklin Entities (collectively referred to as the "Parties" and individually as "Party") each agree:

1. The prefatory statements, recitals and representations set forth above are incorporated herein by reference, as if fully set forth herein and shall constitute a part of this Mediation Agreement.
2. The Township shall amend the HEFSP to provide for an inclusionary development on the Fries Mill Road Tract ("Fries Mill Road Inclusionary Development") that is substantially consistent with the concept plan attached hereto and made a part hereof as **Exhibit A**, and that incorporates the following requirements:
    a. Total unit yield of 1,535 units, including a twenty (20%) percent affordable housing set-aside (i.e., 1,228 market-rate units and 307 affordable units).
    b. Market rate units shall be a combination of single-family homes, townhomes, and multifamily/condominium flats, at the sole discretion of ALR Franklin 1 and does not materially deviate from the concept plan in Exhibit A without further review and approval by the Township, which approval shall not be unreasonably withheld.
    c. Affordable units shall be a combination of townhomes and multifamily/condominium flats, at the sole discretion of ALR Franklin 1 and does not materially deviate from the concept plan in Exhibit A without further

review and approval by the Township, which approval shall not be unreasonably withheld.

d. No more than 77 units of the 307 total affordable units in the project, or 25% of the total number affordable units if the total unit yield of the project is lower than 1,535 units, shall be family rental units.

e. Open space set aside requirement of approximately 45%, which may include wetlands, wetlands buffers, stormwater improvements, septic fields, and other items up to the maximum permitted for such items, as set forth in the ordinance. Open space shall also include active recreation and other means of open space not related to project infrastructure, as set forth in the implementing ordinance.

f. Income breakdown and bedroom distribution of all affordable units complies with UHAC.

g. Such ordinance shall be drafted such that bulk zoning requirements and open space requirements shall permit a maximum unit yield as set forth above. Ultimate yield is subject to the application of developer and the site plan approval process, but may not exceed 1,535 total units.

3. In order to implement the HEFSP for the Fries Mill Road Inclusionary Development, the Township shall enact a zoning ordinance ("Fries Mill Road Inclusionary Development Ordinance") that is substantially consistent with the form of ordinance attached hereto and made a part hereof as **Exhibit B**.

4. The Township shall amend the HEFSP to provide for an inclusionary development on the Oak Avenue Tract ("Oak Avenue Inclusionary Development") that is substantially

consistent with the concept plan attached hereto and made a part hereof as **Exhibit C**[1], and that incorporates the following requirements:

a. Total unit yield of 582 units, including a twenty (20%) percent affordable housing set-aside (i.e., 464 market-rate units and 118 affordable units).

b. Market rate units shall be a combination of single-family homes, townhomes, and multifamily/condominium flats, at the sole discretion of ALR Franklin 2 but does not materially deviate from the concept plan in Exhibit C without further review and approval by the Township, which approval shall not be unreasonably withheld.

c. Affordable units shall be a combination of townhomes and multifamily/condominium flats, at the sole discretion of ALR Franklin 2, but does not materially deviate from the concept plan in Exhibit C without further review and approval by the Township, which approval shall not be unreasonably withheld.

d. No more than 30 units of the 118 affordable units in the project, or 25% of the total number of affordable units if the total unit yield of the project is lower than 582 units, shall be family rental units.

e. Open space set aside requirement of approximately 25%, which may include wetlands, wetlands buffers, stormwater improvements, septic fields, and other items up to the maximum permitted for such items, as set forth in the ordinance. Open space shall also include active recreation and other means of open space not related to project infrastructure, as set forth in the implementing ordinance.

[1] The concept plans are not binding land development approvals. All development shall remain subject to subdivision, site plan, and other approvals required by the Municipal Land Use Law.

f. Income breakdown and bedroom distribution of all affordable units complies with UHAC.

g. Such ordinance shall be drafted such that bulk zoning requirements and open space requirements shall permit a total unit yield as set forth above.

5. In order to implement the HEFSP for the Oak Avenue Inclusionary Development, the Township shall enact a zoning ordinance ("Oak Avenue Inclusionary Development Ordinance") that is substantially consistent with the form of ordinance attached hereto and made a part hereof as **Exhibit D**.

6. The Township shall amend the HEFSP to provide for an inclusionary development on the Pennsylvania Avenue Tract ("Pennsylvania Avenue Inclusionary Development," that is substantially consistent with the concept plan attached hereto and made a part hereof as **Exhibit E**, and that incorporates the following requirements:

   a. Total unit yield of 2,000 units, including a twenty (20%) percent affordable housing set-aside (i.e., 1,600 market-rate units and 400 affordable units).

   b. Market rate units shall be a combination of single-family homes, townhomes, and multifamily/condominium flats, at the sole discretion of ALR Franklin 3, but does not materially differ from the concept plan in Exhibit E without further review and approval by the Township, which approval shall not be unreasonably withheld.

   c. Affordable units shall be a combination of townhomes and multifamily/condominium flats, at the sole discretion of ALR Franklin 3, but does not materially differ from the concept plan in Exhibit E without further

review and approval by the Township, which approval shall not be unreasonably withheld.

d. No more than 100 units of the 400 total affordable units in the project, or 25% of the total number of affordable units if the total unit yield of the project is lower than 2,000 units shall be rental units.

e. Open space requirement of approximately 50%, which may include wetlands, wetlands buffers, stormwater improvements, septic fields, and other items up to the maximum for such items, as set forth in the ordinance. Open space shall also include active recreation and other means of open space not related to project infrastructure, as set forth in the implementing ordinance.

f. Income breakdown and bedroom distribution of all affordable units complies with UHAC.

7. Such ordinance shall be drafted such that bulk zoning requirements and open space requirements shall permit a total unit yield as set forth above. In order to implement the HEFSP for the Pennsylvania Avenue Inclusionary Development, the Township shall enact a zoning ordinance ("Pennsylvania Avenue Inclusionary Development Ordinance") that is substantially consistent with the form of ordinance attached hereto and made a part hereof as **Exhibit F**.

8. Consistent with the FHA and N.J.A.C. 5:94-8.1, the Township shall waive any municipal ordinance provisions that constitute unnecessary "cost generating features" and constitute "development standards that are not essential to protect the public welfare" as permitted by applicable law.

9. As part of the ALR Franklin Entities' applications for site plan approval shall include detailed explanation of how the homeowners' association will maintain any on-site stormwater, basins, septic, and other infrastructure, which will remain the HOA's sole responsibility. Devleper shall also acknowledge that any HOA fees, special assessments or any other costs are not the responsibility of the Township and Developer understands all implications of those costs relative to affordability controls and restrictions. Nothing in this Agreement shall obligate the Township, in perpuity, to utilize its own funds, trust fund or otherwise, for any costs or HOA fees associated with this project whatsoever and in perputity. This shall specifically include maintenance of stormwater basins, which shall be the developer's sole responsibility. The Township shall not have any responsibility now or in the future for the maintenance or repair of any infrastructure, or be responsible financially for the affordable units' fair share of that maintenance, but shall be fully funded and subsidized by applicable HOA fees and/or other financial safeguards provided by the developer.

10. Pursuant to N.J.A.C. 5:93-4.3(c)1-4, and the Township's Mediation Agreement with the FSHC of even date herewith, the Township shall cooperate with the ALR Franklin Entities, and act in good faith and with continuity of purposes, to assist the ALR Franklin Inclusionary Developments on the ALR Franklin Properties in facilitating the provision of public water and sewer to the ALR Franklin Properties. Such cooperation shall be consistent with the municipal requirements set forth in N.J.A.C. 5:93-4.3, including, as necessary, the Township endorsing or being a co-applicant with respect to:

i. Any applications to the New Jersey Department of Environmental Protection ("NJDEP") or its agent to provide infrastructure for the ALR Franklin Properties;

ii. Any applications for the inclusion of the ALR Franklin Properties in any appropriate sewer service area or wastewater management plan;

iii. Any applications made to any State (including but not limited to the NJDEP), county, local or other body politic or utility authority necessary in order to provide public sewer and water service; and

iv. Any other reasonable steps necessary or required to facilitate the provision of public water and sewer.

Nothing in the foregoing shall require the Township to expend funds to obtain, or assist in obtaining, the required approvals. The Township reserves the right to request that the ALR Entities establish an escrow account to fund any expenses of municipal professionals to draft or review any documentation necessary to comply with the requirements of this Section. The ALR Franklin Entities shall be responsible for the design, permitting, construction and extension of all water and sewer infrastructure improvements that are directly necessitated by the ALR Franklin Inclusionary Developments. The ALR Franklin Entities shall also be responsible the cost of such water and sewer infrasturucture improvements, subject to the payment of the pro-rata share of the cost of such improvements by other private parties. Nothing in this Agreement, however, shall obligate the Township to guarantee or ensure the issuance of any permit or approval by any governmental agency or utility authority, and does not

create a cause of action to compel the Township to bear the responsibility and expense for providing water or sewer infrastructure for the projects set forth in this Agreement now or in the future. The Township specifically does not commit any funding for infrastructure pursuant to N.J.S.A. 52:27D-311(n). This includes the maintaince of, and all costs associated with, any on-site package treatment facility.

11. Subject to any existing agreements or court orders, including but not limited to the "Redevelopment Agreement for the Route Forty Food Center" dated June 11, 2013 (and any amendments thereto), should public water and/or sewer become available to the Township, it shall be required, pursuant to N.J.A.C. 5:93-4.3(c)1, to reserve and set aside the water and/or sewer capacity, when it becomes available, for low and moderate income housing, including the ALR Franklin Inclusionary Developments, on a priority basis until it has satisfied its fair share obligations. "Sewer capacity" and "water capacity" shall be as those terms are defined in N.J.A.C. 5:97-1.4.
12. Subject to applicable law, the ALR Franklin Entities shall be responsible for all on-site and off-site improvements directly necessitated by the ALR Franklin Inclusionary Developments, and otherwise constituting the ALR Franklin Entities' pro-rata share of such improvements, including but not limited to, road improvements, utilities, stormwater management, and environmental mitigation. Nothing in this Agreement, however, shall be construed to create an obligation on behalf of the Township for the costs and construction of any on-site or off-site improvements contemplated by this paragraph now or in the future.
13. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the Parties recognize that the Program and/or County level housing judge must still review

this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the FHA prior to issuing a compliance certification, as follows:

a. The Parties shall present this Mediation Agreement to the Program Member for review upon full execution by the Parties.

b. The Program Member shall review the Agreement and if satisfied with compliance with the FHA shall refer this matter to the Mount Laurel/County level housing judge for review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.

c. The Township shall adopt all implementing ordinances and resolutions no later than April 29, 2026, and shall file a copy of the adopted ordinances and resolutions on eCourts. These deadlines are subject to any decision of a Court of competent jurisdiction and shall be extended accordingly in compliance with any stay issued by a court of competent jurisdiction as applicable to the Township.

14. All Parties agree to implement the terms of this Mediation Agreement. If the Program, Mount Laurel/County level housing judge, or any appellate court rejects this Mediation Agreement, the Parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All Parties shall have an obligation to fulfill the intent and purpose of this Mediation Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment or other applicable law. The Parties acknowledge and agree that the concept plans attached hereto as Exhibits A, C, and E, respectively, have not been fully

engineered, and are subject to change. The terms of this Mediation Agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.

15. The parties agree that if a decision of a court of competent jurisdiction, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of a Fourth Round Prospective Need Obligation of the Township that would be lower than the obligation established in this Agreement, the Township may seek to amend any orders entered in this matter to reduce its fair share obligation accordingly. No reduction to the housing obligation shall alter ALR's rights to pursue the development of its inclusionary developments as outlined in this agreement.
16. Nothing contained herein shall be deemed to limit or waive the jurisdiction of the Planning Board or Board of Adjustment to review and act upon any future development applications in accordance with the Municipal Land Use Law.
17. All development contemplated herein shall remain subject to all applicable federal, state, and local environmental regulations, including but not limited to wetlands, flood hazard, and stormwater management requirements.
18. Nothing herein shall constitute an admission by the Township regarding the validity of any challenge filed by the ALR Franklin Entities.
19. This Agreement may be executed in counterparts, all of which together shall constitute the same Agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the Parties. Each Party acknowledges that

each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections. No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, as determined pursuant to the Local Government Ethics Law and Matter of Borough of Englewood Cliffs, 473 N.J. Super. 189 (Super. Ct. App. Div. 2022), nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

On behalf of the Township of Franklin:

Date:

On behalf of ALR Franklin Property 1 LLC:

Date:

On behalf of ALR Franklin Property 2 LLC:

Date:

On behalf of ALR Franklin Property 3 LLC:

Date:

APPENDIX F

HOUSING PLAN ELEMENT
& FAIR SHARE PLAN

TOWNSHIP OF FRANKLIN,

GLOUCESTER COUNTY, NEW JERSEY

Housing Plan Element & Fair Share Plan

Fourth Round (2025 – 2035)

June 3, 2025

Prepared by:

CME Associates
1 Market Street, Suite 1F
Camden, NJ 08102
732-410-2651

Christopher N. Dochney, PP, AICP
NJ Professional Planner License # 6225

The original document was appropriately signed and sealed in accordance with the Chapter 41 Title 13 of the State Board of Professional Planners.

Adopted by the Planning Board on June 17, 2025

Endorsed by the Township Committee on _____

ACKNOWLEDGMENTS:

Franklin Township Mayor and Committee

John "Jake" Bruno – Mayor
Tim Doyle – Deputy Mayor
Mark Fiorella
Jonathan Keen
Mike Marsh

Franklin Township Planning Board

Joseph Petsch – Board Chair
Ralph Travaglione – Vice Chair
Jake Bruno - Mayor
Timothy Doyle - Deputy Mayor
Jim Kelly
Kyle Clark
John Melleady
Joseph Szwed
Jason Brandt
Stephen Ranson - Alternate #1
Frank Kohute - Alternate #2

Christina Mulford – Board Secretary
Jacci Vigilante, Esq. – Board Attorney
Ed D'Armiento, PE, CME – Board Engineer
Chris Dochney, PP, AICP – Board Planner

Tara St. Angelo, Esq. – Affordable Housing Attorney

CONTENTS

Introduction **1**
Location and Context 1
Affordable Housing 3
Franklin's Compliance History 5
Housing Plan Element **7**
Demographics 9
Housing Conditions 13
Economic Conditions 19
Fair Share Plan **23**
Consideration of Lands Suitable for Affordable Housing 23
Fair Share Obligation 26
Present Need (Rehabilitation) Obligation 27
Prospective Need Obligations 28
Prior Round (1987-1999) & Third Round (1999-2025) Obligation 28
Fourth Round (2025 – 2035) Obligation 28
Durational Adjustment 30
Compliance Mechanisms 31
Site Suitability 35
Summary of Fair Share Plan 36
Affordable Housing Administration **37**
Affordable Housing Ordinances 37
Affordable Housing Trust Fund 37
Municipal Housing Liaison 38
Administrative Agent 38
Income Levels 38
Appendices **39**

List of Appendices

A. Previous Compliance Documents
    1. Third Round Settlement Agreement with Fair Share Housing Center
    2. Third Round Final Judgement of Compliance
B. Fourth Round Obligations
    1. Resolution 37-25 Determining Fourth Round Obligations
    2. Order Fixing Obligations
C. Administrative Documents
    1. DRAFT Resolution Appointing Municipal Housing Liaison
    2. DRAFT Resolution Appointing Administrative Agent
    3. DRAFT Affordable Housing Trust Fund Spending Plan
    4. DRAFT Affirmative Marketing Plan
D. Affordable Housing Maps
    1. Affordable Housing Sites
E. Crediting Documents
    1. DRAFT Ordinance 'B' Business District Amendments

INTRODUCTION

Location and Context

Franklin Township is a large community in southeastern Gloucester County, located approximately 29 miles to the southeast of the City of Philadelphia. At approximately 56 square miles Franklin Township is the largest municipality in Gloucester County. Franklin Township borders Clayton, Elk Township, Monroe Township, and Newfield in Gloucester County; Buena and Buena Vista Township in Atlantic County; Vineland in Cumberland County; and Pittsgrove Township and Upper Pittsgrove Township in Salem County. Franklin Township contains a plethora of neighborhoods such as Blue Bell, Downstown, Forest Grove. Franklinville, Fries Mills, Iona, Janvier, Lake, Malaga, Marsh Lake, Piney Hollow, Plainville, Star Cross, and Porchtown. The township contains primarily single-family housing types and the majority of the Township's developed lands and population are located along State Route 55 (Veterans Memorial Highway), State Route 47 (Delsea Drive), and US Highway 40 (Harding Highway).

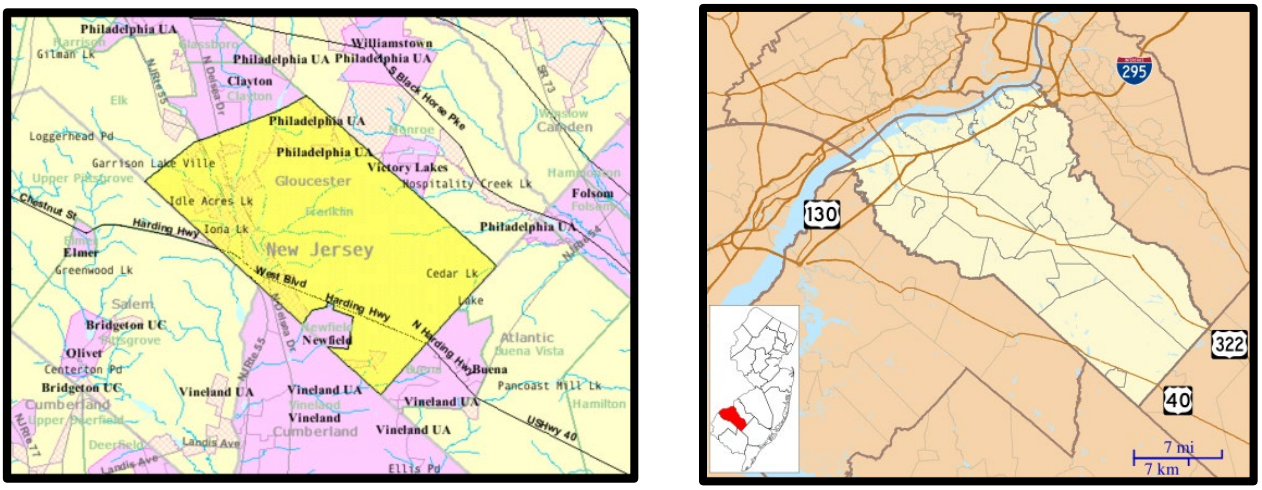


Figure 1 Contextual Maps of Franklin Township. Gloucester County

While there are generally some areas within the Township that are environmentally constrained when considering future development, these areas are generally identifiable to the location of the several streams and water bodies in the Township. According to NJDEP data, the majority of wetlands follow the several streams that run through Franklin, primarily in the western and northwestern portion of the Township. Further environmental conditions that are of note in Franklin include the eastern portion of the Township being located within the Pinelands Management Area. The land that is east of Gloucester County Route 555 within Franklin is considered to be within the Pinelands Management Area, with the specific areas being either an Agricultural Production Area or a Rural Development Area. Despite a large amount otherwise available land for development, construction in Franklin has largely been constrained due to a lack of available water and sewer infrastructure to serve the type of dense residential and commercial development that is seen is some of the Township's more suburban neighbors closer to the urban centers.

The eastern portion of the Township is located within the Agricultural Development Area and Rural Development Area of the Pinelands Management Area, and is sparsely developed, and consists of

conservation lands, streams, and wetlands. The boundary delineating the areas within the jurisdiction of the Pinelands is generally Tuckahoe Road, Main Road, and Route 40 (Harding Highway).

For the portions of the Township that are not located within the Pinelands, the State Plan Policy Map places them in three different Planning Area classifications: Planning Area 2 (Suburban), Planning Area 4 (Rural Environmentally Sensitive), and Planning Area 5 (Environmentally Sensitive). Development is encouraged by the State Plan in Planning Area 2. The Suburban Planning Area designation generally follows the highway corridors of Route 55, Delsea Drive, and Route 40 in the Franklinville and Malaga areas of the Township. Agricultural uses are encouraged in Planning Area 4. The Rural Planning Area generally follows Agricultural Development Area and Rural Development Area of the Pinelands Management Area. Environmental conservation and protection are encouraged in Planning Area 5. The Environmentally Sensitive Planning Area generally includes areas that are encumbered by wetlands and have flood hazard concerns, and threatened and endangered species.

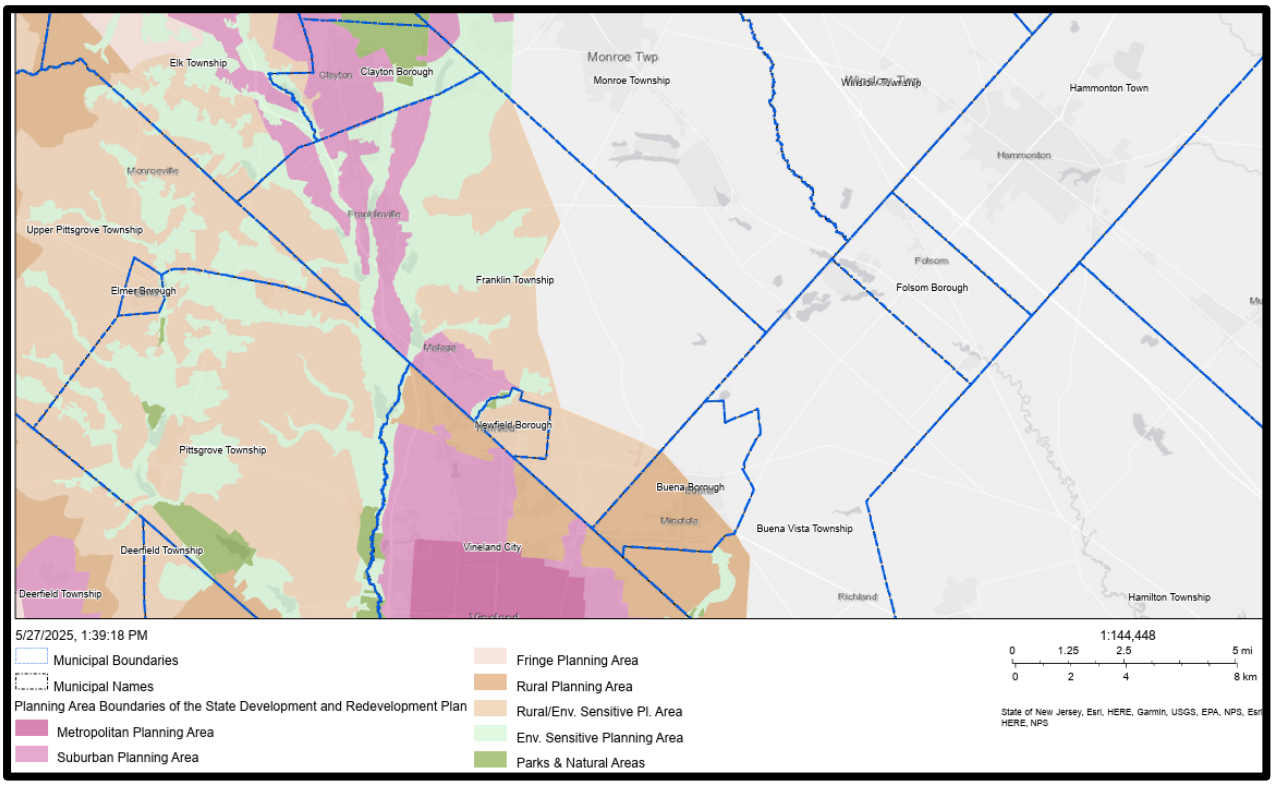


Figure 2 State Plan Areas; Franklin Township, Gloucester County

Approximately 18.48 square miles (33%) of Franklin Township is within the designated Pinelands Management Area. The Pinelands National Reserve was created by Congress in 1978, encompassing 1.1 million acres covering all or parts of 56 municipalities. In 1979 the Pinelands Commission was established and the Pinelands Protection Act was enacted, which set the stage for the adoption of the Pinelands Comprehensive Management Plan (CMP) in 1981. Soon thereafter municipalities within the Pinelands Area were required to adopt Master Plan and land use regulations consistent with the CMP. Since the adoption of the CMP, the development of Franklin, has continued but has been largely channeled to the non-Pinelands areas of the Township. Mainly as a result of the Pinelands regulations and associated infrastructure planning, and the environmental constraints within the Pinelands area, Gloucester County

Agriculture Development Board has identified these areas as Agricultural Development Areas, the non-pinelands areas have developed with village character in the northern and western portions of the Township, particularly along the State Route 55 (Veterans Memorial Highway), State Route 47 (Delsea Drive), and US Highway 40 (Harding Highway).

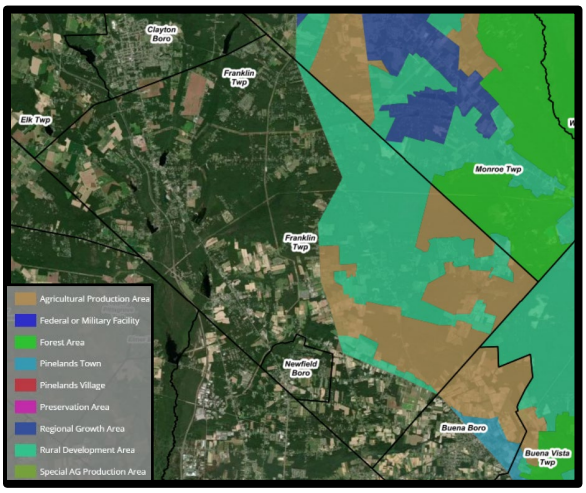


Figure 3 Pinelands Management Areas

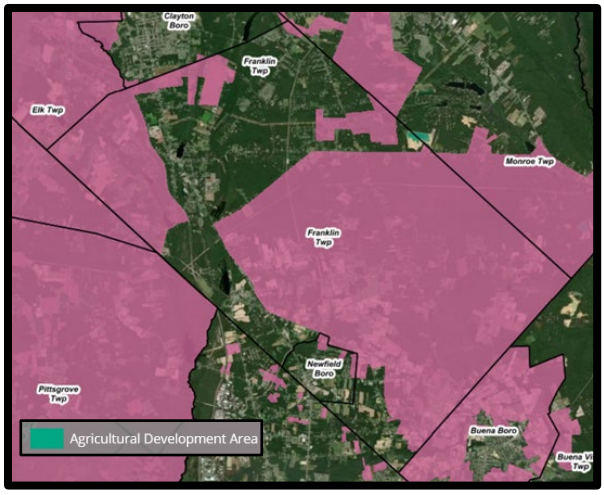


Figure 4 SADC Agricultural Development Areas

2020 Census counts indicate that the Township's population is 16,380 persons, a decrease of 440 people or 2.62 % from the 2010 Census counts. The largest population growth occurred between 1970 to 1980 when the population increased by 37.89 % from 8,990 people to 12,396 people. This drastic increase in population was due to suburbanization reaching the Township and increasing housing growth. Population gradually increased from 1980 to 2010, by 4,424 over the thirty-year time frame, as suburbanization decreased. After a slight estimated decrease in population from 2010 to 2020, the population is expected to slowly increase once again to 17,041 residents by 2050.

Affordable Housing

In 1975 the New Jersey Supreme Court determined, in Southern Burlington County NAACP v. Township of Mount Laurel ("Mount Laurel I") that every developing municipality in New Jersey had an affirmative obligation to provide a "realistic opportunity" for its fair share of low and moderate income housing. In 1983, frustrated with the lack of voluntary compliance, the Supreme Court sought to create an incentive for voluntary compliance in its "Mount Laurel II" decision. In this decision, the Court exposed municipalities that refused to comply voluntarily to the possibility of builder's remedy relief. The Court also called for the state legislature to enact legislation that would save municipalities from the inefficiency of having the courts determine their affordable housing needs.

First and Second Rounds

In 1985 the Legislature adopted the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) ("FHA"). The FHA created the New Jersey Council on Affordable Housing (COAH) and charged COAH with the responsibility of adopting regulations by which municipalities could determine their fair share responsibilities and the means by which they could satisfy those responsibilities. The Legislature also sought to promote voluntary

compliance and empowered municipalities to submit to COAH's jurisdiction and voluntarily comply under the protections of the COAH process.

Pursuant to the FHA, COAH adopted regulations for the first housing cycle in 1986; which covered the years 1987 through 1993 ("First Round") and for the second housing cycle in 1994; which covered the years 1993 through 1999 ("Second Round"). Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers.

Third Round

COAH first adopted the Third Round rules in 2004; which were to cover the years 1999 through 2014. The "growth share" approach created a nexus between the production of affordable housing and future residential and non-residential development within a municipality, based on the principle that municipalities should provide affordable housing opportunities proportionate to their market rate residential growth, and that along with employment opportunities there should be proportionate opportunities for affordable housing. Each municipality was required to project the amount of residential and nonresidential growth that would occur during the period 2004 through 2014 and prepare a plan to provide proportionate affordable housing opportunities. The regulations were challenged and in January 2007, the New Jersey Appellate Division invalidated key aspects of COAH's third round rules and ordered COAH to propose and adopt amendments to its rules to address the deficiencies it had identified.

COAH adopted new Third Round rules in May of 2008 and subsequently adopted amendments that became effective on October 20, 2008. Changes to the Fair Housing Act were also adopted in July of 2008 (P.L. 2008 c. 46 on July 17, 2008). The COAH rules and regulations adopted in 2008 were subsequently challenged, and in an October 2010 decision the Appellate Division invalidated the "Growth Share" methodology, and also indicated that COAH should adopt regulations pursuant to the "Fair Share" methodology utilized in the First and Second Rounds. The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third Round regulations and sustaining the invalidation of growth share, and directing COAH to adopt new regulations pursuant to the methodology utilized in the First and Second Rounds. In October of 2014 COAH was deadlocked and failed to adopt their newly revised Third Round regulations. Fair Share Housing Center, who was a party in the earlier cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. On March 20, 2015, the Court ruled that COAH was effectively dysfunctional, and consequently returned jurisdiction of affordable housing issues back to the trial courts as it had been prior to the creation of COAH in 1986.

Since the 2015 Mt. Laurel IV decision, municipalities turned to the courts to seek a declaratory judgement of their Third Round housing plans to determine whether they met their constitutional affordable housing obligations, and were granted immunity from any "builder's remedy" lawsuits. With no COAH functioning and providing guidance to municipalities to determine their municipal fair share of statewide and regional obligations, a number of independent groups produced their own reports to determine individual obligations across the state. In several court decisions in 2016 and 2018, judges in Middlesex and Mercer County developed a methodology following closely one proposed by Fair Share Housing Center to determine municipal obligations. In the 2018 decision by Judge Jacobson, it was further determined that

the initial period of the Third Round which had not been addressed (1999 – 2015) known as the "gap period" is to be included in each municipality's Third Round fair share calculations.

To achieve Third Round Compliance, municipalities addressed the obligations of the period from 1999 – 2015 through the courts, and through private settlement agreements with Fair Share Housing Center, ultimately leading to a judgement of compliance and repose from the courts for municipalities that could demonstrate full compliance with the requirements of the Fair Housing Act. Due to the ongoing litigation throughout the Third Round, many municipalities achieved this substantive certification from the courts well into the period.

Fourth Round

In March of 2024, P.L. 2024, c.2 was signed into law establishing new procedures for determining statewide needs and municipal obligations for low and moderate income housing. This new law formally abolished COAH and established a new "Program" for resolving affordable housing disputes, as well as the authority to review and certify municipal fair share housing plans. The law required municipalities to determine their own fair share obligations by applying the methodology of the Jacobsen decision in Mercer County as it related to the Third Round, and adopt a binding resolution setting those obligation numbers. The law also provided revisions to the crediting structures for affordable units, with changes to the types of affordable units that are permitted to be granted bonus credits. The law established timelines for submission of documents to demonstrate compliance with the Fair Housing Act.

In addition to the revisions to low and moderate income housing crediting, the amended law established a new Affordable Housing Alternative Dispute Resolution Program. The Program is intended to adjudicate any disputes in affordable housing, and function as the administrative body responsible for reviewing and certifying municipal compliance with the Fair Housing Act. Through the Program and the Administrative Office of the Courts, municipalities seeking a judgment of compliance with Affordable Housing regulations must submit a motion for a declaratory judgment from the Program to retain immunity from any potential builder's remedy lawsuits.

Franklin's Compliance History

Franklin Township adopted its initial Third Round Compliance Plan in October of 2008, in compliance with the Growth Share methodology rules that were in place at the time. The 2008 Housing Element & Fair Share Plan was then endorsed by the Township Committee. As a result of the invalidation of the growth share methodology by the court, the Township's previously adopted Housing Element and Fair Share Plan is no longer sufficient to address its fair share obligation to provide housing opportunities for low and moderate income households in the region.

The Township petitioned the court for a Declaratory Judgment Complaint on July 2, 2015, through Docket No. GLO-L-901-15, In the Matter of the Township of Franklin, Gloucester County. As a part of this Declaratory Judgment process, the Township entered into negotiations with the Fair Share Housing Center to establish firm numbers as the overall obligations of the Township in regards to their fair share requirements, as well as to identify appropriate mechanisms to provide realistic opportunities for the production of affordable housing to meet these obligations.

In May of 2022, the Township reached a settlement agreement with Fair Share Housing Center (FSHC) addressing both the "number" for the Township's Third Round fair share obligation of low-and moderate-income housing, as well the mechanisms the Township will use to satisfy this obligation. A Fairness Hearing on the Settlement Agreement was held on August 12, 2022, and following this hearing the Settlement Agreement was approved by the court. The Township received a judgment of compliance from the Court on May 21, 2024 for its Third Round Plan.

A copy of the Township's Settlement Agreement with Fair Share Housing Center can be found in Appendix A-1.

A copy of the Township's Third Round Judgment of Compliance can be found in Appendix A-2.

In January of 2025, the Township Council adopted Resolution 37-2025 establishing its Fourth Round obligation numbers in accordance with the amended Fair Housing Act adopted by the Legislature and signed by the Governor in March of 2024. The resolution establishing Fourth Round obligation numbers was submitted to the Program through a declaratory judgment action, beginning the process of demonstrating and certifying the Township's compliance with the Fourth Round of affordable housing obligations.

The Township initially determined that it had a Fourth Round present need of 48 units, and a prospective need of 215 units, as per Resolution 37-2025. This determination was challenged by the New Jersey Builder's Association. The Township and the NJBA ultimately settled on a prospective need of 243 for Franklin Township.

A copy of Resolution 37-2025 can be found in Appendix B-1.

A copy of the Order Fixing the Municipal Obligation can be found in Appendix B-2.

The Township has prepared this Housing Plan Element and Fair Share Plan in accordance with all requirements of the Municipal Land Use Law, and the Amended Fair Housing Act.

HOUSING PLAN ELEMENT

According to the Municipal Land Use Law (MLUL) (40:55D-28.b(3)), a municipality is required to adopt a Housing Plan Element of the Master Plan, as well as a Fair Share Plan for addressing its low and moderate income housing obligations in accordance with the Fair Housing Act (FHA).

The Amended Fair Housing Act defines a "Housing Element" as:

> *"that portion of a municipality's master plan 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, and which shall contain the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. of section 3 of P.L.2024, c. 2."*
>
> [N.J.S.A.52:27D-304.1]

Pursuant to the Fair Housing Act, Section 10 of P.L. 1985, c. 222 (C. 52:27D-310), a municipality's housing plan element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with attention to low- and moderate-income housing. This updated Housing Plan Element and Fair Share Plan for the Township of Franklin has been prepared in a manner that is consistent with the FHA and MLUL requirements, and contains the following, as spelled out in the FHA:

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

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

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

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

e. *A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1);*

f. *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;*

g. *An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20);*

h. *For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c. 120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and*

i. *An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.*

[N.J.S.A.52:27D-310]

This Housing Plan Element and Fair Share Plan will address the Township's obligations to provide a realistic opportunity for the construction of low- and moderate-income housing in accordance with the Fair Housing Act, and the MLUL for the Fourth Round period of 2025 – 2035. The preparation of a Housing Plan Element and Fair Share Plan is the first step in petitioning the court for Substantive Certification and Judgement of Repose.

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Township's demographic, housing and employment characteristics based on information from the US Census Bureau, and the New Jersey Department of Labor and Workforce Development.

Demographics

Population Trends

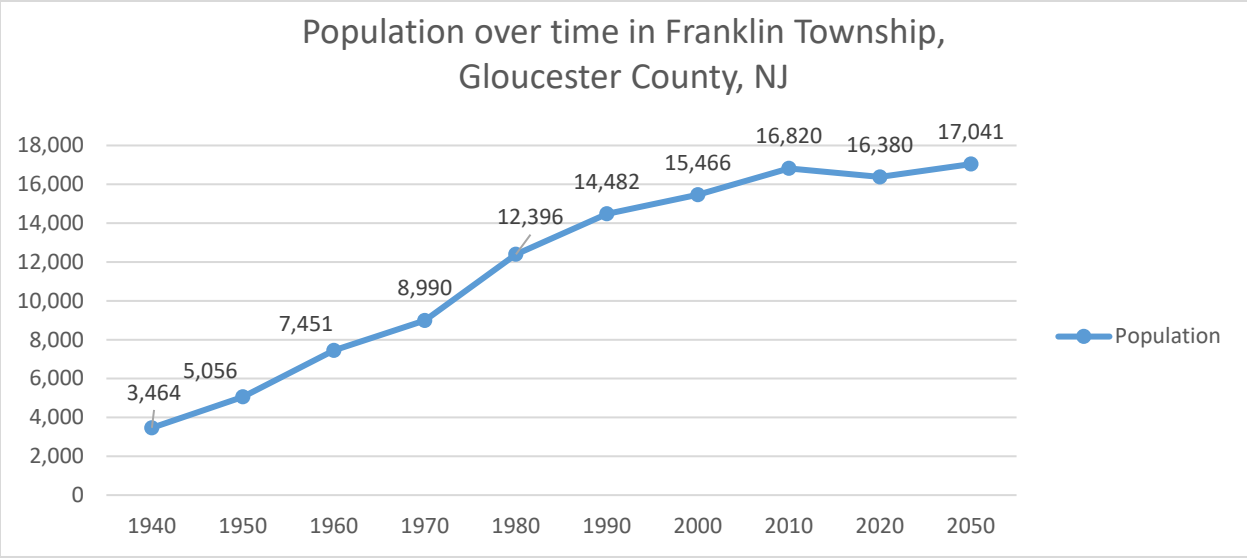
The Township of Franklin has experienced an overall increase in population between 2000 and 2020, with total population peaking in 2010, and decreasing between 2010 and 2020. According to the 2020 U.S Census, the Township population stood at 16,380 residents, marking a -2.62 % decrease from the 16,820 residents recorded in 2010, but increased between 2000 and 2010 by 8.75 % from the 15,466 residents recorded by the 2000 Census. In comparison, Gloucester County's population decreased by 4.86 % between 2010 and 2020 and by 13.2 % between 2000 and 2010. Table 1 below illustrates the population growth trends for both Franklin Township and Gloucester County from 2000 through 2020.

Table 1: Population Trends, 2000 - 2020

	2000	2010	2020	% Change 2000-2010	% Change 2010-2020
Franklin Township	15,466	16,820	16,380	8.75%	-2.62%
Gloucester County	254,673	288,288	302,294	13.20%	4.86%

Source: US Census Bureau Decennial Census (Table DP-1)

Franklin's population growth between 1940 – 2050 (actual and estimated) is illustrated in Figure 1 below. 1940 – 2050 (actual and estimated) is illustrated in Figure 1 below. The largest population growth percentage-wise occurred between 1950 (when the Township had 5.056 residents) to 1960 when population increased by 47.37 % to 7,451 residents, while numerically the largest growth occurred between the 1970 and 1980, when the population rose to 12,396, an increase of 3,406 residents. It is projected that the Townships population will increase by 4.4 % between 2020 (16,380 residents) and 2050 (17,041 residents), an overall decrease of 661 residents.



Source: US Census Bureau, Decennial Census, Delaware Valley Regional Planning Commission Population Forecast by County

Population Composition by Age

The age composition of Franklin has shifted between age cohorts since 2000, as illustrated in Table 2 below. According to the U.S. Census Bureau's Decennial Census Estimates, significant changes occurred between younger and older age groups. The number of residents 19 years and younger decreased, as well as the 35-44 age cohort. All other age cohorts increased, with the largest increase (percentage wise) occurring in the 60-64-year-old age cohort, which increased by 130.33 %.

Table 2: Population by Age Cohort, Franklin Township, 2000 - 2020

	2000		2020		% Change 2000-2020
	Number	Percent	Number	Percent	
Total population	15,466	100%	16,380	100%	5.91%
Under 5 years	956	6.18%	730	4.46%	-23.64%
5 to 9 years	1,108	7.16%	905	5.53%	-18.32%
10 to 14 years	1,378	8.91%	1,085	6.62%	-21.26%
15 to 19 years	1,289	8.33%	1036	6.32%	-19.63%
20 to 24 years	863	5.58%	945	5.77%	9.50%
25 to 34 years	1,768	11.43%	1,873	11.43%	5.94%
35 to 44 years	2,989	19.33%	1,997	12.19%	-33.19%
45 to 54 years	2,290	14.81%	2,316	14.14%	1.14%
55 to 59 years	768	4.97%	1,449	8.85%	88.67%
60 to 64 years	577	3.73%	1,329	8.11%	130.33%
65 to 74 years	868	5.61%	1789	10.92%	106.11%
75 to 84 years	502	3.25%	717	4.38%	42.83%
85 years and over	110	0.71%	209	1.28%	90.00%

Source: US Census Bureau, Decennial Census (Table DP-1)

The age composition of Gloucester County has shifted in different manner that that of the Township, as illustrated in Table 3 below. The number of residents 14 years and younger decreased, as well as the 35-44 age cohort. All other age cohorts increased, with the largest increase (percentage wise) occurring in the 60-64-year-old age cohort, which increased by 130.33 %.

Table 3: Population by Age Cohort, Gloucester County, 2000 - 2020

	2000		2020		% Change 2000-2020
	Number	Percent	Number	Percent	
Total population	254,673	100%	302,294	100%	18.70%
Under 5 years	16,689	6.55%	15,339	5.07%	-8.09%
5 to 9 years	19,010	7.46%	17,521	5.80%	-7.83%

10 to 14 years	19,976	7.84%	19,916	6.59%	-0.30%
15 to 19 years	18,654	7.32%	22,817	7.55%	22.32%
20 to 24 years	15,512	6.09%	21,345	7.06%	37.60%
25 to 34 years	32,576	12.79%	35,415	11.72%	8.72%
35 to 44 years	44,902	17.63%	36,739	12.15%	-18.18%
45 to 54 years	35,938	14.11%	40,111	13.27%	11.61%
55 to 59 years	12,485	4.90%	22,240	7.36%	78.13%
60 to 64 years	9,253	3.63%	21,051	6.96%	127.50%
65 to 74 years	16,083	6.32%	30,107	9.96%	87.20%
75 to 84 years	10,533	4.14%	14,224	4.71%	35.04%
85 years and over	3,062	1.20%	5,469	1.81%	78.61%
Source: US Census Bureau, Decennial Census (Table DP-1)					

The median age of Franklin residents was 43.0 as of the 2020 census, which is an 18.13 % increase from the median age of 36.4, as indicated in Table 4 below. County and statewide median age both rose at a lower rate during this time period, with Gloucester increasing from 36.1 in 2000 to 40.1 in 2020 (an 11.08 % increase) while New Jersey's median age rose 8.72 % during this same time period, from 36.7 to 39.9. Overall it appears that the broader trend of increasing median age is reflective of the Baby Boomer generation continuing to age and are not being replaced by younger cohorts, which is more pronounced within the Township as compared to County and the State as a whole.

Table 4: Median Age, 2000 – 2020			
	2000	2020	Percent Change
Franklin Township	36.4	43.0	18.13%
Gloucester County	36.1	40.1	11.08%
New Jersey	36.7	39.9	8.72%
Source: US Census Bureau, Decennial Census (Table DP-1)			

Households

Table 5 provides number of households and household sizes within Franklin Township and Gloucester County. A household is defined as one or more individuals, related or not, living together in a single housing unit. According to the 2023 ACS 5-Year estimates, there were approximately 5,668 households in Franklin. Of these, the largest percentage were households of two people at 35.09 % followed by 4 or more persons households at 32.99%, 3-person households at 16.60%, with 15.31 % households containing one person.

In comparison, the County recorded 31.10 % two-person households, 25.38 % 4 or more person households, 26.42 % households containing one person and 17.10 % being 3-person households.

Franklin's average household size was 2.89 people, which is slightly more than both the County's average of 2.67 and New Jersey's average of 2.61, according to the ACS estimates.

Table 5: Household Characteristics in Franklin, Gloucester and New Jersey						
	Franklin Township		**Gloucester County**		**New Jersey**	
	Number	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Total Households	5,668	100%	111,796	100%	3,478,355	100%
1-person	868	15.31%	27,083	24.23%	918,897	26.42%
2-persons	1,989	35.09%	35,930	32.14%	1,081,842	31.10%
3-persons	941	16.60%	19,987	17.88%	594,946	17.10%
4 or more persons	1,870	32.99%	28,796	25.76%	882,670	25.38%
Average Household Size	**2.89 people**		**2.67 people**		**2.61 people**	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Table S2501& B25010)						

Family households are defined as two or more individuals living together in the same residence, related by blood, marriage, or adoption. Of the total 5,668 households within Franklin, a total of 4,338 (76.53 %) are family households, while 1,330 (28.49 %) are non-family households. In contrast, Gloucester County has a total of 78,113 (69.87 %) family and 33,683 (30.13 %) non-family households, which are lower (family) and higher (non-family) ratios as compared to the Township.

Within Franklin, approximately 79.72 % of family households consist of married couple householders. Among the remaining family households, 4.69 % are headed by a single male householder, and 15.59 % are headed by a single female householder. In comparison, Gloucester County consists of 79.18 % married couples, with 6.08 % male householders and 14.74 % female householders. Further, 15.3 % of the households in Franklin are comprised of individuals aged 65 or older, totaling 419 households, whereas in comparison, 17.40 % of Gloucester County households are headed by individuals aged 65 or older.

The average family size in Franklin is 3.20 persons, which is slightly higher than that of Gloucester County as a whole, which is 3.18 people per household.

Table 6: Household by Type, Franklin and Gloucester County				
	Franklin Township		**Gloucester County**	
	Number	**Percent**	**Number**	**Percent**
Total Households	**5,668**	**100.00%**	**111,796**	**100.00%**
Average Household Size	2.89 people		2.67 people	
Total Families	**4,338**	**76.53%**	**78,113**	**69.87%**
Average Family Size	3.20 people		3.18 people	

Married Couple Family	3,400	79.72%	127,318	79.18%
With own children under 18 years	1,298	35.31%	48,896	38.40%
No children under 18 years	2,102	64.69%	78,422	61.60%
Male householder, no wife present	300	4.69%	9,784	6.08%
With own children under 18 years	182	54.64%	3,965	40.53%
No own children under 18 years	118	45.36%	5,819	59.47%
Female householder, no husband present	638	15.59%	23,697	14.74%
With own children under 18 years	283	17.57%	8,312	35.08%
No own children under 18 years	355	82.43%	15,385	64.92%
Nonfamily Households	**1,330**	**28.49%**	**33,683**	**30.13%**
65 years and over	419	15.30%	42,025	17.40%
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Table S1101)				

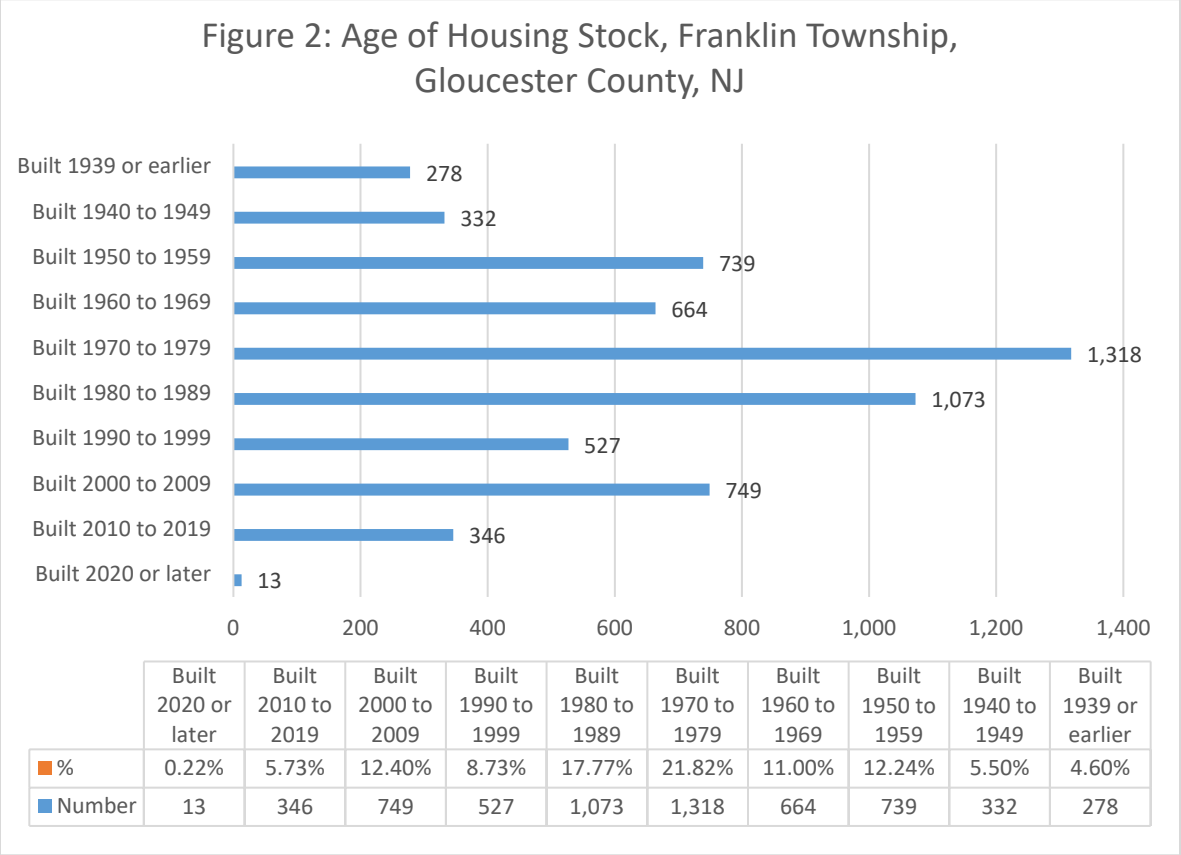
Housing Conditions

Existing Housing Units

Franklin's housing stock is predominantly occupied, as indicated in Table 7. According to 2023 ACS estimates, the Township has a total of 6,039 housing units, of which 5,668 units (93.86 %) are occupied, and 371 (6.14 %) are vacant. Among the occupied units, the majority (4,939 or 87.14 %) are owner-occupied, while 729 (or 12.86 %) are renter-occupied.

Table 7: Housing Units in Franklin Township		
	Number	**Percent**
Total Housing Units	**6,039**	**100.00%**
Occupied Housing Units	**5,668**	**93.86%**
Owner Occupied	4,939	87.14%
Renter Occupied	729	12.86%
Vacant Housing Units	**371**	**6.14%**
For rent	27	7.28%
Rented, not occupied	0	0.00%
For sale only	31	8.36%
Sold, not occupied	0	0.00%
For seasonal, recreational, or occasional use	0	0.00%
For migrant workers	289	77.90%
Other vacant	0	0.00%
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04 and B25004)		

As indicated in Figure 2 below, 1,318 housing units (21.82 % of existing housing stock) within Franklin was built between 1970-1979, which represents the largest amount of housing stock within the Township.



Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)

Housing Type and Size

Franklin's housing stock is predominantly comprised of one-unit detached homes, making up an estimated 93.86 % of the Township's total housing units as indicated in Table 8 below. The next highest housing type is those consisting of mobile homes, and 2-unit homes, which make up 3.15 and 1.51 %, respectively, of all housing units within the Township. More than half (56.73 %) of the Township's housing inventory is made up of 3-bedroom homes, followed by 4-bedroom homes at 20.72 %.

Table 8: Housing Units by Type: Franklin Township		
	Number	**Percent**
Total Housing Units	6,039	100.00%
1-unit detached	5,668	93.86%
1-unit, attached	39	0.65%
2 units	91	1.51%
3 or 4 units	0	0.00%

5 to 9 units	0	0.00%
10 to 19 units	51	0.84%
20 or more units	0	0.00%
Mobile home	190	3.15%
Boat, RV, Van etc	0	0.00%
Bedrooms		
No bedroom	0	0.00%
1 bedroom	170	2.82%
2 bedrooms	1,013	16.77%
3 bedrooms	3,426	56.73%
4 bedrooms	1,251	20.72%
5 or more bedrooms	179	2.96%
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)		

Housing Values and Contract Rents

According to the ACS 5-Year Estimates, housing units valued between $ 300,000 - $ 499,999 are a plurality within the Township (40.07 %) and the County (36.68 %). Table 9 provides a breakdown of home values for owner-occupied units in the Township and the County. Approximately 4.62 % and 0.58 % of housing units within Franklin were valued at less than $ 50,000 and between $50,000 - $99,999, respectively, as compared to the Gloucester County's 3.47 % and 3.93 %. The median value of an owner-occupied home in Franklin Township was $ 270,700, which is less than the County's median, which was $ 283,500.

Table 9: Value of Owner-Occupied Housing Units, 2019 -2023				
	Franklin Township		**Gloucester County**	
	Number	**Percent**	**Number**	**Percent**
Total	**4,939**	**100.00%**	**193,630**	**100.00%**
Less than $50,000	167	4.62%	6,722	3.47%
$50,000 to $99,999	104	0.58%	7,606	3.93%
$100,000 to $149,999	287	0.80%	6,557	3.39%
$150,000 to $199,999	707	4.52%	10,614	5.48%
$200,000 to $299,999	1643	21.80%	38,410	19.84%
$300,000 to $499,999	1,622	40.07%	71,026	36.68%
$500,000 to $999,999	370	26.32%	43,985	22.72%
$1,000,000 and greater	39	1.29%	8,710	4.50%
Median Value	**$270,700**		**$283,500**	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)				

A majority of rental prices in the Township are between $1,500 to $ 1,999 (37.01 %) and $ 1,000 to 1,499 (36.43 %). Table 10 provides a detailed breakdown of gross rent paid within the Township and Gloucester County. According to the ACS 5-Year Estimates, the median gross rent in Franklin was $ 1,487, which is marginally higher than the County median of $ 1,480.00. Franklin had no units with rents under $500 per month, while ACS estimates indicate the 7.17 % of County units had rents below this threshold. Additionally, an estimated 40 Franklin units did not require cash rent payments, compared to 925 such units across the County.

Table 10: Gross Rent Paid, 2019 - 2023				
	Franklin Township		**Gloucester County**	
	Number	**Percent**	**Number**	**Percent**
Total	**689**	**100.00%**	**22,077**	**100.00%**
Less than $500	0	0.00%	1,583	7.17%
$500 to $999	103	14.95%	2,938	13.31%
$1,000 to $1.499	251	36.43%	6,807	30.83%
$1,500 to $1,999	255	37.01%	5,923	26.83%
$2,000 to $2,499	16	2.32%	3,109	14.08%
$2,500 to $2,999	64	9.29%	1,093	4.95%
$3,000 or more	0	0.00%	624	2.83%
No rent paid	40	5.81%	925	4.19%
Median Contract Rent	**$1,487**		**$1,480**	
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables DP04)				

Units Affordable to Low- and Moderate-Income Households

A moderate-income household is a household whose gross family income is more than fifty percent (50%) of the median income, but less than eight-percent (80%) of median income for households of the same size within the housing region. A low-income household is a household whose gross family income is equal to or less than fifty-percent (50%) of the regional median gross household income for a household and a very-low income household is classified as earning less than thirty-percent (30%) of the median area income of the same size within the housing region.

Units are considered affordable to low and moderate-income households if the maximum sales price or rent is set within a specified formula as per UHAC regulations, which is determined by the amount that a low- or moderate-income household can likely afford to pay. Franklin Township is located within is Region 6, which encompasses Burlington, Camden, and Gloucester counties. The median household income in Franklin Township in 2023 was $104.303. The median annual income for a household of 3 persons in Region, 5 overall is $107,500.

Regional income limits for Region 5 are shown in the Table below.

2025 Affordable Housing Regional Income Limits By Household Size (Persons)											
	1	1.5	2	2.5	3	4	4.5	5	6	7	8
Median	$83,600	$89,600	$95,600	$101,550	$107,500	$119,400	$124,200	$129,000	$138,600	$148,100	$157,700
Mod	$66,880	$71,680	$76,480	$81,240	$86,000	$95,520	$99,360	$103,200	$110,880	$118,480	$126,160
Low	$41,800	$44,800	$47,800	$50,775	$53,750	$59,700	$62,100	$64,500	$69,300	$74,050	$78,850
Very Low	$25,080	$26,880	$28,680	$30,465	$32,250	$35,820	$37,260	$38,700	$41,580	$44,430	$47,310
Source: AHPNJ, 2025 Regional Income Limits											

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed twenty-eight percent (28%) of gross monthly household income based on a five percent (5%) down payment for the sale of an affordable home. In addition, moderate-income sales units must be available for at least three different price points and low-income sales units available for at least two different price points. The maximum sales prices must now be affordable to households earning no more than seventy-percent (70%) of median income. The sales prices for a project of more than 5 affordable units must average fifty-five percent (55%) of regional median income.

Under UHAC regulations, rents including utilities may not exceed thirty-percent (30%) of gross monthly income for the low or moderate income household. The average rent must now be affordable to households earning fifty-two percent (52%) of regional median income. The maximum rents must be affordable to households earning no more than sixty-percent (60%) of regional median income. In averaging fifty-two percent (52%), one rent shall be established for very-low-income units, one rent may be established for low-income units and one rent for moderate-income units, for each bedroom distribution. The utility allowance must be consistent with the utility allowance approved by DCA for its Section 8 program. In addition, at least thirteen percent (13%) of all restricted units must be affordable to households earning no more than thirty-percent (30%) of median income.

Within Franklin Township, with a median contract rent of just under $1,500 / month, a typical rental unit in the Township would be considered affordable to a moderate income household within Region 5.

Housing Deficiencies

Overcrowding is minimal in Franklin, with approximately 0.14 % (7 units) of owner-occupied units and no renter-occupied units exceeding one person per room. As outlined in Table 11 below, 9 units (0.16 % of all units) within the Township lack complete plumbing facilities, and 19 units (0.34 % of total units) lack kitchen facilities. Housing deficiencies are often key factors in assessing overall housing conditions and determining municipal rehabilitation needs.

Table 11: Housing Deficiency Characteristics, Franklin Township 2023		
	Count	**Percent**
Housing Units with 1.01 or More Persons Per Room		
Owner-Occupied	7	0.14%
Renter-Occupied	0	0.00%

Plumbing Facilities		
Total Occupied Housing Units	5,668	100.00%
Lacking complete plumbing facilities	9	0.16%
Kitchen Equipment		
Total Occupied Housing Units	5,668	100%
Lacking complete kitchen facilities	19	0.34%
Source: US Census Bureau, ACS 5-year Estimates 2019 to 2023 (Tables B25014, S2504)		

Housing Stock

Franklin issued building permits for 201 new residential units between January 2013 and December 2023 as indicated in Table 12 below, which is based upon data provided by the NJ Department of Consumer Affairs. A total of 86 residential demolition permits were issued during this time period. Subtracting the demolition permits from the construction permits reveals a net increase of 115 residential units over the same timeframe.

All of the building permits were for 1 & 2 family homes. Amount of building permits used was fairly consistent during this time period, averaging 18 permits per year, with a range of 7 issued in 2015 to 35 issued in 2017. In general, this data indicates that Township has seen steady slow growth in housing stock during this time period.

Table 12: Building Permits and Demolition Permits Issued 2013 - 2023

Year	1&2 Family	Multi Family	Mixed Use	Total New Construction	Total Residential Demolitions	Net Units Added
2013	26	0	0	26	4	22
2014	10	0	0	10	5	5
2015	7	0	0	7	9	-2
2016	13	0	0	13	7	6
2017	9	0	0	9	7	2
2018	11	0	0	11	11	0
2019	14	0	0	14	6	8
2020	14	0	0	14	10	4
2021	28	0	0	28	10	18
2022	35	0	0	35	10	25
2023	34	0	0	34	7	27
Total	**201**	**0**	**0**	**201**	**86**	**115**
Average	*18*	*0*	*0*	*18*	*8*	*10*

Source: NJ DCA, Construction Reporter 2013 to 2023

Economic Conditions

Employment Status

ACS estimates provide data on the work activity of residents aged 16 and older. Franklin's working-age population was 13,358, with approximately 8,799 residents in the labor force as indicated in Table 13 below. Approximately 34.13 % of the Township's working-age residents were not participating in the labor force at the time of the 5-year ACS estimates, which is marginally higher than the County's 33.13 % non-participation rate. 65.87 % of Franklin's labor force (8,799 people) were classified within the civilian labor force cohort, with 8,235 being employed, and 5 residents were reported as being a member of the armed forces. Franklin's 4.18 % unemployment rate is higher than County rate of 3.44 %.

Table 13: Employment Status, 2023				
	Franklin Township		Gloucester County	
	Number	Percent	Number	Percent
Population 16 years and over	**13,358**	**100.00%**	**247,419**	**100.00%**
In labor force	8,799	65.87%	165,443	66.87%
Civilian Labor Force	8,794	65.83%	165,215	66.78%
Employed	8,235	61.65%	156,704	63.34%
Unemployed	559	4.18%	8,511	3.44%
Armed Forces	5	0.04%	228	0.09%
Not in Labor Force	4,559	34.13%	81,976	33.13%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)				

Worker Classification

Approximately 77.62 % of Franklin's workers were employed in private wage and salary positions, while 4.95 % were self-employed as indicated in Table 14 below. Government employees made up 17.23 % of the workforce, with unpaid family workers representing 0.19 %.

Table 14: Classification of Workers, Franklin Township, 2023		
	Number	Percent
Civilian employed population 16 years and over	**8,235**	**100.00%**
Private Wage and Salary Worker	6,392	77.62%
Government Worker	1,419	17.23%
Self-Employed Worker	408	4.95%
Unpaid Family Worker	16	0.19%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)		

Workforce by Sector

An analysis of employed individuals over the age of 16 by economic sector reveals while there is a diverse range of industries in which Franklin's working-age population is engaged, three (3) sectors comprise over half (53.05 %) of the overall total: educational services, healthcare, and social assistance (29.84 %), construction (12.43 %) and retail trade (10.78 %).

Table 15: Workforce by Sector, Franklin Township, 2023		
Industry	**Number**	**Percent**
Civilian employed population 16 years and over	8,235	100.00%
Agriculture, forestry, fishing and hunting and mining	48	0.54%
Construction	1,024	9.04%
Manufacturing	477	4.34%
Wholesale trade	529	2.26%
Retail trade	888	13.55%
Transportation and warehousing, and utilities	637	5.81%
Information	75	1.51%
Finance and insurance, and real estate and rental and leasing	405	4.48%
Professional, scientific, and management, and administration and waste management services	534	10.46%
Educational services, health care and social assistance	2,457	29.26%
Arts, entertainment, and recreation, and accommodation and food services	342	5.59%
Other services, except public administration	381	6.25%
Public administration	438	6.92%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)		

Occupations by Type

Table 16 presents a breakdown of occupations by type within the Franklin's employed civilian labor force. The largest segment is engaged in management, business, science, and arts occupations (38.54 %), followed by sales and office occupations (17.72 %), service occupations (15.80 %), natural resources, construction, and maintenance occupations (14.60 %) and production, transportation, and material moving occupations (13.35 %).

Table 16: Occupations by Type, Franklin Township, 2023		
	Number	**Percent**
Employed Civilian population 16 years and over	**8,235**	**100.00%**
Management, business, science, and arts occupations	3,174	38.54%

Service occupations	1,301	15.80%
Sales and office occupations	1,459	17.72%
Natural resources, construction, and maintenance occupations	1,202	14.60%
Production, transportation, and material moving occupations	1,099	13.35%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)		

Commuting to Work

As shown in Table 17 below, the vast majority of residents (84.8 %) commute to work alone by private vehicle, which is higher than the County's rate of 76.07 %. Township residents who carpool represent 6.73 % of the workforce, followed by those who walked (1.3 %) and public transportation (excluding taxicabs) at 0.21 %. Those who commute by other means comprise just 0.33 %, The percentage of Franklin's workforce who walked to work is equal to the County rate of 1.30 %. In addition, 6.58 % of the Township's workforce worked from home.

Table 17: Means of Commute, Franklin Township, 2023				
	Franklin Township		**Gloucester County**	
	Number	**Percent**	**Number**	**Percent**
Workers 16 years and over	**8,068**	**100.00%**	**153,146**	**100.00%**
Car, truck, van - Drove Alone	6,845	84.84%	116,503	76.07%
Car, truck, van - Carpooled	543	6.73%	10,003	6.53%
Public transportation (excluding taxicab)	17	0.21%	2,584	1.69%
Walked	105	1.30%	1,992	1.30%
Other means	27	0.33%	2,061	1.35%
Worked from home	531	6.58%	20,003	13.06%
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03)				

As indicated in Table 18 below, 43.07 % % of residents have a commute of more than 30 minutes, which is slightly lower than the County's rate of 44.62 %. In contrast, 32.41 % of Township residents have a commute of less than 20 minutes, which is less than the 35.23 % County-wide percentage.

Mean travel time to work is 30.1 and 28.9 minutes, respectively, for the Township and Countywide workforces.

Table 18: Travel Time to Work, 2023				
	Franklin Township		**Gloucester County**	
	Number	**Percent**	**Number**	**Percent**
Workers 16 years and over	**8,068**	**100%**	**153,146**	**100%**

Less than 10 minutes	755	10.02%	15,408	11.57%
10 to 19 minutes	1,688	22.40%	31,495	23.66%
20 to 29 minutes	1,848	24.52%	26,838	20.16%
30 to 44 minutes	1,434	19.03%	31,725	23.83%
45 to 59 minutes	1,005	13.33%	14,988	11.26%
60 to 89 minutes	620	8.23%	9,149	6.87%
90 or more minutes	187	2.48%	3,540	2.66%
Mean travel time to work (minutes)	***30.1***		***28.9***	
Source: US Census Bureau, ACS 5-year Estimates 2019-2023 (Table DP03, B08303)				

FAIR SHARE PLAN

A Fair Share Plan has been defined by the Amended Fair Housing Act at N.J.A.C. 52:27D-304 as:

> *"Fair Share Plan" means the plan or proposal that is in a form which may readily be adopted, with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), by which a municipality proposes to satisfy its 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 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.*

The Fair Share Plan for the Franklin Township is broken up into four sections; a Present Need or Rehabilitation Obligation, the Prior Round / First and Second Round (1987-1999) Prospective Need Obligation, the Third Round (1999-2025) Prospective Need Obligation, and the Fourth Round (2025-2035) Prospective Need Obligation.

The Township's Fair Share Plan specifically describes the completed and proposed mechanisms to address the present need (rehabilitation) obligation, First and Second Round (Prior Round) obligation, Third Round obligation, and Fourth Round obligation.

The Township's Prior Round obligations were determined by COAH, and the Third Round obligation was a negotiated settlement with Fair Share Housing Center which was approved by the Court. The Township's Fourth Round obligation numbers were determined using calculations provided by the New Jersey Department of Community Affairs (NJDCA) in a report dated October 2024 as a basis, and a settlement with the New Jersey Builder's Association.

Consideration of Lands Suitable for Affordable Housing

The New Jersey Fair Housing Act (N.J.S.A. 52:27D-310(f)) requires that the Housing Element provide a narrative that includes "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."

Within Franklin Township, the lands that are most appropriate for development with new affordable housing are generally those areas of the town on the north and west sides of the Township. The southern and eastern portions of the Township are located within the Pinelands Management Area where development is limited to low densities, and sewer service is not permissible. Within the Pinelands, most of Franklin is designated as conservation lands or severely encumbered by freshwater wetlands and the 300-foot transition buffer area around wetlands. Although there are some areas within Franklin that are designated as regional growth areas of the Pinelands, development potential is relatively limited to just a

few housing units per acre, and any development of a greater density requires the purchase of Pinelands Development Credits (PDC's), which would be a financial burden for any developer required to build affordable housing. Most of the Township within the Pinelands is also located outside of a designated sewer service area, limiting the availability of infrastructure necessary to support dense development.

Consistent with the State Development and Redevelopment Plan, as well as general smart growth planning principles, Franklin has focused its efforts to identify appropriate sites for affordable housing on those areas in the Township outside of the Pinelands, and within the existing developed areas in Franklin Township. These areas primarily consist in the north and western end of the Township and near the villages of Franklinville and Malaga, and with access to highways of New Jersey State Route 55, State Route 47 (Delsea Drive), and US Highway 40 (Harding Highway). These areas are consistent with the State Development and Redevelopment Plan to accommodate growth on lands in closer proximity to existing infrastructure. Although there is currently no sewer service within Franklin, the lands considered for new housing are those in closer proximity to adjacent municipalities in Clayton and Vineland, where it may be more feasible for a developer to extend sewer service into Franklin.

Developers have approached the Township with interest in constructing inclusionary housing on the following sites:

- **Block 1902, Lot 1 – Kiefer Farm, Fries Mill Road**

  This parcel is a +/- 250 acre tract that is currently the largest farm in the Township, and located along Fries Mill Road, Grant Avenue, Jackson Avenue, and Washington Avenue. Located near the border with Clayton Borough and within a designated sewer service area per the Gloucester County service area maps, this site would be suitable for development. The current zoning on the site permits mixed uses including cluster residential development.

- **Block 4810, Lot 7 & Block 4811, Lots 2 and 4 – Malaga Lake Boulevard / Oak Avenue**

  This tract is altogether approximately 9 acres of undeveloped wooded lands located near the interchange of Harding Highway and Route 55 just west of Malaga. The tract has frontage on Malaga Lake Boulevard and Oak Avenue between an existing single family residential community. The site is within a designated sewer service area, although no sewer infrastructure is currently in place. This site may be suitable for development at a density great enough to include affordable housing. Even without a connection to a public sewer system, it may be feasible for a combined alternative treatment system on site that could accommodate development at 2-3 units per acre, which could yield 18-27 total units on the site.

- **Block 5401, Lot 63 – West Boulevard**

  This property of approximately 3 acres is located on West Boulevard near Harding Highway. The property is currently developed with a single family residence and woodlands. The site is surrounded by a mixture of low density single family residences and some light industrial and commercial uses. The site is appropriate for some low intensity residential development, but given its size and lack of current sewer service available, development at a density sufficient to include an affordable housing unit seems unfeasible. Without sewer service this site does not

seem suitable for development with 5 or more homes, and therefore not enough density to include affordable housing.

Fair Share Obligation

The Township has the following cumulative affordable housing obligations:

- Rehabilitation / Present Need = 48 Units
- Prior Round / First and Second Round (1987-1999) Prospective Need = 166 Units
- Third Round (1999-2025) Prospective Need = 527 Units
- Fourth Round (2025-2035) Prospective Need = 243 Units

A copy of the Order Fixing Municipal Obligations for the Fourth Round can be found in Appendix B-2.

Present Need (Rehabilitation) Obligation

The Township has a rehabilitation, or present need obligation of 48 units.

The Township currently participates in Gloucester County's owner-occupied rehabilitation program, and will continue to participate in the program, making all Township residents who are income qualified eligible for home improvements through the County's CDBG funded program.

The Gloucester County rehabilitation program has previously provided home repairs to low and moderate income households in Franklin at an average of 6 homes per year. Over the ten year period of 2025-2035, this would potentially represent 60 homes to be rehabilitated, and satisfy the Township's obligation.

The Township will financially support the Gloucester County program to assist in rehabilitating homes in the Township throughout the Fourth Round period.

Franklin Township reserves the right to conduct a further analysis of its existing housing stock and adjust the obligation if based on field observations it can be demonstrated that there are less than 48 homes in the Township that are deficient and in need of rehabilitation.

Prospective Need Obligations

PRIOR ROUND (1987-1999) & THIRD ROUND (1999-2025) OBLIGATION

The Township has a requirement of 166 units in order to satisfy its Prior Round (1987 – 1999) obligation, and an obligation of 527 for the Third Round.

In accordance with previous COAH rules found at N.J.A.C. 5:93 and 5:97, the Township must meet the following minimum and maximum requirements in addressing the cumulative 693 total unit obligation.

- **Age Restricted Units:** A municipality may receive credits for age-restricted affordable housing at up to 25 percent of the obligation.
- **Family Units:** At least half of the total affordable units must be available to families with children.
- **Rental Units**: a municipality has an obligation to provide a realistic opportunity for the construction of rental housing of at least 25 percent of the total obligation.
- **Income Distribution**: The Township is required to provide half of the total units as affordable to low-income households, and at least 13% of units to very low income households.
- **Rental Bonus Credits:** The maximum number of bonus credits shall be equal to the Township's rental obligation, with 2.0 credits for any family rental, and 1.33 credits for any age-restricted rental unit. However no more than 50 percent of the rental obligation shall receive a bonus for age restricted rental units.

FOURTH ROUND (2025 – 2035) OBLIGATION

Franklin Township has a Fourth Round prospective need (new construction) obligation of 243 affordable housing units as a result of a settlement agreement with the NJ Builders Association.

The Township must meet the following minimum and maximum requirements in addressing the 243 unit obligation, in accordance with N.J.A.C.52:27D-311.l.

- **Low/Moderate Income Split**: at least fifty percent (50%) of the actual units shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
- **Very Low Income Units**: Thirteen percent (13%) of all affordable units must be affordable to very low income households, with half of the very-low-income units being available to families.
- **Family Units**: A minimum of fifty percent (50%) of the actual units must be non-age restricted affordable units available to families.

- **Rental Units**: At least twenty-five percent (25%) of the actual units to be constructed shall be met through rental units, including at least half in non-age-restricted rental units available to families.

- **Age Restricted Units**: A maximum of 30 percent (30%) of the Township's credits can be from age-restricted senior units.

- **Bonus Credits**: The Township may claim bonus credits for a maximum of 25% of the obligation.

In accordance with N.J.A.C.52:27D-311.k, bonus credits may be claimed for the following types of affordable units:

1. 1.0 bonus credits for special needs housing or permanent supportive housing;
2. 0.5 bonus credits for any affordable housing created in partnership with a non-profit housing developer;
3. 0.5 bonus credits for affordable housing created within ½ mile of a transit station, or within 1 mile of a transit station if the site is located within a garden state growth zone.
4. 0.5 bonus credits for age-restricted housing, provided that no more than 10% of the age restricted housing receives bonus credit.
5. 0.5 bonus credits for each three-bedroom affordable unit beyond the minimum requirement for three-bedroom units.
6. 0.5 bonus credits for each affordable unit constructed on land that was previously developed and utilized for retail, office, or commercial space;
7. 0.5 bonus credits for each affordable rental unit that has its affordability controls extended for a new term of affordability, and the municipality contributes funding towards the costs necessary for this preservation.
8. 1.0 bonus credit for each affordable unit in a 100% affordable development in which the municipality contributes toward the costs of the project, either from financial donations, property donations, provided that the municipality funds at least 3% of the cost of the project.
9. 0.5 bonus credits for each affordable unit for very low income families beyond the 13% minimum requirement.
10. 1.0 bonus credits for each market rate unit that is converted to an affordable unit.

Durational Adjustment

The Township acknowledged that it has a cumulative obligation of 693 affordable units for the Prior Round and Third Round, and a Fourth Round prospective need of 243 units. Franklin also acknowledges that it has sufficient land to potentially accommodate residential development. However, the Township does not have adequate public water or public sewer service within its municipal boundaries that could provide sufficient utility connections to serve any new development. There is currently no public water or public sewer service in Franklin. Due to this lack of appropriate infrastructure to support development at a sufficient density, the Township would be permitted to seek a durational adjustment under N.J.S.A. 5:93-4.3, where this obligation would be deferred until such a date that water and sewer could be made available.

At this time, the Township does not have a specific capital improvements plan in place to indicate a time that public water and sewer service could be anticipated within Franklin. Without a firm plan for provision of such services, the Township will not seek to defer the municipal obligation until a particular later date, as would otherwise be permissible under the prior COAH regulations that govern municipal obligations.

Consistent with the Settlement Agreement with Fair Share Housing Center for the Third Round, the Township will commit to providing assistance as necessary to any entity, either public or private, that would seek to develop the water and sewer infrastructure necessary to serve development that would include affordable housing. This assistance shall come in the form of support for any applications made to the Department of Environmental Protection (NJDEP) or other agencies that may have jurisdiction over the provision of water and sewer services, and any other reasonable steps necessary to facilitate the provision of such utilities to appropriate areas of the Township to serve any affordable housing development.

The Township will also commit to reserve any new public water or sewer system capacity, should it become available, to low and moderate-income housing as a priority user until the Township's fair share obligations have been satisfied.

Compliance Mechanisms

The Township proposes to satisfy its cumulative affordable housing obligations through the mechanisms listed below.

A copy of the Third Round Judgment of Compliance and Repose, approving of the prior cycle credits and the affordable housing overlay district, can be found in Appendix A-2.

Prior Cycle Credits – 36 credits

The Township will claim credit for 36 existing homes that were constructed between 1980 and 1986, which are not deed restricted affordable units, but are otherwise eligible for credit as per N.J.A.C. 5:93-3.2 as "credits without controls". Under previous COAH regulations, credits may be granted for homes constructed between 1980 and 1986, if they meet the following criteria:

1. The unit can be verified to have been constructed between 1980 and 1986;
2. The unit must be in sound condition;
3. The unit is occupied by a low- or moderate-income household;
4. The unit must have a market value that would be affordable to a low- or moderate-income household;
5. If a rental unit, the unit must have a monthly rent that is affordable to a low- or moderate-income household.

The Township initially identified 682 homes that were constructed in this time period, and sent the owners and occupants of each home a survey to verify income of the household. Of the 134 surveys returned, based on their noted household size, 52 households were determined to be either low or moderate-income.

The Township's building inspector then conducted a visual survey of the homes of each of the 52 households that were deemed to be income eligible, to determine if the structure was in adequate condition. Of this survey, 50 units that are currently occupied by low- or moderate-income households were deemed to be structurally sufficient. Of these 50 units, 36 were also determined to have a market value that is affordable to a low- or moderate-income household if they were to be sold. That is, the estimated sales price for the home would be no greater than what the maximum sales price would be for a deed restricted unit being sold under the UHAC requirements.

As a result of this analysis and survey, 36 units were deemed to be eligible for credits without controls due to being constructed between 1980 and 1986, being in sound condition, being occupied currently by a low- or moderate-income household, and that the sales price would be affordable to another low- or moderate-income household.

Inclusionary Housing Overlay Zoning – 1,006 credits

As a part of the Third Round compliance plan, the Township amended its current zoning map and zoning ordinance to create a new overlay district that would incentivize inclusionary housing by permitting multi-family housing at a density of up to 14 dwelling units per acre with a mandatory

inclusionary set aside of 20 percent. At 14 units per acre, this density is far greater than anything else currently permitted in the Township and may be sufficient development rights for these properties to make the extension of water and sewer into the Township financially feasible, even with the inclusionary requirements. All of these properties are located primarily in Planning Area 2, and within a designated sewer service area, although some portions of some of the lots are located in environmentally sensitive areas and may contain some wetlands. However, outside of these potential wetlands on the periphery of some of the lots, all of the lots are developable uplands with access to regional highways.

The following properties are included in the current overlay district:

Third Round Compliance: Affordable Housing Overlay District				
Block	**Lot(s)**	**Net Acreage**	**Total Units**	**Affordable Units**
1903	1, 63, 64, 65, 66	36.34	508	102
2001	11, 12, 13, 14, 15, 16	117.97	1,651	330
2401	1	12.26	171	34
5101	2, 2.01, 3, 4, 5, 6, 7, 8, 9	115.16	1,612	322
5501	30	13.89	194	39
5502	8	9.48	132	26
5503	4, 5	16.58	232	46
5504	2, 3, 4, 5, 6	38.14	533	107
Totals		321.73	5,003	1,006

In addition to the 14 unit/acre density as noted above, the Overlay Zoning Ordinance permits inclusionary housing in townhouses, duplexes, or multi-family units. Inclusionary developments are permitted on any tract of at least 5 acres, with a minimum front yard setback of 150 feet, side and rear yard setbacks of at least 100 feet, and at a maximum building height of 3.5 stories or 48 feet. At such a density, within the properties covered by the overlay district a total of up to 1,006 affordable housing units could be conceivably produced by right under this proposed zoning.

The ordinance requires a 20 percent affordable set aside for all residential developments of five units or greater, and will require the proper income and bedroom distribution compliant with UHAC and the Settlement Agreement, including requiring a 13 percent set aside for very-low-income households. The overlay zone will not permit payments in lieu of construction, or construction of affordable units off-site. Payments in lieu of construction would only be permissible for fractions of a unit that are less than 0.5.

Block 1902, Lot 1 – 1457 Fries Mill Road – 250 credits

This +/- 250 acre site, currently used as a farm, is a suitable location for new development. The site is almost entirely located within the State Plan Suburban Planning Area (PA2) and is generally free of environmental hazards and encumbrances. However, the site is subject to a minimal amount of

wetlands towards the west side of the property. Overall there is approximately 235 acres of uplands on the site that is available for development.

The site was recently the subject of an application for development with a utility scale solar system that proposed to cover the entire developable area of the site with solar panels. That proposal was granted preliminary approval by the Township's Planning Board in 2023. At the time of the development of the Township's Round 3 plan in 2022, that application was pending and that is the primary reason this site was not included in the overlay district at that time. Since then, the developer of the site has withdrawn interest in developing the site as a solar array.

The site is currently zoned in the Township's 'B' Business district, which permits a wide range of uses, including residential cluster development. The current zoning requires that for any development on a tract of 25 units or greater, a mandatory set aside of 50% of that tract must be conserved as open space or preserved farmland. For the remainder of the tract, residential cluster development is permitted at a density of 6 units per acre. With the entire site being one single parcel, and half of it being developable under the current zoning at 6 units per acre, the current capacity of the site is approximately 750 units, which would yield 150 affordable units with a 20% affordable set aside. The Township will amend the current zoning on this tract to increase the permitted density to 10 units per net acre, which would allow for up to 1,250 dwellings on the site. With a mandatory set aside of 20%, this would yield 250 affordable units.

With a potential for up to 250 affordable units, this would satisfy the Township's 243 unit Fourth Round Prospective Need obligation.

A copy of the Draft ordinance to amend the Business District regulations to permit an increase in density can be found in Appendix E-1.

Potential Sites for Future Consideration

The properties discussed previously in this plan located on Malaga Lake Boulevard and Oak Avenue may be suitable for inclusionary housing.

Mandatory Set-Aside Ordinance

In addition to the mechanisms outlined above, the Township has adopted an amendment to the Zoning Ordinance to include a mandatory inclusionary set aside of 20 percent for any new development across the entire Township that includes 5 or more residential units at a density of 6 units or greater, and involves either a rezoning of the property or a 'd' variance, or as a part of any new or amended redevelopment plan.

The Township-wide mandatory set-aside ordinance would also require that all new developments be consistent with UHAC and the Settlement Agreement in terms of the income and bedroom distribution of all affordable units.

Currently Unforeseen Sites Proposed for Inclusionary Development

The Township continues to cooperate with any party that proposes to construct a residential development that will include affordable housing, if this party has a reasonable plan to provide appropriate water and sewer infrastructure to support the development, and the Township cannot demonstrate that otherwise has a reasonable plan to provide water and sewer service to the sites listed above in the Inclusionary Housing Overlay Zone. The continued agreement to cooperate with an interested party in development applies only to proposals that are otherwise consistent with sound land use planning principles.

Site Suitability

As per previous COAH regulations, the Fair Share Plan must demonstrate site suitability for proposed new units that are not yet fully approved, as required by N.J.A.C. 5:93 -5.3.

A. An "available site" is a site with clear title, and that is free of encumbrances which preclude development for low- and moderate-income housing.

- All sites in the compliance plan are "available". Although no formal title searches have been conducted, all of the properties identified in the plan and targeted for inclusionary development were selected specifically due to the minimal encumbrances by wetlands or other environmental constraints, and that they are either vacant or developed with low intensity uses.

B. A "developable site" is a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area-wide water quality management plan and wastewater management plan.

- All sites in the compliance plan are "developable". All sites are within the sewer service area and could be served if utilities extended to the site. The Township will cooperate with any developer that has a reasonable plan to provide water and sewer infrastructure to a site. The Township will commit to reserving any public water and sewer that may become available for inclusionary housing development.

C. A "suitable site" is a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4 (not in wetlands, flood hazard areas, steep slopes).

- All sites in the compliance plan are "suitable". All properties within the existing and proposed overlay zoning districts are primarily located along major highways in the Township, and are mostly located in Planning Area 2 of the State Plan. This is an area where development and redevelopment are encouraged, and where lands are generally free of environmental encumbrances. The surrounding lands of the overlay zones primarily consist of lower density residential development, and some mixed commercial uses along the highway frontages, and would not be incompatible with multi-family residential development.

D. An "approvable site" is a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.

- All sites in the compliance plan are "approvable". The Township has already adopted overlay zoning that permits multi-family housing at up to 14 units per acre, and will amend the zoning as necessary to permit any future projects.

Summary of Fair Share Plan

Present Need (Rehabilitation) Obligation

The Township has a Present Need of 48 units that will be satisfied by the Gloucester County Home Improvement Program, which will be supported by funds from the Township's Affordable Housing Trust Fund.

Prospective Need (New Construction) Obligation

The Township has a cumulative prospective need of 936 affordable units through the Four rounds of affordable housing. That need will be satisfied through the following mechanisms:

- Prior Cycle Credits – 36 credits
- Inclusionary Overlay Zoning – 1006 credits
- Business District Zoning – 250 credits

The Township recognizes that any new development of housing at a density and quantify sufficient to include affordable housing is contingent upon public water and sewer service being brought to the Township. As Franklin Township does not have a plan at this time to develop a municipal sewer service system, the Township will fully cooperate with any developer or entity that has a reasonable and realistic plan to provide adequate water and sewer infrastructure to serve an inclusionary housing development.

The Township will ensure that any new affordable housing development that does get constructed will be fully compliant with the Fair Housing Act and UHAC as applicable, and will include the appropriate income and bedroom distribution of the units:

- A minimum of 50% of the units will be for low income households, inclusive of 13% for very low income households;
- A maximum of 20% of family units will be one bedroom or studio units, and a minimum of 20% of family units will be three bedroom units;
- All affordable housing units will be appropriately affirmatively marketed by a qualified administrative agent, and tenants or owners of affordable units will be selected through a randomized lottery process.

A map of all affordable housing sites in the Township can be found in Appendix D.

AFFORDABLE HOUSING ADMINISTRATION

Affordable Housing Ordinances

The Township Code at Chapter 138 was amended on 12-26-2023 by Ord. No. O-21-23 to update the affordable housing ordinance in compliance with the terms of the Township's Third Round Settlement Agreement and Judgment of Compliance. The Township's current code provides for the following:

- All new housing units will have a minimum of 50% of the units be available to low income households, with at least 13% of units being available to very-low-income households. No more than 50% of housing units shall be made available to moderate income households.
- All new construction shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b.
- All affordable units shall fully comply with UHAC.
- All affordable units shall be subject to affordability controls of at least 30 years from the initial date of occupancy.
- In inclusionary developments, the affordable units shall be integrated with the market rate units.
- Construction of affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:93-5.6(d).
- All affordable units shall be affirmatively marketed in accordance with UHAC and applicable laws.

To the extent deemed necessary, the Township will adopt any amendments to the Code to ensure consistency with the Amended Fair Housing Act and the Uniform Housing Affordability Controls.

Affordable Housing Trust Fund

A mandatory development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the Township in 2008 by Ord. No. O-31-2008. The development fee ordinance was last amended in 2023 as a part of the Third Round compliance plan. Franklin has established an interest bearing account to collect the mandatory development fees from both residential and non-residential development, for the purposes of funding affordable housing projects and programs.

The Township will adopt by resolution an updated Spending Plan for the affordable housing trust fund. The Spending Plan will provide an outline of how the Township intents to utilize these funds to further the goals and mechanisms established in this Plan for the expenditures of the monies collected as of May of 2024 and also for anticipated revenue during the Fourth Round through 2035, and in accordance with prior COAH regulations found at N.J.A.C. 5:97 et seq, and with the Fair Housing Act.

A draft of the Spending Plan for the Fourth Round is provided in Appendix C-3.

Municipal Housing Liaison

The Township will appoint a municipal staff member as the designated Municipal Affordable Housing Liaison, who will be responsible for overseeing all affordable housing regulations and corresponding with administrative agent(s), the public, and all other related affordable housing professionals.

A draft resolution to appoint a municipal housing liaison can be found in Appendix C-1.

Administrative Agent

The Township will ensure that all future projects are administered by a qualified affordable housing professional and will appoint an Administrative Agent to administer all projects that do not have their own administrative agent.

The Administrative Agent coordinates with the Township's Municipal Housing Liaison, the designated staff member responsible for affordable housing.

The administrative agent will be responsible for ensuring that all affordable housing units in the Township are affirmatively marketed and either sold or leased to income-qualified households of the appropriate size in accordance with all UHAC and other applicable regulations.

A draft resolution to designate a municipal Administrative Agent can be found in Appendix C-2.

Pursuant to N.J.A.C. 5:80-26.15(f), the Township will adopt an updated Affirmative Marketing Plan to ensure that all available affordable units are marketed to the appropriate populations.

A draft Affirmative Marketing Plan for Region 5 can be found in Appendix C-4.

Income Levels

Franklin Township is in COAH's Region 5, which includes Burlington, Camden and Gloucester Counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very-low income households are a subset of "low income" households, and are defined as households earning 30% or less of the regional median income.

APPENDICES

A. Previous Compliance Documents
    1. Third Round Settlement Agreement with Fair Share Housing Center
    2. Third Round Final Judgement of Compliance
B. Fourth Round Obligations
    1. Resolution 37-25 Determining Fourth Round Obligations
    2. Order Fixing Obligations
C. Administrative Documents
    1. DRAFT Resolution Appointing Municipal Housing Liaison
    2. DRAFT Resolution Appointing Administrative Agent
    3. DRAFT Affordable Housing Trust Fund Spending Plan
    4. DRAFT Affirmative Marketing Plan
D. Affordable Housing Maps
    1. Affordable Housing Sites
E. Crediting Documents
    1. DRAFT Ordinance 'B' Business District Amendments

APPENDIX A-1

Third Round Settlement Agreement with FSHC

FAIR SHARE
HOUSING CENTER

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May 26, 2022

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Re: In the Matter of the Township of Franklin, Gloucester County,
Docket No. GLO-L-901-15

Dear Mr. Lyons and Ms. St. Angelo:

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

Background

In Mount Laurel IV, the New Jersey Supreme Court held that the Council on Affordable Housing (COAH) had been rendered "moribund," and, "[d]ue to COAH's inaction," it established "judicial processes" to "provide the means for a town... to demonstrate that its housing plan satisfies Mount Laurel obligations."

The Court directed that, "[i]f a municipality seeks to obtain an affirmative declaration of constitutional compliance, it will have to do so on notice and opportunity to be heard to FSHC" and that trial courts "will be assisted in rendering . . . preliminary determination[s] on need by the fact that all initial and succeeding applications will be on notice to FSHC." Id. at 23, 29.

In accordance with Mount Laurel IV, Franklin filed the above-captioned matter on July 2, 2015, seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq.

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

Agreement Terms

The Township of Franklin and FSHC hereby agree to the following terms:

The Township, through the adoption of a Housing Element and Fair Share Plan ("fair share plan" or "HEFSP") conforming with the terms of this Agreement, and through the

expeditious implementation of the fair share plan and this Agreement, will satisfy its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).

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

3. Franklin hereby agrees that its fair share obligations are as follows:

Rehabilitation/Present Need Obligation (per Kinsey Report[1])	52
Prior Round Prospective Need Obligation (pursuant to N.J.A.C. 5:93)	166
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted in this Agreement)	527

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

5. ***Rehabilitation/Present Need.*** Franklin shall meet its 52-unit rehabilitation obligation through the implementation of a municipal rehabilitation program for both rental and for-sale units. The program shall fully comply with N.J.A.C. 5:93-5.2 (except that controls shall be for a minimum of ten (10) years and a minimum 'average' of $10,000 shall be expended on hard costs per unit), and Franklin shall appoint a qualified, experienced agent to administer its rehabilitation program.

    a. Franklin may seek modification of its rehabilitation obligation by conducting a survey of the municipal housing stock, as provided for by N.J.A.C. 5:93-5.2(a). Any such application for a modification of the rehabilitation obligation shall be subject to the review and approval of FSHC and Court, and it must be completed during the compliance phase and submitted to the Court and FSHC at least one hundred fifty (150) days prior to the Compliance Hearing.

6. ***Prior Round.*** As noted above, the Township has a Prior Round Prospective Need Obligation of 166 affordable units. The Township, with the assistance of and review by the Court Master, conducted a study that determined that the Township may claim credit for 36 prior cycle credits pursuant to N.J.A.C. 5:93-3.2. Subtracting these credits, the Township's remaining, unfulfilled Prior Round Prospective Need Obligation is 130 affordable units.

7. ***Third Round.*** As noted above, the Township has a Third Round Prospective Need Obligation of 527 affordable units.

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[1] David N. Kinsey, PhD, P.P., F.A.I.C.P., "New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology, dated May 2016.

8. ***Durational Adjustment.*** When combined, the Township's unfulfilled Prior Round and Third Round Prospective Need Obligation is 657 affordable units (130+527). Because the Township currently does not have public water and sewer (as defined below), the Township and FSHC have agreed that the Township is entitled to a durational adjustment pursuant to N.J.A.C. 5:93-4.3(c).

   Nevertheless, because the Township cannot demonstrate that it has a realistic plan to provide public water and sewer to any sites that may produce affordable housing within the Third Round, the Township is not entitled to a waiver in accordance with N.J.A.C. 5:93-4.3(c)(4).

   To support its fair share of the regional need for affordable housing, the Township has agreed to the following actions:

   a. ***Mandatory Set-Aside Ordinance.*** Franklin shall adopt the proposed mandatory set-aside ordinance, attached hereto as **Exhibit A**, which shall require a twenty percent (20%) set-aside of affordable housing in any residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units at six (6) units per acre or higher, or equivalent, which results, in whole or in part, from: (i) a municipal rezoning or zoning amendment adopted after the effective date of the ordinance; (ii) any variance pursuant to N.J.S.A. 40:55D-70(d), including but not limited to any use variance or a density variance increasing the permissible density; and/or (iii) the adoption of a new or amended redevelopment plan or rehabilitation plan. The Township commits to ensure that the affordable housing set-aside requirement is enforced, including by both its Planning Board and Zoning Board of Adjustment.

   b. ***Overlay Zoning.*** To incentivize developers to pursue inclusionary affordable housing development in Franklin, the Township shall adopt the proposed overlay zoning, attached hereto as **Exhibit B**, which shall be known as the "Affordable Housing Overlay Zone," which is depicted on the aerial map entitled "Affordable Housing Overlay Zones, Franklin Township, March 2022," which is also attached hereto as part of Exhibit B. The overlay zoning shall permit multifamily residential development at fourteen (14) units per acre with a twenty percent (20%) set-aside of affordable housing on the sites the Township has identified that may have potential access to sewer and water infrastructure and are outside any Pinelands protection areas.[2]

   c. ***Currently Unforeseen Sites Proposed for Inclusionary Development.*** Should an appropriate party propose inclusionary development on currently unforeseen sites within the Township with a realistic plan for providing public sewer and/or water and if the Township is unable to demonstrate that there is a realistic plan for public sewer/water to be provided to alternative sites within the round for it to satisfy its fair share obligations, then the Township shall be required to expeditiously cooperate with the party in order to amend its Housing Element and Fair Share Plan and to rezone the sites to permit the requested inclusionary development. Should the party and the Township disagree as to what is proposed

[2] No transfer of development scheme, noncontiguous cluster zoning, or other condition shall apply to inclusionary residential development, which shall be as of right.

or the Township does not cooperate, the party may submit a motion to the court in the Township's declaratory judgment action (or the appropriate alternative forum) for a summary determination, pursuant to Rule 4:46, as to whether what is proposed is consistent with sound land use planning and, if so, whether the Township must comply. If the Township is unable to demonstrate that there is a realistic opportunity for it to satisfy its fair share obligations on alternative sites before the end of the round and if the proposal is consistent with sound land use planning, there shall be a presumption in favor of granting the party's request.

The Township reserves the right to oppose a proposal for an inclusionary development in the process described above if it believes such proposal does not comply with principles of sound land use and infrastructure planning or if the potential developer fails to provide a feasible and realistic plan for providing public water and sewer service to the property.

d. ***Municipal Commitment to Assist in the Provision of Public Water and Sewer.*** The Township shall cooperate with appropriate parties, and act in good faith and with continuity of purpose, to assist any proposed inclusionary developments – whether on the sites overlay zoned or on currently unforeseen sites – in the Township in facilitating the provision of public water and sewer to those sites. Such cooperation shall include, but not be limited to, expeditiously supporting and endorsing and if necessary becoming a co-applicant on:

   i. any applications to the DEP or its agent to provide infrastructure for a site;

   ii. any applications for the inclusion of any parcels in any appropriate sewer service area or wastewater management plan;

   iii. any applications related to the expansion of water franchise areas;

   iv. any applications made to any State, county, local, or other body politic or utility authority necessary in order to provide public sewer and water service; and

   v. any other reasonable steps necessary or required to help facilitate the provision of public water and sewer.

Nothing in the foregoing shall require the Township to expend funds to obtain, or assist in obtaining, the required approvals, except for the costs of municipal employees/consultants, as is ordinary and customary for the conduct of the Township's business, absent an order of the Court upon a determination that such expense is appropriate to create a realistic opportunity of affordable housing. Potential developers shall be presumptively responsible for the design, permitting, and construction of all infrastructure improvements that are necessitated or required for development of an inclusionary development

e. ***Municipal Commitment to Reserve New Public Water and/or Sewer Capacity.*** Should public water and/or sewer become available in Franklin, it shall be required, pursuant to N.J.A.C. 5:93-4.3(c)(1), to reserve and set aside the water and/or sewer capacity, when it becomes available, for low- and moderate-income housing on a priority basis until it has satisfied its fair share obligations.

For the purposes of this Agreement, "sewer capacity" shall be defined as follows consistent with N.J.A.C. 5:97-1.4:

> the ability to treat and dispose of all sewage generated from a site by means of public or private, off-site or on-site facilities that are consistent with the areawide water quality management plan (including the wastewater management plan), or with an amendment to the areawide water quality management plan submitted to and under review by DEP, as applicable.

For the purposes of this Agreement, "water capacity" shall be defined as follows consistent with N.J.A.C. 5:97-1.4:

> The ability to provide adequate potable water to a site from a public or private, off-site or on-site source of supply, in a manner consistent with all applicable regulations.

In the event that a developer of a site other than a site presenting a realistic opportunity for affordable housing consistent with this Agreement applies to the Township Planning or Zoning Board for approval and has secured, or is able to secure, public water and / or sewer capacity from outside the Township without financial contribution from the Township, the Township agrees that it will not grant any such approvals until after such time that it has, with notice to and an opportunity to be heard by FSHC, applied for and been granted leave of the Court based upon a showing that the proposed development helps further the provision of a realistic opportunity for affordable housing within the Township (e.g. through paying the costs of extending sewer closer to the sites in the Township's Fair Share Plan or through being developed in conjunction with affordable housing). The developer of the proposed project shall be permitted to intervene in such action.

A copy of this Agreement shall be provided to any developer applying for Planning Board or Zoning Board approval and application to the Court shall be a requirement of land use application submission pursuant to Township Ordinance Section 253-194.1.

This provision shall not apply to the "Meredith Farms" redevelopment project (Block 6805, Lots 11-15 and 18-19), to the extent that it would create any conflict with any prior court orders or the "Redevelopment Agreement for the Route Forty Food Center" dated June 11, 2013. The parties agree that this exclusion shall have no impact on the ability of neighboring properties to connect to sewer lines at Meredith Farms.

The Franklin Township Planning Board and Zoning Board of Adjustment are signatories to this Agreement only for the purposes of acknowledging their role in the development process and to require all development applications seeking public water and / or sewer to comply with this Section.

9. The Township agrees that it shall meet its Third Round Prospective Need in accordance with the following standards:

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

b. At least fifty percent (50%) of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.

c. At least twenty-five percent (25%) of the Third Round Prospective Need shall be met through rental units, including at least half in non-age-restricted rental units available to families.

d. At least half of the units (50%) addressing the Third Round Prospective Need must be non-age-restricted affordable units available to families.

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

f. Thirteen percent (13%) of all affordable units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, shall be very-low-income units for households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"), with half of the very low income units being available to families. The Township will demonstrate how it will comply with this requirement during the compliance phase of this matter.

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

10. In all developments that produce affordable housing, the Township agrees that the following terms shall apply:

a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the FHA.

b. All of the affordable units shall be subject to affordability controls of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions as provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the Township, in its sole discretion, takes action to extend or release the unit from such controls after at least thirty (30) years. If the Township acts to release the unit from such controls, affordability controls shall remain in effect until the date on which a rental unit shall become vacant due the voluntary departure of the occupant household in accordance with N.J.A.C. 5:80-26.11(b).

c. In inclusionary developments, the affordable units shall be integrated with the market-rate units to the extent possible, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

d. Construction of the affordable units in inclusionary developments shall be phased in compliance with N.J.A.C. 5:93-5.6(d).

e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified in this agreement, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

11. The Township and/or its Administrative Agent shall add the following entities to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5):

    a. Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the Latino Action Network, Gloucester County and Salem County Branches of the NAACP, Senior Citizens United Community Services (S.C.U.C.S.), and the Supportive Housing Association.

    b. As part of its regional affirmative marketing strategies during implementation of its fair share plan, the Township and/or its Administrative Agent shall provide direct notice of all available affordable housing units to the above-referenced organizations and shall ensure all affordable units are posted on the New Jersey Housing Resource Center website in accordance with applicable law.

12. Income limits for all affordable units shall be updated by the Township annually within thirty (30) days of the publication of determinations of median income by the United States Department of Housing and Urban Development ("HUD") as follows:

    a. Regional income limits shall be established for the Housing Region in which the Township is located (in this case, Housing Region 5) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated number of households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total number of households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted

average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

b. The income limits attached hereto as **Exhibit C** are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2021, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

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

d. The parties agree to request the Court prior to or at the Fairness Hearing in this matter to enter an order implementing this paragraph of this Agreement, the terms of which shall also be reflected in the Township's affordable housing ordinance.

13. Upon full execution of this Agreement, Franklin shall notify the Court so that a Fairness Hearing can be scheduled to approve the Agreement. Franklin shall place this Agreement on file in the Township's municipal building, post it on the municipal website, and file a copy with the Court at least forty-five (45) days prior to the Fairness Hearing, at which the Township will seek judicial approval the terms of this Agreement pursuant to the legal standards set forth in Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986), and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996). Notice of the Fairness Hearing shall be published at least forty-five (45) days in advance of the hearing. The Township's planner shall appear as a witness at the hearing.

14. Within one-hundred-and-twenty (120) days of the approval of this Agreement by the Court after a Fairness Hearing, Franklin shall adopt a Housing Element and Fair Share Plan, affordable housing ordinance, development fee ordinance, zoning ordinances, affirmative marketing plan, spending plan, intent to fund shortfall, appoint a municipal housing liaison and an experienced administrative agent, and adopt all other resolutions and ordinances required to be adopted as part of this Agreement, and shall submit same to the Court, the Court Master, and FSHC for review at least forty-five (45) days before the scheduling of a "Compliance Hearing." The HEFSP shall include all documentation to demonstrate the creditworthiness of existing affordable units for which the municipality is seeking credit.

15. The Township shall prepare a Spending Plan for review and approval by FSHC and the Court during the duly-noticed Compliance Hearing. Upon approval, the Township and FSHC agree that the expenditures of funds contemplated in the Township's Spending Plan shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period contemplated therein

commencing in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd, 442 N.J. Super. 563).

16. The Township shall comply with the following annual monitoring and reporting requirements:

    a. The Township shall provide an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The annual report shall be provided on the anniversary of the Judgment of Compliance and Repose, and it shall detail all expenditures from and deposits into the Township's Affordable Housing Trust Fund.

    b. The Township shall provide an annual report on the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the FSHC. In addition to the foregoing, the Township shall also post such activity on the CTM system and/or file a copy of its report with the Council on Affordable Housing or its successor agency at the State level. The annual report shall be provided on the anniversary of the Judgment of Compliance and Repose, and it shall detail the status of all affordable units in the Township's HEFSP. The Township shall promptly respond to any requests from the Court or FSHC for additional information.

17. The Fair Housing Act includes two provisions regarding actions to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:

    a. For the midpoint realistic opportunity review required pursuant to N.J.S.A. 52:270-313, the Township was obligated to post, by July 1, 2020, on its municipal website, a status report as to its implementation of its HEFSP and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms should be revised or supplemented.

    Recognizing that July 1, 2020, has passed prior to settlement of this matter, the Township shall, by July 1, 2023, post, on its municipal website, with a copy provided to Fair Share Housing Center, its midpoint realistic opportunity review report. The status report will provide an update of the Township's implementation of its HEFSP and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms should be revised or supplemented.

    Such posting shall invite any interested party to submit comments to the Township, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

b. For the review of very-low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the Judgment of Compliance and Repose, and every third year thereafter, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very-low-income housing obligation under the terms of this settlement.

18. The Township agrees to pay FSHC's attorney's fees and costs in the amount of $30,000.00 within thirty (30) days of the Court's approval of this Agreement following the Fairness Hearing.

19. This Agreement may be enforced by the Township or FSHC through a motion to enforce litigant's rights or a separate action filed in Superior Court, Gloucester County. If it prevails on a motion to enforce, FSHC shall be entitled to reasonable fees and costs in accordance with Rule 1:10-3.

20. Franklin and FSHC shall have an obligation to fulfill the intent and purpose of this Agreement. If an appeal of the Court's approval or rejection of the Settlement Agreement is filed by a third party, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division, and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved by the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to return to the *status quo ante.* In this regard, the Township and FSHC acknowledge that the parties have entered into this Agreement to settle the litigation and that each is free to take such position as it deems appropriate should the matter return to the *status quo ante.*

21. The parties agree that if a decision of a court of competent jurisdiction in Gloucester County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of a Third Round Prospective Need Obligation of the Township for the period 1999-2025 that would be lower by more than ten percent (10%) than the obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the fair share plan adopted pursuant to this Agreement; taking all steps necessary to support and fund the development of any 100% affordable developments referenced in this Agreement; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to Rule 4:50-1. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

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

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

24. This Agreement may not be modified, amended or altered in any way except by a writing signed by both the Township and FSHC.

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

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

27. The Township and FSHC acknowledge that this Agreement was not drafted by the Township or FSHC, but was drafted, negotiated and reviewed by representatives of the Township and FSHC and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. The Township and FSHC expressly represent that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing.

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

29. This Agreement constitutes the entire Agreement between the Township and FSHC hereto and supersedes all prior oral and written agreements between the Township and FSHC with respect to the subject matter hereof except as otherwise provided herein.

30. No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

31. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which representatives of the Township and FSHC have executed and delivered this Agreement.

32. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the Township and FSHC by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for

example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
Email: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:

Matthew P. Lyons, Esq.
Tara St. Angelo, Esq.
Gebhardt & Kiefer, P.C.
1318 State Route 31 North
Annandale, New Jersey 08801
Phone: (908) 735-5161
Telecopier: (908) 735-9351
Email: mlyons@gklegal.com

WITH A COPY TO THE MUNICIPAL CLERK:

Barbara Freijomil, Clerk
1571 Delsea Drive
Franklinville, New Jersey 08322
Phone: (856) 694-1243, ext. 7
Email: clerk@franklintownship.com

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

Sincerely,

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

Witness: Zoey Chenitz

Dated: 5/31/2022

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

Witness/ Attest:

Barbara Freijomil, Municipal Clerk

Dated: 6/1/22

TOWNSHIP OF FRANKLIN

John Bruno, Mayor

On behalf of the Township of Franklin Planning Board:

Witness/ Attest:

Stefanie Garofalo, Board Secretary

Dated: 6/21/22

FRANKLIN TOWNSHIP PLANNING BOARD

Joseph Petsch, Chairman

On behalf of the Township of Franklin Zoning Board of Adjustment:

Witness/ Attest:

Jennifer Cerino, Board Secretary

Dated: 6/8/22

FRANKLIN TOWNSHIP ZONING BOARD

John Gravenor, Chairman

APPENDIX A-2

Third Round Final Judgment of Compliance

APPENDIX B-1

Resolution #37-2025 of Governing Body

FRANKLIN TOWNSHIP
GLOUCESTER COUNTY, NEW JERSEY
R-37-25

RESOLUTION REGARDING FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS FOR THE FOURTH ROUND

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et al.*); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

WHEREAS, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued "a report on the calculations of regional need and municipal obligations for each region of the State" on or about October 18, 2024 (the "DCA Report"); and

WHEREAS, the DCA Report set the municipal obligation for Franklin Township as follows:

Present Need: 48
Prospective Need: 253

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(a), a municipality may determine its present and prospective fair share obligation for affordable housing consistent with the established methodologies; and

WHEREAS, the data compiled by DCA to calculate the Township's "land capacity factor" erroneously noted a 232.76 acre portion of Block 1902, Lot 1 (1457 Fries Mill Rd Franklinville NJ 08322) as vacant and developed land; and

WHEREAS, the Township Planning Board granted preliminary site plan approval to develop such property as a solar farm pursuant to a resolution adopted on June 18, 2024; and

WHEREAS, removing such property from the inventory of vacant land in the Township reduces the total vacant land from 1,258.36 acres to 1,025.6 acres and reduced the "average allocation factor" from 2.78% to 2.36%; and

WHEREAS, the reduction in the land capacity factor and the average allocation factor reduced the Township's prospective affordable housing obligation from 253 to 215; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Franklin, Gloucester County, New Jersey, as follows:

1. Frankling Township hereby determines, based on the DCA Report, corrections to the data utilized therein, and advice of the Municipal Planner and Attorney, to adopt the following obligations as its binding Fourth Round Affordable Housing Obligations subject to adjustments made to account for decisions of a court of competent jurisdiction, a change in legislation, lack of availability of public water or sewer infrastructure or capacity (i.e. a durational adjustment), lack of vacant land, and / or survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C). Any such adjustments will be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.

   Present Need: 48
   Prospective Need: 215

2. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:

   a. Filing a declaratory judgement action with the Superior Court and filing a copy of this Resolution with the Department of Community Affairs within forty-eight hours following adoption of this Resolution.
   b. Publishing this Resolution on the Township's website.

3. The Municipal Attorney, Municipal Planner, and (if appointed) Affordable Housing Subcommittee are authorized to take all actions to draft documents necessary to comply with all Fourth Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Spending Plan, and effectuating ordinances and resolutions.

4. This Resolution shall take effect immediately.

Adopted: January 14, 2025

COMMITTEE MEMBER	MOTION	2nd	YES	ABSTAIN	NO	ABSENT
J. Bruno						
T. Doyle						
M. Fiorella						
J. Keen						
M. Marsh						

Attest: Township of Franklin

_____ _____
Barbara Freijomil, Clerk John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on January 14, 2025.

_____
Barbara Freijomil, Clerk

APPENDIX B-2

Order Fixing Municipal Obligations

FILED

May 5, 2025

Hon. Robert Malestein, P.J.Ch.

The Hon. Robert Malestein, P.J.Ch.
Superior Court of New Jersey
Law Division – Civil Part
Vicinage XV
Gloucester County Courthouse
1 N. Broad Street, Courtroom 203
Woodbury, New Jersey 08096

PREPARED BY THE COURT:

IN THE MATTER OF THE DECLARATORY JUDGMENT ACTION OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF GLOUCESTER, PURSUANT TO P.L. 2024, CHAPTER 2 Petitioner.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – CIVIL PART GLOUCESTER COUNTY DOCKET NO. GLO-L-68-25 Civil Action *Mt. Laurel Program* **ORDER FIXING MUNICIPAL OBLIGATIONS FOR "PRESENT NEED" AND "PROSPECTIVE NEED" FOR THE FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 16, 2025, ("DJ Complaint") by the Petitioner, Township of Franklin, County of Gloucester ("Petitioner" or "Municipality"), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the "FHA"), and in accordance with Section II.A of Administrative

Directive #14-24 ("Directive #14-24") of the Affordable Housing Dispute Resolution Program (the "Program"), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs ("DCA") issued its report entitled "*Affordable Housing Obligations for 2025-2035 (Fourth Round)*",[1] therein setting forth the "present need" and prospective need" obligations of all New Jersey municipalities for the Fourth Round housing cycle (the "DCA's Fourth Round Report"); **AND IT APPEARING** that, pursuant to the DCA's Fourth Round Report, the "**present need**" obligation of the Petitioner has been calculated and reported as 48 affordable units, and its "**prospective need**" obligation of the Petitioner has been calculated and reported as 253 affordable units, and which calculations have been deemed "presumptively valid" for purposes of the FHA;

AND IT APPEARING that the Municipality adopted Resolution 37-25 on January 14, 2025 seeking deviation from the "present need" and "prospective need" calculations allocated to it by the New Jersey Department of Community Affairs ("DCA") in its report dated October 18, 2024 entitled Affordable Housing

[1] *See* https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

Obligations for 2025-2035 (Fourth Round) (the "DCA's Fourth Round Report"), and based on the Municipality planners' recommendation for 48 affordable housing units for "present need" and 215 units for a "prospective need" affordable housing obligation for the Fourth Round housing cycle;

AND IT APPEARING that a challenge to the Municipality's calculations was timely filed by the New Jersey Builders Association ("NJBA" or "Challenger") by and through its counsel, wherein NJBA disputed the Municipality's proposed obligation for prospective need, and supported DCA's present and prospective need obligations;

AND IT APPEARING that pursuant to the Program, the Administrative Office of the Courts ("AOC") appointed and assigned the case to Program member, the Hon. Julio Mendez, A.J.S.C. (ret.) ("Program Member"), to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC's Directive #14-24 ("Directive #14-24"), and that the Program Member appointed Mary Beth Lonergan, an independent affordable housing expert, as special adjudicator ("Special Adjudicator") in this case to work with, make recommendations to, and assist the Program;

AND IT APPEARING that the Program Member considered all submissions of counsel for the parties, the various planners' reports, the DCA report, as well as the expert report of the Special Adjudicator, and conducted a settlement conference

on March 25, 2025 and the Municipality and NJBA having engaged in extensive settlement conferences before, during and after the settlement conference;

AND IT APPEARING that, the March 25, 2025 settlement conference was conducted on notice to all parties and the participation including local officials, attorneys, and planners for Fair Share Housing Center and the Municipality, everyone with the goal of reaching a resolution;

AND IT APPEARING that, the parties have engaged in extensive settlement negotiations before, during and after the settlement conference, with the guidance and assistance of the program member assigned to the case and the special adjudicator;

AND IT APPEARING that, the Municipality and NJBA have reached a resolution, the settlement was place on the record, the parties circulated a settlement agreement that will be uploaded to e-courts and that the municipal governing body is to adopt a resolution to accept the settlement;

AND IT APPEARING that, the special adjudicator recommends accepting the settlement to the program, and that the terms of the settlement are as follows: 48 units of affordable housing for a present need obligation (subject to conducting a windshield survey) and 243 units of affordable housing for a prospective need obligation, and that parties will now move on to the compliance phase to address the remaining issues pursuant to FHA and the AOC Directive;

AND IT FURTHER APPEARING that the special adjudicator recommends accepting the settlement to the program, and that the terms of the settlement are as follows: 48 units of affordable housing for a present need obligation (subject to conducting a windshield survey) and 243 units of affordable housing for a prospective need;

AND IT FURTHER APPEARING that the program member hereby recommends for consideration and review that an ORDER be entered by the County Mount Laurel Judge as follows: Accepting the proposed settlement and establishing that the "present need" obligation of the Municipality, be, and hereby is fixed as 48 affordable units (subject to conducting a windshield survey) for the Fourth Round housing cycle, and that the "prospective need" obligation of the Municipality, be, and hereby is fixed as 243 affordable units for the Fourth Round Housing cycle.

AND IT APPEARING the Program also is recommending an order be entered that the Municipality is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the "present need" and "prospective need" allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay. And the Program also is recommending an order that any and all "challenges" to the

Petitioner's housing element and fair share plan as adopted pursuant to Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts and as provided for and in accordance with Section III.B of Directive #14-24.

IT IS, **THEREFORE**, on this **5th day of MAY 2025 ORDERED AND ADJUDGED** as follows:

1. That the "present need" obligation of the Municipality, be, and hereby is fixed as 48 affordable units for the Fourth Round housing cycle.

2. That the "prospective need" obligation of the Municipality, be, and hereby is fixed as 243 affordable units for the Fourth Round Housing cycle; and

3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the "present need" and "prospective need" allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay..

IT IS FURTHER ORDERED, that any and all "challenges" to the Petitioner's housing element and fair share plan as adopted pursuant to Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the

eCourts case jacket for this Docket No. #GLO-L-68-25, and as provided for and in accordance with Section III.B of Directive #14-24; and

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner, Petitioner's counsel and the Program Chair upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:

Robert J. Malestein, P.J.Ch.

HON. ROBERT MALESTEIN, P.J.Ch.
Designated Mt. Laurel Judge – Vicinage XV

(X) Uncontested.

APPENDIX C-1

DRAFT Resolution Appointing Municipal Housing Liaison

TOWNSHIP OF FRANKLIN

R-___-25

A RESOLUTION TO APPOINT A MUNICIPAL HOUSING LIAISON

WHEREAS, in accordance with the Fair Housing Act of 1985 at N.J.A.C. 52:27D-301, and obligations under the Mount Laurel doctrine, the Township has an obligation to provide for its regional fair share of housing affordable to low- and moderate-income households; and

WHEREAS, pursuant to N.J.A.C. 5:96-17 et seq. and N.J.A.C. 5:80-26.1 et seq, the Township is required to appoint a Municipal Housing Liaison as a municipal employee responsible for administration of affordable housing records and programs in the Township; and

WHEREAS, _____ shall be appointed as the Municipal Housing Liaison; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Franklin, in the County of Gloucester, and State of New Jersey, that _____ is hereby appointed as the Municipal Housing Liaison for the Township of Franklin, and shall serve in such capacity through the date of the 2026 Township reorganization meeting.

Adopted: Date, 2025

COMMITTEE MEMBER	MOTION	2ND	YES	ABSTAIN	NO	ABSENT

Attest: Township of Franklin

_____ _____

Barbara Freijomil, Clerk John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on DATE, 2025.

_____

Barbara Freijomil, Clerk

DRAFT

APPENDIX C-2

DRAFT Resolution Appointing Administrative Agent

TOWNSHIP OF FRANKLIN

R-___-25

A RESOLUTION TO APPOINT AN ADMINISTRATIVE AGENT FOR AFFORDABLE HOUSING PROGRAMS

WHEREAS, The Township has adopted an updated Housing Plan Element and Fair Share Plan which recommends that the Township implement certain programs and policies to further the opportunities for low and moderate income housing within Franklin Township; and

WHEREAS, the Township is authorized to designate one or more qualified Administrative Agents to be responsible for the administration of affordable units and affordability assistance programs in accordance with the Affordable Housing ordinance of the Township; and

WHEREAS, the Township seeks to designate and contract directly with a qualified administrative agent; and

WHEREAS, _____ shall be designated as the Township's Affordable Housing Administrative Agent; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Franklin, in the County of Gloucester, and State of New Jersey, that _____ is hereby designated as the Affordable Housing Administrative Agent for the Township of Franklin, and shall serve in such capacity through the date of the 2026 Township reorganization meeting.

Adopted: Date, 2025

COMMITTEE MEMBER	MOTION	2ND	YES	ABSTAIN	NO	ABSENT

Attest: Township of Franklin

_____ _____

Barbara Freijomil, Clerk John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on DATE, 2025.

DRAFT

_____
Barbara Freijomil, Clerk

DRAFT

APPENDIX C-3

DRAFT Affordable Housing Trust Fund Spending Plan

Franklin Township, Gloucester County

DRAFT Affordable Housing Trust Fund Spending Plan

Fourth Round (2025 – 2035)

INTRODUCTION AND BACKGROUND

Franklin Township has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (N.J.S.A. 52:27D-301) and consistent with the affordable housing regulations set forth at N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:97-1 et seq, to address its Fourth Round of affordable housing obligations.

A development fee ordinance creating a dedicated revenue source for affordable housing is in place and will continue to be applied after the adoption and endorsement of the Housing Plan Element and Fair Share Plan by the Planning Board and Committee.

The Township will prepare annual reporting on Affordable Housing Trust Fund activity. This Spending Plan provides an estimate of projected funding and proposals for expenditure of funds in support of the Housing Plan Element and Fair Share Plan, and provides guidance to ensure that funds are spent in accordance with the requirements of N.J.A.C. 5:97- 8.7 through 8.10. In accordance with N.J.S.A. 52:27D-329.2 and -329.3, all funds deposited into the Township's Affordable Housing Trust Fund are to be spent within 4 years of their receipt. The Township will provide annual monitoring to the AHMS as administered by the NJDCA.

As of June 1, 2025, the Township had a balance of $216,256.29 in the Affordable Housing Trust Fund. This is inclusive of the following cumulative deposits and payments from the AHTF:

- Deposits: $361,262.39
    - Fees Collected: $ $361,011.09; Interest Collected: $251.30
- Payments: $ $145,006.10 in Administrative Expenses

1. REVENUES FOR CERTIFICATION PERIOD

All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the trust fund monies will be deposited in a separate interest-bearing affordable housing trust fund account for the purposes of supporting and providing affordable housing. These funds have been and shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated through 2035, the following have been considered:

(a) Development fees.

1. Residential and non-residential construction projects that are subject to the development fee requirements, (Affordable Housing Development Fees) and fees for developments that have already received approval by the Township's Planning and Zoning Boards.

2. Applications for residential and non-residential construction projects that are currently pending and will be heard by the Planning Board and are likely to receive building permits and/or certificates of occupancy before 2035; and

3. Residential and non-residential construction projects that are likely to occur before 2035 based on available land, economic conditions, and historical rates of development.

4. For the purposes of this plan, estimated development fees are $60,000 annually for the remainder of the reporting period. This is based on a conservative estimate of the approximate average of fees collected over the previous 3 years. Actual averages from 2022-2025 were approximately $70,000.

(b) Payment in lieu (PIL) of on-site construction.

Payments in lieu (PIL) of construction from residential developers that have or are expected to enter into an agreement with the Township to make a specific payment to the Affordable Housing Trust Fund in lieu of providing affordable housing units onsite.

At this time, the Township is not anticipating any payments in lieu of construction.

(c) Other funding sources.

Potential funds from other sources include the sale of units with extinguished controls, repayment of affordable housing program loans (such as rehabilitation or down payment assistance), rental income, and proceeds from the sale of affordable units.

Any such payments will be accepted, but at this time the Township is not anticipating any alternative sources of revenue, and no projections of revenue derive from such payments.

(d) Projected interest.

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. The interest is conservatively estimated to be approximately $500 per year. All interest earned on the account shall be used only for the purposes of affordable housing.

Table 1. Projected Revenues 2025 - 2035												
Starting Balance (5/14/2024)	**$216,256**											
SOURCE OF FUNDS	**2025**	**2026**	**2027**	**2028**	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	**2035**	**Total**
(a) Development Fees:	$30,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$30,000	$600,000
1. Approved Development	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	-
2. Development Pending Approval	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	-
3. Projected Development	$30,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$60,000	$30,000	$600,000
(b) Payments in Lieu of Construction	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
(c) Other sources	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
(d) Interest on Total Account Balance	$250	$500	$500	$500	$500	$500	$500	$500	$500	$500	$250	$5,000
Total	$30,250	$60,500	$60,500	$60,500	$60,500	$60,500	$60,500	$60,500	$60,500	$60,500	$30,250	$605,000

Franklin Township projects a total revenue of $605,000 to be collected from June 2025 through July 2035 in development fees and interest payments. When combined with the existing balance of $216,256, the Township can anticipate to have a total of $821,256 to spend on funding and administering affordable housing programs through 2035.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

Franklin Township will follow the following procedures for the collection and distribution of affordable housing trust fund revenues.

(a) Collection of fees and payments:

1. Development fees shall be collected consistent with the Township's development fee ordinance for both residential and non-residential projects in accordance with the N.J.A.C. 5:97-1 et seq and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

2. Payments-in-lieu shall be collected as set forth in an Agreement between the Township and the Developer. Typically, payments will be made in no more than four (4) installments as the development progresses and the entire payment shall be made prior to the issuance of the final Certificate of Occupancy.

(b) Distribution of development fee revenues:

1. The Municipal Housing Liaison and Township Staff coordinate compliance and implementation of the Spending Plan as it relates to the Fair Share Plan; and coordinate recommendations for expenditure of funds in support of compliance or implementation of the Spending Plan.

2. The Township Administrator authorizes staff to prepare a Resolution that includes an explanation of how the expenditure advances the Township's affordable housing objectives, implements some aspect of the Fair Share Plan, and is consistent with the Spending Plan.

3. Township Committee reviews the request and authorizes the expenditure by resolution.

4. The Municipal Housing Liaison and the CFO maintain accounting of expenditures.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) New construction, extension of controls, and conversion programs and projects (N.J.A.C. 5:97-8.7)

Rehabilitation Program: $400,000

The Township will provide financial assistance to supplement the Gloucester County rehabilitation program to aid in the rehabilitation of homes in the Township. The County currently rehabilitates an average of 6 homes per year in Franklin through its current CDBG funded program.

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

Municipalities are required to spend a minimum of 30% of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very-low-income households. The table below projects the minimum required affordability assistance:

Table 2. Minimum Affordability Assistance		
Actual development fees through 06/01/2025		$361,011.09
Actual interest through 06/01/2025		$251.30
Development fees projected 2025-2035	+	$600,000.00
Interest projected 2025-2035	+	$5,000.00
Other funds Received	+	$0.00
Less projected rehabilitation program expenditures		$400,000.00
Less housing activity expenditures through 06/01/2025	-	$0.00
Total	**=**	**$566,262.39**
30 percent requirement	x 0.30 =	$169,878.72
Less affordability assistance expenditures through 06/01/2025	-	$0.00
Projected Minimum Affordability Assistance Requirement 6/30/2025 through 06/30/2035	**=**	$169,878.72
Projected Minimum Very Low-Income Affordability Assistance Requirement 06/30/2025 through 06/30/2035	x 0.34 =	$57,758.76

Franklin Township is required to dedicate a minimum of $169,878.72 from the affordable housing trust fund to provide affordability assistance, with at least 1/3 of the required affordability assistance spending must be dedicated to providing assistance to very-low income households. This would be a minimum of $57,758.76 that must be directed towards making housing more affordable specifically to very-low income households.

In accordance with N.J.A.C. 52:27D-329.2, the programs considered to provide affordability assistance to low and moderate income households may include the following:

1. Down Payment Assistance Program;
2. Security Deposit Assistance Program;
3. Low interest loans;
4. Maintenance expenses for condominiums;
5. Rental assistance;
6. Conversion of low or moderate income housing units to very low income housing units;
7. Any other program authorized by the Department of Community Affairs (NJDCA)

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

Administrative expenses are subject to a twenty percent (20%) cap. The table below demonstrates the maximum amount of Affordable Housing Trust Fund revenue that will be available for administrative expenses through 2035.

Table 3. Administrative Expense Calculation		
Actual development fees through 06/01/2025		$361,011.09
Actual interest through 06/01/2025		$251.30
Development fees and interest projected 2025-2035	+	$605,000.00
Less Payment in Lieu Funds	-	$0.00
Total	**=**	**$966,262.39**
Calculate 20 percent	x .20 =	$193,252.48
Less administrative expenditures through 06/01/2025	-	$137,760.35
Projected maximum allowable for administrative expenses 06/30/2025 through 06/30/2035	**=**	**$55,492.13**

Franklin projects that $55,492.13 will be available for administrative expenses through 2035. However, since there is no certainty about the timing of revenue deposits, the Township will continue to calculate the maximum amount to be expended on administrative expenses yearly. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

1. Wait list management and general administration.
2. Administration of Down Payment Assistance Program by Administrative Agent
3. Establishment and Administration of Homeowner Association Fee Assistance Program by Administrative Agent
4. Establishment and Administration of the Very Low-Income Assistance program
5. Establishment, Implementation, Administration of Market to Affordable program
6. Fees for the sale of affordable units that are priced such that 3% of sale price is less than the Administrative Agent's minimum fee (Township pays the difference).
7. Preparation and Review of Affordable Housing Agreements, Resolutions, Deed Restrictions for affordable housing developments.
8. Preliminary engineering analysis for affordable housing sites
9. GIS mapping and analysis related to preparation and implementation of the Fair Share Plan.
10. Litigation expenses for the review and implementation of the Fourth Round Housing Element and Fair Share Plan.

(d) Emerging Compliance Mechanisms (N.J.A.C. 5:97-8.11):

As Franklin Township projects to have a surplus of funds beyond the minimum requirements to fully fund the rehabilitation assistance and the affordability assistance program, the Township will give consideration to mechanisms not currently identified in the June 2025 Housing Element and Fair Share Plan as new and unforeseen opportunities to provide additional affordable housing arise in the future. This may include providing funding assistance to a new 100% affordable project that has yet to be proposed by a developer, additional rehabilitation of existing deficient housing units, development of special needs housing, funding market to affordable conversions, or reallocating additional projected revenues towards affordability assistance programs.

The Township projects $195,885 of flexible funds that may be available through the reporting period to be used for emerging mechanisms.

4. EXPENDITURE SCHEDULE

Franklin Township intends to use affordable housing trust fund revenues for the creation and maintenance of affordable housing units, for affordability assistance, and for administration as set forth above. The Township will commit funds to specific programs as outlined above, or the plan will be amended.

TABLE 4. Projected Expenditure Schedule 2025-2035

Programs	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation	$40,000	$40,000	$40,000	$40,000	$40,000	$40,000	$40,000	$40,000	$40,000	$40,000		**$400,000**
Affordability Assistance	$16,988	$16,988	$16,988	$16,988	$16,988	$16,988	$16,988	$16,988	$16,988	$16,988		**$169,879**
Emerging Mechanisms		$19,589	$19,589	$19,589	$19,589	$19,589	$19,589	$19,589	$19,589	$19,589	$19,589	**$195,885**
Administration	$0	$5,549	$5,549	$5,549	$5,549	$5,549	$5,549	$5,549	$5,549	$5,549	$5,549	**$55,492**
Total	**$56,988**	**$82,126**	**$82,126**	**$82,126**	**$82,126**	**$82,126**	**$82,126**	**$82,126**	**$82,126**	**$82,126**	**$25,138**	**$821,256**

5. EXCESS OR SHORTFALL OF FUNDS

The Township plans to implement the programs set forth in the Fourth Round Fair Share Plan and the Spending Plan incrementally with the funds that are available; and will ensure that the collected funds are spent consistent with the applicable rules and regulations and in a manner that advances the Township's affordable housing goals. The purpose of the Spending Plan is to plan for expenditure of monies in the Affordable Housing Trust Fund. N.J.A.C. 5:97-8.10(a)(9) requires that the spending plan address the "manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan". The Township will assess the status of the AHTF and implementation of the Fair Share Plan annually.

In the event more funds than anticipated are collected and the available funds exceed the amount necessary to implement the Fair Share Plan, the excess funds may be used to expand the programs described above.

SUMMARY

The Township of Franklin intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the programs outlined in the Fourth Round Housing Element and Fair Share Plan dated May 2025 and this Spending Plan.

Franklin anticipates collection of $605,000 in additional revenues through 2035 to supplement the $216,256.29 current in the Trust Fund. The municipality has provided a plan to spend projected revenues on specific projects and programs. The exact timing of additional revenues is uncertain, but the estimate is realistic based on development trends in the Township. The Spending Plan will be amended if needed to adjust for changed needs or emergent opportunities for affordable housing production or assistance.

Table 5. Spending Plan Summary	
Balance as of June 1, 2025	**$216,256.29**
Projected Revenue 2025-2035	**$605,000.00**
Development Fees	$600,000.00
Other Funds	$0.00
Interest	$5,000.00
Payment in Lieu	$0.00
TOTAL REVENUE	**$821,256.29**
Expenditures	
Rehabilitation	$400,000.00
Affordability Assistance	$169,878.72
Emerging Mechanisms	$195,885.45
Administration	$55,492.13
TOTAL PROJECTED EXPENDITURES	**$821,256.30**
REMAINING BALANCE	**($0.00)**

APPENDIX C-4

DRAFT Affirmative Marketing Plan

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in Region 5

I. Applicant and Project Information

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number Franklin Township does not currently have any deed restricted affordable housing units. Should any such housing units begin construction prior to the end of the Third Round, the Township will contract with a qualified administrative agent to oversee all required affirmative marketing of such units.		**1b. Development or Program Name, Address**
1c. Number of Affordable Units: N/A Number of Rental Units: N/A Number of For-Sale Units: N/A	**1d. Price or Rental Range**	**1e. State and Federal Funding Sources (if any)**
1f. □ Age Restricted □ Non-Age Restricted	**1g. Approximate Starting Dates**	
1h. County Burlington, Camden, Gloucester		1i. **Census Tract(s):**
1j. Managing/Sales Agent's Name, Address, Phone Number TBD		
1k. Application Fees (if any): There are no application fees.		

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

II. Random Selection

2. Describe the random selection process that will be used once applications are received.

<u>Initial Randomization</u>

Applicants are selected at random before income-eligibility is determined, regardless of household or desired number of bedrooms.

The process is as follows:

1. After advertising is implemented, applications are accepted for 60 days.
2. At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit).
3. An applicant pool is created by listing applicants in the order selected.

DRAFT

4. Applications are reviewed for income-eligibility. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information.
5. If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be maintained as an ordered waiting list with all new pre-qualified applicants added to the list in the order that they were received.
6. When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

III. Marketing

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

□ White (non-Hispanic) X Black (non-Hispanic) X Hispanic
□ American Indian or Alaskan Native □ Asian or Pacific Islander □ Other group:

3b. Housing Resource Center

www.njhousing.gov A free, online listing of affordable housing

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

	Duration & Frequency of Outreach	Names of Regional Newspaper(s)	Circulation Area
Targets Entire Housing Region 5			
Newspaper			
X	One display ad per week for four consecutive weeks, beginning at the start of the marketing process	Courier Post	Southern NJ
Targets Partial Housing Region 5			
X	One display ad per week for four consecutive weeks, beginning at the start of the marketing process	Gloucester County Times	Gloucester County

	Duration & Frequency of Outreach	Names of Regional Radio Station(s)	Listening Area
Targets Entire Housing Region 5			
AM Radio			
X (at least one Radio Station)		WFIL 560	
		WIP 610	
		WNTP 990	
		WWJZ 640	

3d. Other Publications

	Duration & Frequency of Outreach	Names of Regional Newspaper(s)	Circulation Area
Targets Entire Housing Region 5			
X	One display ad per week for four consecutive weeks	Nuestra Comunidad	South / Central Jersey

3.e List of Regional Employers

Burlington County

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X		Burlington County College	601 Pemberton Browns Mills Rd Pemberton
X		Our Lady of Lourdes Medical Center	218 Sunset Rd Willingboro, NJ
X		Masonic Home of NJ	902 Jacksonville Rd Burlington, NJ
X		Medford Leas Continuing Care	1 Medford Leas Medford, NJ
X		Virtua Geriatric Care Management	523 Fellowship Rd Mt Laurel, NJ
X		Virtua West Jersey Hospital	90 Brick rd Marlton, NJ
Camden County			
X		Campbell Soup Company	Campbell Place Camden, NJ 08103-1701
X		Lockheed Martin	Federal, Camden, NJ 08102
X		Bancroft Neurohealth	1000 Atlantic Ave Camden, NJ 08102
X		Cooper Health System	One Cooper Plaza Camden, NJ 08102
X		L-3 Communications Systems	1 Federal Street, Camden, New Jersey, 08103
X		Towers Perrin	101 Woodcrest Rd, Cherry Hill, NJ
X		Arch Manufacturing & Sales Co.	1213 S 6th St, Camden, NJ
X		Subaru	Subaru Drive, Camden, NJ
Gloucester County			
X		Underwood Memorial Hospital	509 North Broad Street, Woodbury, NJ 08096
X		Rowan University	201 Mullica Hill road Glassboro, NJ 08028
X		Kennedy Memorial Hospital	435 Hurffville-Cross Keys Road, Turnersville NJ 08012
X		U.S. Food Services	2255 High Hill Rd, Swedesboro, NJ & Swedesboro
X		Direct Group	100 Berkeley Dr, Swedesboro, NJ and 800 Arlington Blvd, Swedesboro, NJ
X		CompuCom Systems Inc.	1225 Forest Pkwy # 500, Paulsboro, NJ
X		Missa Bay LLC	101 Arlington Blvd, Swedesboro, NJ and 2339 Center Square Rd, Swedesboro, NJ and 730 Veterans Dr, Swedesboro, NJ
X		Sony Music	400 N Woodbury Rd, Pitman, NJ
X		Delaware Valley Wholesale Florists	520 N. Mantua Boulevard Sewell, NJ 08080
X		Valero Refining Co	800 Billingsport Rd, Paulsboro, NJ
X		Electric Mobility	591 Mantua Blvd, Sewell, NJ
X		Sunoco-Eagle Point Oil Refinery	US Highway 130 S & Highway 295, Westville, NJ
X		Heritage's Dairy Stores	376 Jessup Road Thorofare, NJ 08086
X		Cornell & Company	224 Cornell Ln, Westville, NJ
X		Exxon Mobil Research & Engineering Co	800 Billingsport Rd, Paulsboro, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Duration & Frequency of Outreach	Racial/Ethnic Identification of Readers/Audience	Outreach Area

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Fair Share Housing Center 510 Park Boulevard Cherry Hill, NJ 08002 856665-5444 info@fairsharehousing.org	Ongoing as needed	N/A	Statewide
New Jersey State Conference of NAACP 4326 Harbor Beach Blvd #775 Brigantine, NJ 08203 609-310-0211	Ongoing as needed	African-American	Statewide
The Latino Action Network PO Box 943 Freehold, NJ 07728 latinoactionnetwork@gmail.com	Ongoing as needed	Hispanic	Statewide
Gloucester County Branch NAACP PO Box 545 Williamstown, NJ 08094 856-318-4555	Ongoing as needed	African-American	Gloucester County
Salem County Branch NAACP PO Box 25 Salem, NJ 08079 Naacp2105@gmail.com	Ongoing as needed	African-American	Salem County
Senior Citizens United Community Services 537 Nicholson Road Audubon, NJ 08106 856-456-1121 scucs@scucs.org	Ongoing as needed	N/A	Statewide
Supportive Housing Association 185 Valley Street South Orange, NJ 07079 908-931-1131	Ongoing as needed	N/A	Statewide

IV. Applications

Applications for affordable housing for the above units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that apply)

	Building	Location
X	Gloucester County Library	2 Center Street, Glassboro, NJ 08028 (856) 881-0001
X	Newfield Public Library	115 Catawba Ave, Newfield, NJ 08344 (856) 697-0415
X	Camden County Library System	301 N. Fifth Street, Camden, NJ 08102 (856) 225-6807
X	Burlington County Library	5 Pioneer Boulevard, Westampton, NJ 08060 (609) 267-9660
X	Gloucester County Administration Building	2 S. Broad Street, Woodbury, NJ 08096

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

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Franklin Township Administration Building 1571 Delsea Drive Franklinville, NJ 08322 www.franklintownshipnj.org
Franklin Township Library 1584 Coles Mill Road, Franklinville, NJ 08322 https://www.ftlnj.org/
4c. Sales/Rental Office for units (if applicable)

V. Certifications and Endorsements

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (Select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).	
Signature	Date
Name (Type or Print)	Title/Municipality

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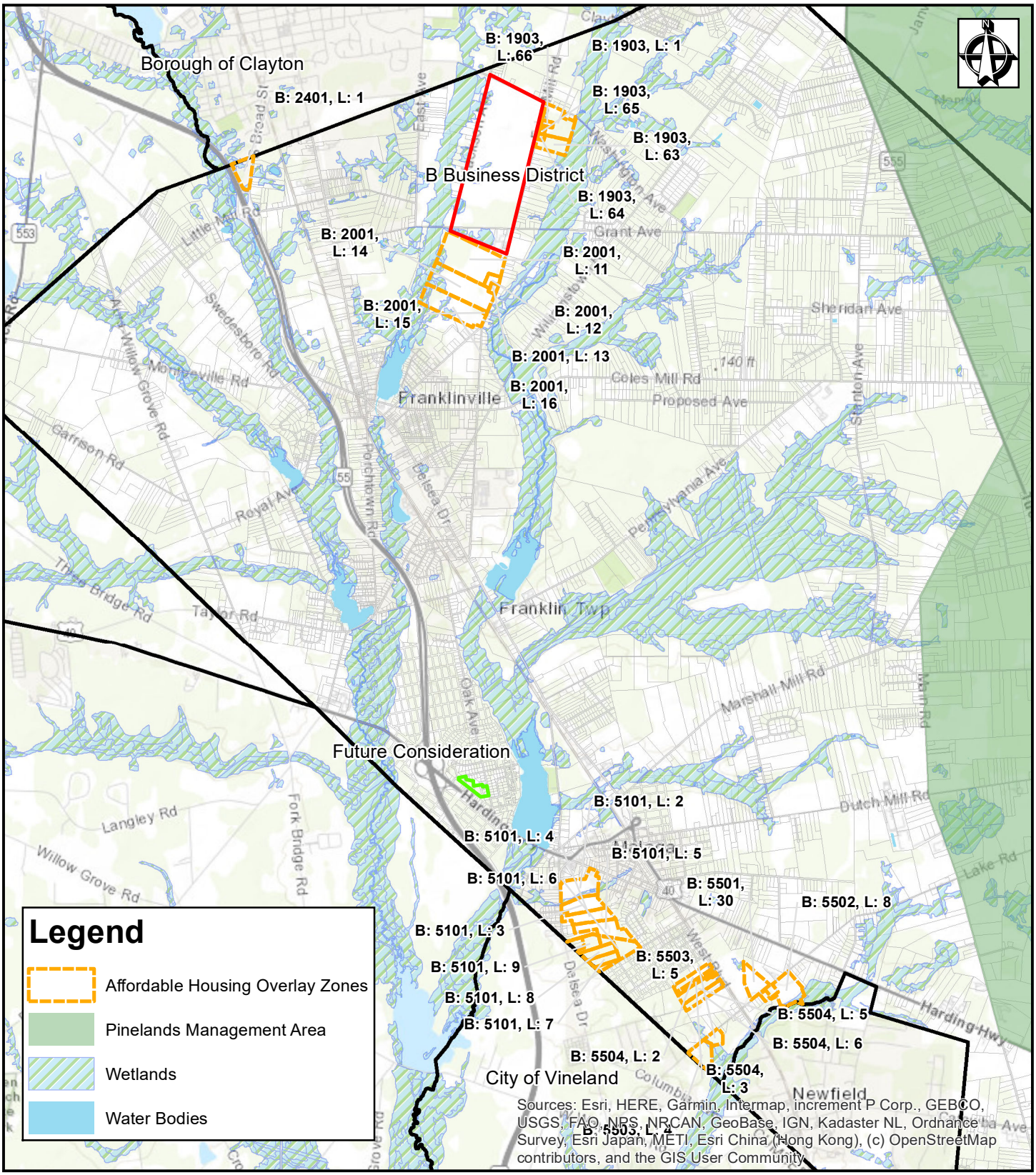
APPENDIX D-1

Affordable Housing Sites Map

AFFORDABLE HOUSING PLAN FRANKLIN, NJ



1 inch = 5,000 feet

0 2,500 5,000 10,000 Feet

Source: NJGIN (NJOGIS), NJDEP

CREATED BY: CD

DATE: June 05, 2025

ENVIRONMENTAL CONSTRAINTS

FRANKLIN TOWNSHIP
GLOUCESTER COUNTY
NEW JERSEY

CME ASSOCIATES
CONSULTING & MUNICIPAL ENGINEERS

APPENDIX E-1

DRAFT Ordinance to Amend Business Zone

TOWNSHIP OF FRANKLIN, GLOUCESTER COUNTY, NEW JERSEY

ORDINANCE # _____

AN ORDINANCE AMENDING CHAPTER 253 "LAND DEVELOPMENT" TO REVISE THE PERMITTED RESIDENTIAL USES OF THE BUSINESS DISTRICT IN FURTHERANCE OF THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS FOR THE FOURTH ROUND

WHEREAS As per the Amended Fair Housing Act, the Township has an affordable housing obligation to meet its fair share of the regional need for low and moderate income households; and

WHEREAS, the Township's Planning Board has adopted a Housing Plan Element and Fair Share Plan intended to describe the mechanisms through which the Township will satisfy its fair share housing obligation; and

WHEREAS, said Housing Plan Element and Fair Share Plan recommends amendments to the Township Land Development code to provide a realistic opportunity for the construction of low and moderate income housing; and

WHEREAS, the Township Committee wishes to enact said amendments as recommended by the Housing Element and Fair Share Plan; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Committee of the Township of Franklin, Gloucester County, State of New Jersey, that Chapter 253 of the Township Code "Land Development" Article XIV B Business District, is hereby amended as follows:

New text to be inserted in bold, italic, and underlined font

~~**Text to be deleted is stricken through**~~

Article XIB B Business District

§253-113 Purpose

[No changes]

§253-114. Permitted uses.

A. [No changes]

B. Uses permitted on tracts of more than 25 acres existing at the time of the effective date of this section. Land may be used and buildings or structures may be erected, altered or used for any of the following purposes and no other:

(1) Planned unit development in accordance with the following guidelines, provided that a community-based (package) water and sewer system is provided and a minimum of 50% of the land is preserved as open space or agriculture:

(a) Planned office and "flex-use" campus, provided that principal structures are provided on individual lots with an area of not less than three acres or more. The following uses may be permitted and no other:

[1] Business, administrative, professional and governmental offices.

[2] Research and development laboratories.

[3] Warehousing and distribution facilities, provided that they occur in buildings in which a minimum of 10% of the building in which the warehouse and distribution occurs is devoted to office use.

[4] Private recreational uses including, and of the same general character as, golf courses, driving ranges, tennis and racquet clubs, swim clubs, batting practice ranges. Outdoor tracks for motorized vehicles and amusement parks are specifically prohibited.

(b) The following uses may be provided in conjunction with a planned unit development on lots with an area of not less than two acres or more:

[1] Banks and other financial institutions.

[2] Adult or child-care centers planned to provide care for a minimum of 25 individuals in accordance with all applicable local and state regulations.

(c) A ~~**mixed-use**~~ ***residential*** hamlet, on not less than 50 acres, may contain the following uses:

[1] Residential uses including single-family detached, semi-attached, townhomes, and multifamily dwellings, subject to the following regulations:

[a] The ~~**average**~~ ***net*** residential density shall not exceed ~~six~~ ***ten*** units per acre.

~~[b] Residential densities may be increased to eight units per acre if sewer and water service is extended along a collector or arterial street and connections are made to existing and future uses within 0.25 mile of the boundaries of the planned unit development.~~

[c] A maximum of ~~40~~ ***30***% of the residential units may be restricted to households in which at least one member is age 55 or older and no member is less than age 18.

[d] A minimum of 20% of all residential units shall be made affordable to very-low and moderate-income households in accordance with the amended ***Fair Housing Act and the Uniform Housing Affordability Controls.*** ~~the rules of the Council on Affordable Housing.~~ There will be no development fee on ~~COAH~~ ***affordable*** units.

[2] A commercial section containing all nonresidential uses permitted in the Franklinville Village District, and in accordance with the area, bulk and design requirements of that district. Permitted uses include retail stores and services, offices and restaurants. The commercial section shall occupy not more than 15% of the area of the mixed-use hamlet, exclusive of lands preserved for open space and agriculture. It shall be located in general proximity to a collector or arterial street.[2]

§ 253-115. Area restrictions and regulations.

[No change]

§ 253-116 Height restrictions.

[No change]