



HOUSING ELEMENT AND FAIR SHARE PLAN

Borough of Wharton, Morris County

JUNE 17, 2025

Prepared by:



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2025 Housing Element and Fair Share Plan

Borough of Wharton Morris County, New Jersey

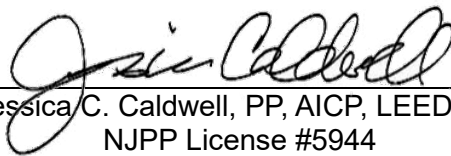
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June 17, 2025

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1. Introduction

1.1 Community Overview

The Borough of Wharton, is a community of approximately 7,346 residents in Morris County. The small municipality is approximately 2.2 square miles. Wharton Borough's neighboring municipalities include Rockaway Township, the Town of Dover, Mine Hill Township, Roxbury Township, and Jefferson Township (**Figure 1**).

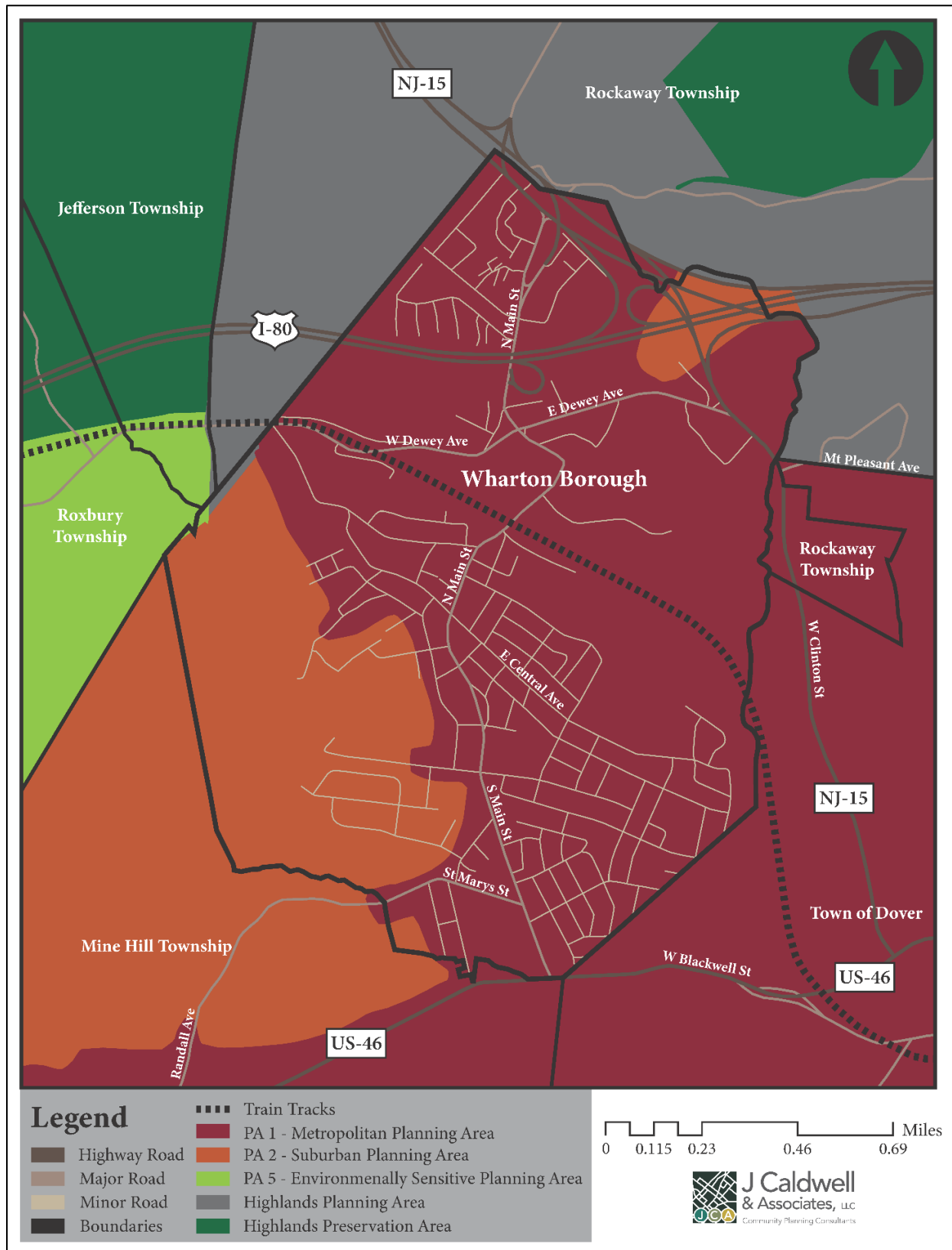
The Borough of Wharton is located in western Morris County along Route 15, Route 46, and Interstate 80. Route 15 serves as the its northern boundary; Route 46 serves as its southern boundary; and Interstate 80 bisects the Borough in its northern half. South Main Street and North Main Street serve as the central business corridor and bisect the Borough in the north-south direction (**Figure 1**). The main entrance of Picatinny Arsenal, a major U.S. Army research and development center, is located just to the north of Wharton in Rockaway Township. The Rockaway Townsquare Shopping Mall is located just to the east, along Mt. Pleasant Avenue.

Wharton is located in the Highlands Region of New Jersey and is a designated Highlands Center area. It is a fairly dense municipality within the Highlands Region and serves as a residential and business center of the greater area. The Rockaway River, which is also connected to Washington Pond, passes through the Borough. A large forested area separates the Borough's southwestern boundary from Mine Hill Township.

The Borough is located within the PA 1 – Metropolitan and PA 2 – Suburban State Development and Redevelopment Plan (SDRP) Planning Areas. Most of its area is in PA 1, while the southwestern portion and a small northeastern portion of the Borough are located in PA 2 (**Figure 1**). Wharton is also part of the Highlands Planning Area and is a designated Highlands Center. The Borough petitioned to conform in the Planning Area; however, it is not fully conforming at this time.

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Figure 1. Context Map



1.2 Relationship to Other Plans

Municipal Master Plan

The Borough of Wharton's Master Plan was completed in 1994, with Reexamination Reports adopted in 2005 and 2015. The 2005 Master Plan Reexamination Report provides the most recent revised list of the Borough's goals and objectives. The following goals and objectives are of particular relevance to this Housing Element and Fair Share Plan:

1. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions and preservation of the environment.
2. To provide sufficient space in appropriate locations for a variety of uses and open space, both public and private, in a manner compatible with the character of the Borough and the environment.
3. To support a planning policy to reinforce the existing variety of housing types and densities, in appropriate locations, to serve the Borough.
4. To protect the existing single family residential neighborhoods of the community by preserving areas exhibiting predomination of single-family land uses. A principal goal of this plan is to preserve and protect the residential character and existing density of various neighborhoods within the community. The plan also seeks to restrict incompatible land uses from established residential areas, and limit intensities-of-use to the levels, and locations, prescribed herein.
5. To restrict three-family dwellings to sites where they currently exist and prohibit any further development or redevelopment with this land use.
6. To promote uniform residential density among single-family and two-family residential parcels in the Borough's RM-75 Medium Density One- and Two-Family District.
7. To promote the continued maintenance and rehabilitation of the Borough's housing units.

State Development and Redevelopment Plan (2001)

At the time of the preparation of this Housing Element and Fair Share Plan (HEFSP), the update to the New Jersey State Development and Redevelopment Plan (SDRP) is expected to be completed in late 2025. The last update to the SDRP was adopted in 2001 and identified several goals and objectives for housing, specifically as they relate to PA 1 – Metropolitan Planning Area and PA 2 – Suburban Planning Area. These goals, objectives, and policies, which in part guide the preparation of this HEFSP, are as follows:

1. **Housing:** Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general – and in particular affordable, senior citizen, special needs and family housing – is developed with access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to

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maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

2. **Natural Resource Conservation:** Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open space land that protect natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetland systems, natural landscapes of exceptional value, critical slope areas, scenic vistas, and other significant environmentally sensitive features.
3. **Redevelopment:** Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.
4. **Public Facilities and Services:** Phase and program for construction as part of a dedicated capital improvement budget or as part of a public/private development agreement the extension or establishment of public facilities and services, particularly wastewater systems, to establish adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of environmentally sensitive features and other open spaces; to protect public investments in open space preservation programs; and to minimize conflicts between Centers and the Environs. Encourage private investments and facilitate public/private partnerships to provide adequate facilities and services, particularly wastewater systems, in Centers. Make community wastewater treatment a feasible and cost-effective alternative.
5. **Intergovernmental Coordination:** Coordinate efforts of state agencies, county and municipal governments to ensure that state and local policies and programs support environmental protection by examining the effects of financial institution lending practices, government regulation, taxation and other governmental policies and programs.

Wharton strives to ensure the implementation of this HEFSP is consistent with the above-mentioned policies and objectives while respecting existing community characteristics and natural resources.

County Comprehensive Plan

The Morris County Master Plan was updated in December 2020 to include a new Land Use Element. This HEFSP is consistent with the following goals and policy objectives outlined in the 2020 County Land Use Element:

1. The creation of balanced and diverse economic and housing opportunities;
2. The efficient use of land and resources;
3. The protection of natural, historic, agricultural, and scenic resources;
4. Development that proceeds only after careful analysis of environmental conditions;

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5. Promote revitalization and redevelopment;
6. Support the creation of diverse housing types; and
7. Encourage higher density and mixed-use developments in downtown areas

Highlands Regional Master Plan

The Highlands Regional Master Plan (RMP) was adopted in 2008 in response to the Highlands Water Policy and Planning Protection Act (N.J.S.A. 13:20-1 et seq.) of 2004. This RMP has been updated several times, in 2018, 2019, and 2024. The vast majority of the Borough of Wharton is situated within the Preservation Area, where conformance with the RMP is mandatory, and the rest falls within the Planning Area, where conformance is optional. Wharton began working with the Highlands in 2011, but has not yet completed the final ordinance work required to be considered fully conforming with the RMP. However, the Borough completed a Planning Area Petition Ordinance in 2014, which was approved for the whole municipality along with a Highlands Center Designation.

The Highlands Council adopted, “RMP Addendum 2024-3: Highlands Affordable Housing Guidelines” on July 18, 2024, which established standards for identifying locations for affordable housing and availability of land and resources in the region. This guidance was used as part of the preparation of this HEFSP. This HEFSP also supports the RMP’s Housing and Community Facilities Goal 60: “Market rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social, and environmental considerations and constraints.”

Surrounding Municipalities’ Master Plans

Rockaway Township, Morris County

Rockaway Township’s Master Plan was adopted in 2006. The Township has made Master Plan Reexamination Reports in 2019 and 2020, which included a Housing Plan. They also adopted an Open Space Recreation Plan in 2013. This HEFSP does not significantly impact Rockaway Township’s Master Plan.

Town of Dover, Morris County

The Town of Dover’s Master Plan was adopted in 2007. The Town’s most recent Master Plan Reexamination Report was completed in 2018. This HEFSP does not significantly impact Dover’s Master Plan.

Mine Hill Township, Morris County

Mine Hill Township’s Master Plan was adopted in 1988. The Township completed Master Plan Reexamination Reports in 1994, 2001, and most recently, in 2015. This HEFSP does not significantly impact Mine Hill Township’s Master Plan.

Roxbury Township, Morris County

Roxbury Township’s Master Plan was adopted in 2000. The Township’s last Master Plan Reexamination Report was completed in 2017. This HEFSP does not significantly impact Roxbury Township’s Master Plan.

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Jefferson Township, Morris County

Jefferson Township's Master Plan was adopted in 1978 with the most recent Master Plan Update completed in 1991. The Township has also adopted Reexamination Reports in 1998, 2000, 2001, 2003, and 2023. In addition, the Township has also adopted an Open Space Recreation Plan in 2001, a Housing Element – Fair Share Plan in 2000 and 2006, a Highlands Environmental Resource Inventory in 2013, and a Highlands Preservation Area Master Plan Element in 2014. The Township also recently adopted a Sustainable Economic Development Plan in 2025. This HEFSP does not significantly impact Jefferson's Master Plan.

1.3 History of Affordable Housing in the Borough of Wharton

The New Jersey Supreme Court, in Mount Laurel I (1975) and Mount Laurel II (1983) required all New Jersey municipalities to take affirmative actions toward providing their "fair share" of the region's need for affordable housing for low- and moderate-income people residents. In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act (FHA) in 1985. This act created the Council on Affordable Housing (COAH) to assess the statewide need for affordable housing, allocate that need on a municipal fair share basis, and review and approve municipal housing plans aimed at implementing the local fair share obligation. Subsequently, the New Jersey Municipal Land Use Law (MLUL) was amended to require a housing element as a mandatory element of the municipal master plan. According to the MLUL, "a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing (52: 27D-310)."

COAH adopted its Third Round Rules in December 2004. On January 25, 2007, the Appellate Division issued a decision on an appeal of COAH's Third Round regulations. COAH was precluded from issuing Third Round Substantive Certifications until new rules for the Third Round were revised and adopted. On October 8, 2010, the Appellate Division invalidated COAH's Rules in In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010). The decision stated, among other things, that growth share methodology was invalid, and directed COAH to adopt rules utilizing methodologies similar to those used in the First and Second Round Rules. On September 26, 2013 the Supreme Court affirmed the Appellate Division's 2010 decision and remanded COAH to undertake new rulemaking based on COAH's prior round rules and methodologies. COAH failed to formally adopt amended Third Round Rules.

In a 2015 decision known as Mount Laurel IV, the New Jersey Supreme Court divested COAH of jurisdiction of affordable housing, resulting in the process being left to the trial court system. This ruling dissolved the substantive certification process, turning instead to a judicial determination wherein a municipality files for a declaratory judgment action to certify that their Housing Element and Fair Share Plan has satisfied their Third Round obligation. At the same time, the Court appointed "Mount Laurel" judges for each of the State's judicial vicinages.

In 2024, New Jersey Legislature passed into law amendments to the Fair Housing Act (N.J.S.A. 52:27D-304.1 et seq. via NJ A4/S50) ("Amended FHA" or "P.L. 2024, c.2") that abolished and replaced COAH with the Affordable Housing Dispute Resolution Program ("the Program"), and set forth new methodology for the calculations of a municipality's affordable housing obligations for the Fourth Round and beyond. This legislation was based on a case known as the "Princeton Case" decided by Judge Jacobson (The DCA is tasked with calculating regional need and municipal present and prospective obligations in accordance with the methodology outlined in in legislation with reference to the methodologies within this 2015, unpublished decision from the Superior Court: In re Application of Municipality of Princeton, also known as the "Jacobson opinion.")

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The Borough of Wharton

The Borough is in Affordable Housing Region 2, which includes Morris, Essex, Union, and Warren Counties.

Prior Round

The Borough of Wharton received Substantive Certification from COAH for Round 1 on October 8, 1992, and for Round 2 on February 4, 1999, with an extended certification date of May 11, 2005. Wharton fully satisfied its Prior Round obligations of 42 new construction units and 29 rehabilitation units through participation in the Morris County Community Development Rehabilitation Program, the construction of 100 units of Affordable Senior Housing at Centennial Court, the construction of the River Place Development, and the Irondale Road inclusionary Zoning Ordinance.

In summary, Wharton had a Prior Round (Rounds 1 and 2, 1987-1999) obligation of 42 units, which was met through a senior housing development, inclusionary zoning, and group homes.

Third Round

The Borough of Wharton petitioned for the COAH Third Round certification in December 2005 with its adopted housing plan dated November 22, 2005. However, because the Borough is located entirely within the Highlands Region, it participated in the 2009 Plan Conformance Grant Program. By opting into the Highlands Plan Conformance process at that time, the Borough was permitted to rely on the lower affordable housing obligation generated by the Highlands Build-Out analysis, estimating the capacity for growth in the entire municipality based on potential developable lands and existing municipal conditions, including water availability, septic system yield and water and sewer utility capacity. The Highlands Build-Out analysis for the Borough of Wharton, dated June 9, 2009, determined that the Borough could provide approximately 16 units for the period of 2004-2008.¹

The Borough of Wharton adopted a revised Housing Element and Fair Share Plan on June 1, 2010, and submitted a petition for Third Round substantive certification on June 4, 2010. The Borough received a determination of completeness on July 21, 2010, and received no objections during the public comment period ending September 9, 2010.

Wharton submitted a declaratory judgement filing with the court on July 6, 2015. It prepared a Housing Element and Fair Share Plan, dated October 27, 2016, based on Round 2 and Round 3 rules as identified by the Supreme Court for submission to the Courts for review and approval. The Borough based its obligation number on the methodology provided in the 2016 Kinsey Report, which allocated Wharton's municipal fair share obligation as 354 units: Prior Round – 42 units; Third Round Present Need – 138 units; and Third Round Prospective Need as 174 units.² A declaratory judgement was granted by the court on October 28, 2016.

As of September 2022, the Borough's 42-unit Prior Round Obligation was met; the Borough's Third Round Realistic Development Potential (RDP) of 31 units had been exceeded; and the Borough had also exceeded its Third Round obligation.

¹ The 16-unit build-out was calculated as part of a Highlands Build-Out Analysis, which considered development capacity if the Borough applied the Highlands regulations to all vacant land. This number does not represent a vacant land study or adjustment for the Borough.

² The Third Round Prospective Need of 174 units is based on a 30 percent reduction given by Fair Share Housing Center as part of a settlement agreement.

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On December 13, 2022, the Borough adopted an Addendum to the 2016 Housing Element and Fair Share Plan to provide an update and reflect the changes noted above. The 2022 Addendum also provided an update concerning 17 affordable units provided by the Wharton Woods Inclusionary Development (Block 1603, Lot 14) project as off-site affordable units.

On August 12, 2014, the Planning Board granted the original Wharton Woods Inclusionary Project; however, on June 14, 2022, the Planning Board approved an Amended Preliminary and Final Site Plan for Wharton Woods, LLC, which included 85 units (increased from the prior 67 units) in a townhouse development proposed to be for sale with the required 17 affordable units proposed off-site as rental units. The site (Block 1603, Lot 14) is located within the AH-2, Affordable Housing Zone District. A 20 percent set-aside for affordable housing for owner-occupied units was required, resulting in a requirement of 17 affordable housing units, of which 15 were provided through an approved off-site project (May 10, 2022) at 57 South Main Street.

Additionally, the Borough agreed to work with Morris County Habitat for Humanity to address the two (2) additional units required for Wharton Woods, which are not included in the 57 South Main Street project. The Borough engaged Morris County Habitat for Humanity to purchase and rehabilitate two (2) residential units in the Borough to deed restrict and sell to low- and moderate-income families.

In summary, the Third Round (1999-2025) present need obligation was 138 units, and the prospective need obligation was 174 units. The prospective need was addressed through a variety of mechanisms including inclusionary zones, redevelopment zones, group homes and 100% affordable housing. The present need obligation is being addressed by a rehabilitation program funded by the Borough's Affordable Housing Trust Fund.

Fourth Round

On March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2), which set forth the rules and regulations governing the Fourth Round (2025-2035) of affordable housing obligations in New Jersey. This law abolished COAH and shifted implementation of the Fair Housing Act to the New Jersey Department of Community Affairs (DCA), creating the Affordable Housing Dispute Resolution Program (the Program).

On October 18, 2024, the DCA prepared and submitted a non-binding report ("DCA Report")³ on the Fourth Round affordable housing fair share obligations for all municipalities within the State of New Jersey. The DCA indicated that Wharton Borough's Fourth Round Present Need/Rehabilitation Obligation is 91 units and a Prospective Need of 74 units.

On January 20, 2025, pursuant to P.L.2024, c.2, the Borough Council adopted Resolution #43-25, committing to its fair share obligation for the Fourth Round (2025-2035). This Resolution set forth the obligation of 91 Present Need (Rehabilitation) units and 74 Fourth Round Prospective Need units.

³ NJ DCA, Affordable Housing Obligations for 2025-2035 (Fourth Round): Methodology and Background, October 2024.

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Timeline of Affordable Housing

October 8, 1992	Wharton Borough received Substantive Certification from COAH for Round 1
February 4, 1999	Wharton Borough received Substantive Certification from COAH for Round 2
August 10, 2004	Highlands Water Protection and Planning Act becomes effective, diminishing the Borough's availability to provide realistic opportunities for new development of affordable housing
December 2004	COAH adopts Third Round Rules
May 11, 2005	Wharton Borough received an extended Substantive Certification date from COAH for Round 2
November 22, 2005	Wharton Borough adopts Housing Element and Fair Share Plan
December 2005	Wharton Borough petitioned for the COAH Third Round certification
January 25, 2007	Appellate Division issued a decision requiring COAH revise Third Round Rules
July 17, 2008	Highlands Regional Master Plan adopted by the Highlands Council
September 5, 2008	Governor Corzine issues Executive Order 114, addressing the need for coordination between the Highlands Council and COAH
November 12, 2008	COAH grants extension to December 31, 2008 deadline to December 8, 2009 for any Highlands municipality
June 9, 2009	Wharton Borough completes a Highlands Build-Out Analysis
June 1, 2010	Wharton Borough adopts a revised Housing Element and Fair Share Plan
June 4, 2010	Wharton Borough submits a petition for Third Round Substantive Certification
July 21, 2010	Wharton Borough received a determination of completeness and received no objections during the public comment period ending September 9, 2010
October 8, 2010	Appellate Division invalidates COAH's Rules – growth share methodology is invalid; COAH must adopt rules utilizing methodologies similar to those used in the First and Second Round Rules.
September 26, 2013	Supreme Court affirms October 2010 decision, remands COAH to undertake new rulemaking based on Prior Round Rules and Methodologies
March 10, 2015	Supreme Court divests COAH of jurisdiction of affordable housing and municipalities must file declaratory judgment actions with the Court by July 8, 2015.
June 6, 2015	Wharton Borough submits a declaratory judgement filing with the court
October 27, 2016	Wharton Borough prepares a Housing Element and Fair Share Plan based on Round 2 and Round 3 rules
October 28, 2016	Wharton Borough is granted a declaratory judgement
December 13, 2022	Wharton Borough adopts an Addendum to the 2016 Housing Element and Fair Share Plan

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March 20, 2024	Governor Murphy signs Bill A4/S50 (P.L. 2024, c.2), which sets forth the rules for the Fourth Round of affordable housing in New Jersey and creates the Affordable Housing Dispute Resolution Program
October 18, 2024	The NJ Department of Community Affairs publishes non-binding present and prospective need obligations
January 20, 2025	Wharton Borough adopts Resolution #43-25 adopting Fourth Round affordable housing obligations.
January 22, 2025	Wharton Borough filed a Declaratory Judgment action in Superior Court seeking review by the Dispute Resolution Program of a Fourth Round Housing Element and Fair Share Plan proposed to be submitted by June 30, 2025.

1.4 Purpose and Goals

The purpose of this Housing Element and Fair Share Plan is to provide a realistic opportunity to address the housing needs of the Borough residents across all income levels. This plan proposes multiple opportunities to develop a variety of housing types to meet these needs, which can be integrated into the existing land use pattern and character of the Borough. This Plan has been prepared to meet the requirements of the Municipal Land Use Law (MLUL), Fair Housing Act (FHA), the New Jersey State Development and Redevelopment Plan (SDRP), and Bill A4/S50 (P.L. 2024, c.2).

This Housing Element and Fair Share Plan supports the goals and objectives of the Borough's 2005 Master Plan Reexamination Report, specifically the following:

1. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
2. To provide sufficient space in appropriate locations for a variety of uses and open space, both public and private, in a manner compatible with the character of the Borough and the environment.
3. To support a planning policy to reinforce the existing variety of housing types and densities, in appropriate locations, to serve the Borough.
4. To promote the continued maintenance and rehabilitation of the Borough's housing units.

1.5 Contents of the Plan

Municipal Land Use Law (N.J.S. § 52:27D-310) and the Fair Housing Act (P.L. 1985, c.222) require that the Housing Element and Fair Share Plan include the following:

- 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;

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- 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.

2. Demographic Characteristics

2.1 Population

Population Change

In 2020, the Decennial Census reported 7,241 people living in Wharton Borough; this is an 11 percent increase since the 2010 Decennial Census. This is between 3.67 times the amount of growth seen by Morris County and nearly twice that of the State. Wharton also experienced significant growth between 1990 and 2000, followed by smaller growth between 2000 and 2010.

Table 1. Population Change, 1990 - 2020

	1990	% Change	2000	% Change	2010	% Change	2020
Wharton Borough	5,405	+16.5%	6,298	+3.6%	6,522	11.0%	7,241
Morris County	421,361	+12%	470,212	+5%	492,276	+3%	509,285
New Jersey	7,730,188	+9%	8,414,347	+4%	8,791,894	+6%	9,288,994

Sources:

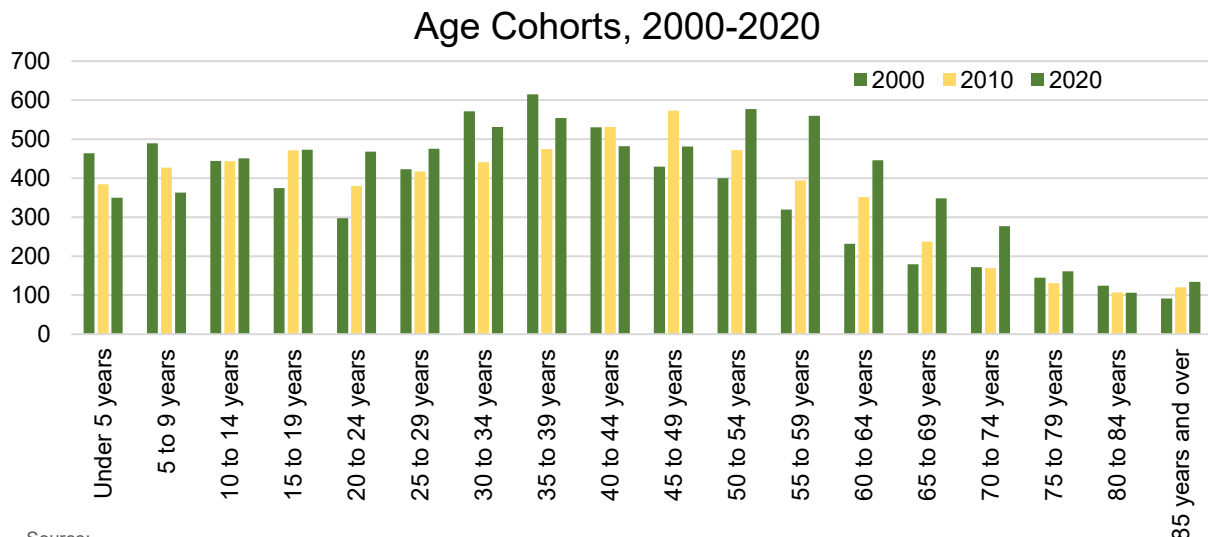
U.S. Census Bureau. (2010). POPULATION AND HOUSING UNITS: 1990 TO 2010; AND AREA MEASUREMENTS AND DENSITY: 2010.

U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. Decennial Census, *Profile of General Population and Housing Characteristics, Table DP1*.

Age

The Borough of Wharton has seen several notable changes in the age of its population between 2000 and 2020, according to the Decennial Census. In 2000, the largest single age cohort consisted of those aged 35 to 39 years, and in 2010, the largest group consisted of those aged 45 to 49 years. In 2020, the Census reported that the largest age cohort consisted of those aged between 50 to 54 years. **Figure 2**, below, illustrates a general trend of an aging population in the Borough, with most younger cohorts decreasing over this 20-year timeframe, and the inverse happening for older age cohorts. These trends suggest that future planning for Wharton should prioritize senior services, healthcare, and age-friendly infrastructure, while also considering strategies to attract younger families and working-age adults to ensure a balanced and sustainable population structure.

Figure 2. Age Cohorts, 2000-2020



Source:

U.S. Census Bureau. (2000). SEX BY AGE. Decennial Census, *DEC Summary File 1, Table P012*.

U.S. Census Bureau. (2010). SEX BY AGE. Decennial Census, *Summary File 1, Table P12*.

U.S. Census Bureau. (2020). SEX BY AGE FOR THE POPULATION IN HOUSEHOLDS. Decennial Census, *DEC Demographic and Housing Characteristics, Table PCT13*.

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Household Size and Type

The Decennial Census provided counts of households in 2020. The Borough contained a total of 2,604 households, which the Census defines as “...all the people who occupy a housing unit (such as a house or apartment) as their usual place of residence.” Households include all related family members as well as unrelated people who share the housing unit.

In 2000, the U.S. Census reported 2,328 households in the Borough; 2,304 in 2010; and 2,604 in 2020, displaying larger increases in recent years. Additionally, there is little fluctuation in the size of households. Over this 20-year timeframe, one- and two-person households decreased slightly, while the number of three- and four-or-more-person households increased slightly. When compared with Morris County and the State of New Jersey, similar patterns emerge, primarily a steady increase in one- and two-person households and a relative decline in larger households. These trends have important implications for local planning in Wharton, particularly housing policy. Future development may need to emphasize smaller housing units, senior living options, and community amenities that support both independent living and aging in place.

Table 2. Household Type by Relationship, 2020

Household Type by Relationship	Count	%
Total population	7,241	100
In households	7,237	99.9%
Householder	2,598	35.9%
Male	1,360	18.8%
Female	1,238	17.1%
Opposite-sex spouse	1,234	17.0%
Same-sex spouse	19	0.3%
Opposite-sex unmarried partner	188	2.6%
Same-sex unmarried partner	9	0.1%
In group quarters	4	0.1%
Institutionalized population	-	0.0%
Noninstitutionalized population	4	0.1%

Source:
U.S. Census Bureau. (2020). HOUSEHOLD TYPE (INCLUDING LIVING ALONE) BY RELATIONSHIP. Decennial Census, *DEC Demographic and Housing Characteristics*, Table P17.

Table 3. Household Size, 2000-2020

Household Size	2000	%	2010	%	2020	%
Total households (Wharton)	2,328	100%	2,304	100%	2,604	100%
1-person household	616	26.5%	575	25.0%	647	24.8%
2-person household	632	27.1%	626	27.2%	686	26.3%
3-person household	428	18.4%	385	16.7%	497	19.1%
4-or-more-person household	652	28.0%	718	31.2%	774	29.7%
Total Households (Morris County)	169,711	100%	180,534	100%	188,496	100%
1-person household	36,545	21.5	42,424	23.5	44,379	23.5
2-person household	53,865	31.7	55,285	30.6	58,173	30.9
3-person household	29,913	17.6	31,085	17.2	33,159	17.6
4-or-more-person household	49,388	29.1	51,740	28.7	52,785	28.0
Total Households (New Jersey)	3,064,645	100%	3,214,360	100%	3,426,102	100%
1-person household	751,353	24.5%	811,221	25.2%	876,661	25.6%
2-person household	927,354	30.3%	957,682	29.8%	1,026,368	30.0%
3-person household	531,987	17.4%	558,029	17.4%	592,617	17.3%
4-or-more-person household	853,951	27.9%	887,428	27.6%	930,456	27.2%

Sources: U.S. Census Bureau. (2000). HOUSEHOLD SIZE. Decennial Census, *DEC Summary File 1*, Table H13.

U.S. Census Bureau. (2010). HOUSEHOLD SIZE. Decennial Census, *DEC Summary File 1*, Table H13.

U.S. Census Bureau. (2020). OCCUPANCY CHARACTERISTICS. Decennial Census, *Profile of General Population and Housing Characteristics*, Table DP1.

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Income

In 2000, households in Wharton had a median income of \$56,580, with the majority (19.4%) earning between \$50,000 and \$74,999. The median increased to \$73,571 in 2010, and saw most households (20.6%) earning between \$100,000 and \$149,999. Most households (21.3%) remained earning between \$100,000 and \$149,999 in 2020, but the median household income was reported to be \$91,557. In 2020, the median household income was higher than that of New Jersey but lower than that of Morris County. Overall, these income trends reflect economic growth and increasing prosperity within Wharton, but they also signal growing disparities and affordability concerns for lower-income residents. Of total households, 7.6% earned less than \$10,000 in 2020, which represented a significant increase compared to 3.8% in 1999 and 1.2% in 2010. As Wharton continues to attract more affluent households overall, future policy and planning efforts may need to consider strategies to maintain housing affordability and socioeconomic diversity.

Table 4. Income in the Past 12 Months, 2000 - 2020

Household Income	Percent of Households		
	1999	2010	2020
Total Households	2,327	2,208	2,779
Less than \$10,000	3.8%	1.2%	7.6%
\$10,000 to \$14,999	5.7%	6.6%	1.9%
\$15,000 to \$24,999	9.3%	9.5%	6.8%
\$25,000 to \$34,999	9.2%	8.5%	1.9%
\$35,000 to \$49,999	15.4%	7.7%	11.9%
\$50,000 to \$74,999	19.4%	17.3%	15.4%
\$75,000 to \$99,000	16.6%	19.7%	11.3%
\$100,000 to \$149,999	15.8%	20.6%	21.3%
\$150,000 to \$199,999	3.6%	5.8%	10.5%
\$200,000 or more	1.1%	3.2%	11.5%
Wharton Median Household Income	\$56,580	\$73,571	\$91,557
Morris County Median Household Income	\$77,340	\$91,469	\$117,298
New Jersey Median Household Income	\$55,146	\$67,681	\$85,245

Source:

U.S. Census Bureau. (2000). PROFILE OF SELECTED CHARACTERISTICS: 2000. Decennial Census, DEC Summary File 4 Demographic Profile, Table DP3.

U.S. Census Bureau. (2010). INCOME IN THE PAST 12 MONTHS (IN 2010 INFLATION-ADJUSTED DOLLARS). American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1901.

U.S. Census Bureau. (2020). INCOME IN THE PAST 12 MONTHS (IN 2020 INFLATION-ADJUSTED DOLLARS). American Community Survey, ACS 5-Year Estimates Subject Tables, Table S1901.

2.2 Employment Characteristics

Workforce

In 2020, the American Community Survey (ACS) 5-Year Estimates reported 5,143 residents of Wharton who were 16 years or older – these individuals comprise the working population. Of this working population, all were in the civilian labor force, and 3.4 percent were unemployed. The overall unemployment rate was 4.9%, which is the same as Morris County's rate and less than New Jersey's rate. Given the aging population identified in earlier data, the portion of residents not in the labor force may increase in future years as more individuals reach retirement age. As such, local policymakers may wish to retain a strong workforce while also supporting aging residents who are exiting the labor market.

Commuting Characteristics

The ACS provides data on the means of transportation to work, the time of departure to go to work, and the time it takes to get to work. For the almost 97 percent of workers who did not work from home, the vast majority (86.3%) drove alone. Just over 10 percent carpooled, and less than 1 percent utilized public transportation. Most (17.9%) of the commuting population left between 6:00 a.m. and 6:29 a.m. The mean travel time to work was 30.7 minutes, and most (15.6%) traveled between 30 and 34 minutes to get to work. It should be noted that in late 2024 and throughout the first half of 2025, local travel times were affected due the sinkholes and the closure of Interstate 80. Wharton residents experienced greater travel times to work during this time.

Overall, the commuting data for Wharton underscores a car-dependent community with moderate-to-long commute durations. These patterns may warrant future

Table 6. Employment Status, 2020

Employment Status	Estimate	%
Population 16 years and older	5,143	100.0
In labor force	3,578	69.6
Civilian labor force	3,578	69.6
Employed	3,404	66.2
Unemployed	174	3.4
Armed Forces	0	0.0
Not in labor force	1,565	30.4
Unemployment rate (Wharton)	4.9%	
Unemployment rate (Morris County)	4.9%	
Unemployment rate (New Jersey)	5.8%	

Source:

U.S. Census Bureau. (2020). SELECTED ECONOMIC CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP03.

Table 5. Commuting Characteristics, 2020

Commuting Characteristics	Estimate
Workers 16 years and over	3,367
Workers 16 years and over who did not work from home	3,274
Means of transportation to work	%
Car, truck, or van	96.5
Drove alone	86.3
Carpooled	10.2
Public transportation (excluding taxicab)	0.7
Walked	0.0
Bicycle	0.0
Taxicab, motorcycle, or other means	0.0
Worked from home	2.8
Travel time to work	%
Less than 10 minutes	13.9
10 to 14 minutes	10.9
15 to 19 minutes	9.7
20 to 24 minutes	10.6
25 to 29 minutes	5.3
30 to 34 minutes	15.6
35 to 44 minutes	12.8
45 to 59 minutes	11.4
60 or more minutes	9.7
Mean Travel time to work (minutes)	30.7

Source: U.S. Census Bureau. (2020). COMMUTING CHARACTERISTICS BY SEX. American Community Survey, ACS 5-Year Estimates Subject Tables, Table S0801.

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consideration for expanded local employment opportunities, improved transportation infrastructure, or alternative commuting options such as ride-share programs or enhanced public transit access.

Employment by Industry

The ACS includes estimates on the number of workers employed by each industry using the North American Industry Classification System (NAICS). In 2020, just over 20 percent of the working population was employed in the “educational services, and health care and social assistance” industry, underscoring the prominence of stable, institutional jobs such as teaching, nursing, and medical support roles within or near the Borough. The next largest employer of Wharton’s workers was “manufacturing” (17.2%), followed by “professional, scientific, and management, and administrative and waste management services” (13.5%). The ACS did not report any workers within the “agriculture, forestry, fishing and hunting, and mining” industry, and only 2.3 percent within the “information” industry.

These figures indicate that Wharton’s workforce is primarily engaged in stable, service-based, and professional fields, with a modest representation of industrial and construction jobs. The absence of agricultural employment reflects the Borough’s urban, non-rural character. This diversified employment base provides a degree of economic resilience, while also suggesting that continued investment in health care, education, and professional sectors may align well with local workforce strengths.

Table 7. Industries of Employment, 2020

Industry	Estimate	%
Educational services, and health care and social assistance	737	21.7
Manufacturing	585	17.2
Professional, scientific, and management, and administrative and waste management services	458	13.5
Retail trade	355	10.4
Finance and insurance, and real estate and rental and leasing	248	7.3
Transportation and warehousing, and utilities	224	6.6
Public administration	208	6.1
Wholesale trade	155	4.6
Other services, except public administration	136	4.0
Arts, entertainment, and recreation, and accommodation and food services	110	3.2
Construction	109	3.2
Information	79	2.3
Agriculture, forestry, fishing and hunting, and mining	0	0.0

Source:

U.S. Census Bureau. (2020). SELECTED ECONOMIC CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP03.

3. Housing Characteristics

3.1 Inventory of Housing Stock

Housing Occupancy and Tenure

The 2020 ACS reported the number of housing units in Wharton to be 2,579. Of these, 2,347 were occupied. Owner-occupied units had an average household size of 2.88, and renter-occupied units had an average household size of 2.57. There were 232 vacant housing units in 2020.

Wharton's homeowner vacancy rate of 5.9% is significantly larger than Morris County's rate (1.2%) and New Jersey's rate (1.5%). This may indicate that properties are not selling well, and the price of housing may remain stagnant or decrease in the short term. Wharton's rental vacancy rate of 6.0% is also higher, but relatively similar to that of Morris County's rate (5.5%) and New Jersey's rate (5.7%).

Vacancy Status

The U.S. Census Bureau provides a breakdown of vacant units into several categories. In the case of Wharton, most (72 units) vacant units were currently for rent. There were 22 reported as "other vacant,"⁴ and 15 were reported to be rented, but not occupied. Six (6) units of "seasonal, recreational, or occasional use" indicate that Wharton's housing stock is predominantly for permanent residents, reflecting a contrast to nearby lake communities in the Highlands Region, which have higher part-time residences and vacation rentals.

Table 8. Housing Occupancy and Tenure, 2020

Housing Occupancy and Tenure	Estimate
Total housing units	2,579
Occupied housing units	2,347
Owner-occupied	1,346
Average household size	2.88
Renter-occupied	1,001
Average household size	2.57
Vacant housing units	132
Homeowner vacancy rate	5.9%
Rental vacancy rate	6.0%

Source:
U.S. Census Bureau. (2020). SELECTED HOUSING CHARACTERISTICS. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.

Table 9. Vacancy Status, 2020

Vacancy Status	Estimate
Total vacant units	132
For rent	72
Rented, not occupied	15
For sale only	13
Sold, not occupied	4
For seasonal, recreational, or occasional use	6
Other vacant	22

Source:
U.S. Census Bureau. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. Decennial Census, DEC Demographic Profile, Table DP1.

⁴ The term "other vacant" includes a variety of situations, including the following: the owner does not want to rent or sell; the owner is elderly and living in a nursing home or with family members; the unit is being held for the settlement of an estate; the unit is being renovated; or the unit is being foreclosed.

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Units in Structure

Physical characteristics of each housing unit is provided by the ACS. In 2020, about half of all of Wharton's housing stock consisted of one-unit, detached structures. One-unit, attached structures comprised 18.5 percent of the housing stock, and 10.7 percent were located in structures with 50 or more units. No mobile homes, boats, RVs, vans, or other similar structures were reported as housing units. This reflects the Borough's urban and suburban character, with an overall preference for single-family housing. However, Wharton also has larger apartment complexes or condominiums that contribute to higher-density housing options within the community.

Table 10. Units In Structure, 2020

Units In Structure	Count	%
Total housing units	2,579	100.0
1-unit, detached	1,312	50.9
1-unit, attached	477	18.5
2-units	183	7.1
3 or 4 units	123	4.8
5 to 9 units	131	5.1
10 to 19 units	46	1.8
20 to 49 units	30	1.2
50 or more	277	10.7
Mobile home	0	0.0
Boat, RV, van, etc.	0	0.0

Source:

U.S. Census Bureau. (2020). UNITS IN STRUCTURE. American Community Survey, ACS 5-Year Estimates Data Profiles, Table B25024.

These trends highlight a housing landscape that balances low-density, owner-occupied residences with a smaller but significant supply of higher-density rental or condominium units. The dominance of detached housing suggests a community focused on homeownership and privacy, while the presence of large multi-unit buildings points to efforts to accommodate a wider range of residents, including renters and downsizers. This mix of housing types may support both stability and limited affordability, though the relatively small share of moderate-density options may limit flexibility for middle-income or smaller households. Future planning may consider diversifying housing options to accommodate evolving demographic and economic needs.

Year Structure Built

Approximately one-quarter of the Borough's housing stock was constructed in 1939 or earlier, followed by 15.4% constructed between 1970 and 1979; 13.0% constructed between 1980 and 1989; and 11.4% constructed between 1950 and 1959. Only 3.3% of the Borough's housing stock was built in 2014 or later. This indicates that Wharton may have a relatively aging housing stock. Overall, the Borough's housing has historical roots, which may require maintenance or modernization. Wharton should consider focusing on the integration of newer housing types that meet evolving and market needs.

Table 11. Year Structure Built

Year Structure Built	Count	%
Total	2,579	100.0
Built 2014 or later	85	3.3
Built 2010 to 2013	0	0.0
Built 2000 to 2009	219	8.5
Built 1990 to 1999	134	5.2
Built 1980 to 1989	334	13.0
Built 1970 to 1979	397	15.4
Built 1960 to 1969	260	10.1
Built 1950 to 1959	293	11.4
Built 1940 to 1949	206	8.0
Built 1939 or earlier	651	25.2

Source:

U.S. Census Bureau. (2020). YEAR STRUCTURE BUILT. American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25034.

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3.2 Costs and Value

The ACS provides data on costs associated with homeownership and renting, as well as the value of homes within a municipality.

Selected Monthly Owner Costs

Selected Monthly Owner Costs (SMOC)⁵ is a figure that consists of all monthly costs associated with homeownership. In 2020, of the units that are owned, 942 have a mortgage associated with them. For these units, most owners (40.7%) are paying between \$2,000 and \$2,499 per month on costs associated with owning a home. For context, the median monthly owner cost with a mortgage was \$2,916 for Morris County and \$2,476 for New Jersey. For units without a mortgage, most owners (35.4%) are paying between \$800 and \$999 monthly, followed by paying \$1,000 or more (32.7%). In comparison, the median monthly cost without a mortgage was \$1,191 for Morris County and \$1,062 for New Jersey. Overall, the Borough of Wharton has a moderately priced housing market, which mirrors the state's relatively high prices, but has slightly lower prices than Morris County. Expanded housing affordability strategies and property tax relief options, particularly for seniors or moderate-income households, would still benefit the Borough.

Value

In 2020, the median value of an occupied home in Wharton Borough was \$354,300. Over half (51.4%) of homes were valued between \$300,000 and \$499,999, and about 1% were valued over \$1,000,000; 23.3% were valued between \$200,000 and \$299,999; and 15.9% of homes were valued between \$500,000 and \$999,999. Overall, Wharton has a moderate- to high-cost ownership market, which is within reach for many middle- to upper-middle-income households. However, the housing market, as is the case throughout Morris County, is largely inaccessible to low-income residents. Younger residents, retirees, and working families with limited incomes face limited housing options in the Borough.

Table 12. Selected Monthly Owner Costs (SMOC), 2020

SMOC	Count	%
Housing units with a mortgage	942	100.0
Less than \$500	0	0.0
\$500 to \$999	17	1.8
\$1,000 to \$1,499	108	11.5
\$1,500 to \$1,999	43	4.6
\$2,000 to \$2,499	383	40.7
\$2,500 to \$2,999	346	36.7
\$3,000 or more	64	6.8
Housing units without a mortgage	404	100.0
Less than \$250	0	0.0
\$250 to \$399	0	0.0
\$400 to \$599	11	2.7
\$600 to \$799	118	29.2
\$800 to \$999	143	35.4
\$1,000 or more	132	32.7

Source:

U.S. Census Bureau. (2020). MORTGAGE STATUS AND SELECTED MONTHLY OWNER COSTS. American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25087.

Table 13. Value of Occupied Units, 2020

Value of Occupied Units	Count	%
Owner-occupied units	7,367	100
Less than \$50,000	116	1.6
\$50,000 to \$99,999	94	1.3
\$100,000 to \$149,999	66	0.9
\$150,000 to \$199,999	351	4.8
\$200,00 to \$299,999	1,713	23.3
\$300,000 to \$499,999	3,790	51.4
\$500,000 to \$999,999	1,174	15.9
\$1,000,000 or more	63	0.9
Median	\$354,300	

Source:

United States Census Bureau, 2020 American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.

⁵ According to the United States Census Bureau Glossary, "Selected monthly owner costs are calculated from the sum of payment for mortgages, real estate taxes, various insurances, utilities, fuels, mobile home costs, and condominium fees. Listing the items separately improves accuracy and provides additional detail."

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3.3 Housing Units Capable of Being Rehabilitated

The ACS estimated that in 2020, 22 occupied housing units (0.3%) lacked complete kitchen facilities, 30 housing units (0.4%) had no telephone service available, and no units (0.0%) lacked complete plumbing facilities, indicating that all units met basic housing infrastructure standards. These rates were all lower than those of Morris County, suggesting that Wharton's housing stock is in relatively good physical condition and does not require major rehabilitation. Nonetheless, continued attention to housing quality will be important to sustain this strong baseline and prevent future deterioration as the housing stock continues to age.

3.4 Projection of Housing Stock

Housing Units Certified

Since 2004, there were 157 new certificates of occupancy issued in Wharton Borough, per New Jersey Department of Community Affairs Construction Reporter. Of these certificates issued, 109 were for multifamily units and 48 were for one- or two-family residences. Notably, the years 2019 and 2022 stand out as significant spikes in development, with 49 and 60 units certified, respectively, which were driven entirely by large-scale multi-family housing approvals. These years reflect key moments of intensified growth, likely tied to specific redevelopment projects or planned community extensions. Outside of 2019 and 2022, recent housing growth has been slow, with the exception of September 2024 (year-to-date), where 30 one- and two-family residences were certified, which displays a much larger value than all years previous for the same category. Overall, the data suggests that Wharton's recent housing growth has been intermittent and largely focused on higher-density development.

Table 14. Housing In Need of Rehabilitation, 2020

Facilities	Count	%
Occupied housing units (Wharton)	8,338	100
Lacking complete plumbing facilities	0	0.0
Lacking complete kitchen facilities	22	0.3
No telephone service available	30	0.4
Occupied housing units (Morris County)	184,162	100
Lacking complete plumbing facilities	517	0.3
Lacking complete kitchen facilities	1,260	0.7
No telephone service available	1,206	0.7

Source:

United States Census Bureau, 2020 American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04.

Table 15. Housing Units Certified, 2004 - 2024

	1&2 Family	Multi	Mixed-use	Total
2004	3	0	0	3
2005	3	0	0	3
2006	1	0	0	1
2007	2	0	0	2
2008	4	0	0	4
2009	6	0	0	6
2010	1	0	0	1
2011	0	0	0	0
2012	0	0	0	0
2013	3	0	0	3
2014	5	0	0	5
2015	2	0	0	2
2016	0	0	0	0
2017	2	0	0	2
2018	1	0	0	1
2019	0	49	0	49
2020	1	0	0	1
2021	1	0	0	1
2022	0	60	0	60
2023	0	0	0	0
Sept. 2024 YTD	30	0	0	30
Total	65	109	0	174

Source:

New Jersey Department of Community Affairs, *Housing Units Certified, 2000 - 2024*

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Lands Available for New Construction and Redevelopment

Residential Zones

The Borough of Wharton provides for numerous housing types and densities throughout its Zoning Provisions.

R-40 Low-Density Single-Family District

The R-40 District is primarily in the southwestern portion of the Borough and permits single-family detached dwellings and community residences as principal uses. The minimum lot area is 40,000 square feet. Most of the land in this zone is publicly-owned parks and open space with limited opportunity for development.

R-15 Low-Density Single-Family District

The R-15 District permits single-family detached dwellings and community residences as principal uses on lots at least 15,000 square feet in size. This district is present in the southernmost portion of the Borough; particularly, the district governs properties along Sherwood Place, Lowry Avenue, and Anderson Road. Most of these lots are developed with the exception of several larger publicly-owned lands. The St. Mary School on South Main Street also falls within this zone.

R-10 Low-Moderate-Density Single-Family District

The R-10 District permits single-family detached dwellings and community residences as principal uses on lots at least 10,000 square feet in size. This zone governs the southeastern portion of Wharton, including streets such as Columbia Street, East Sterling Street, Baker Avenue, and Michigan Avenue. Most of the parcels within this zone are developed.

R-75 Moderate-Density Single-Family District

The R-75 District permits single-family detached dwellings and community residences as principal uses on lots at least 7,500 square feet in size and is present across several different locations throughout the Borough. There are clusters of the R-75 District along Crater Avenue and Orange Street in the south; along Baker Avenue, Grove Street, Fern Avenue, Birch Street, and Elm Street in the central portion of the Borough; and Elizabeth Street and Langdon Avenue in the north. Generally, parcels within this zone are already developed.

RM-75 Medium-Density One- and Two-Family District

Single- and two-family detached dwellings and community residences are permitted principal uses in the RM-75 District, with single-family dwellings permitted on lots at least 7,500 square feet in size, and two-family dwellings permitted on lots greater than 15,000 square feet. This district is situated throughout several locations. A strip of this zone is present along South Main Street between Hance Street and West Central Avenue; there is another cluster along New Irondale Road; and one additional cluster along East Dewey Avenue between North Main Street and Chegwiddden Way. Most of the lands in this zone are currently developed.

A Apartment and Townhouse District

The A District permits multifamily dwellings, garden apartments, townhouses, and community residences as principal permitted uses on lots greater than three (3) acres in size, with a maximum density 12 units per acre. This district is situated in the northernmost

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area of Wharton, along Overlook Drive and Westview, as well as Mount Pleasant Lane. These parcels are fully developed with Brentwood Gardens, Wharton Gardens Apartments, and Overlook Village.

AH-1 Affordable Housing District

The AH-1 District was designed specifically with the creation of affordable housing in mind. This district is located off of Mill Street in the south-central area of the Borough. In 2022, The Borough Planning Board approved a project for the two properties within this zone; Wharton Woods will be a multifamily development containing 85 three-bedroom townhomes to be constructed in two (2) phases. The project will provide 15 off-site affordable units and two (2) on-site affordable units.

AH-2 Affordable Housing District

The AH-2 District was created to provide for affordable housing. This zone, situated on the southeasterly side of West Dewey Avenue, is the location of River Place Apartments, an inclusionary development that provides for a total of 14 units of affordable family rentals.

AH-3 Affordable Housing Overlay District

The AH-3 Overlay District allows for apartments over permitted commercial uses in the B-1 District. This overlay district is located along North Main Street and includes the currently-developed Wharton Mall; it provides for a maximum density of 15 units per acre with a minimum lot size of four (4) acres. The AH-3 Zone requires an affordable housing set-aside of 15% for rental units and 20% for for-sale units.

AH-4 Affordable Housing Overlay District

This overlay district is situated along North Main Street, directly across from the AH-3 Affordable Housing Overlay District in the northern area of the Borough. The AH-4 District permits apartments over permitted B-1 commercial uses, apartments, and garden apartments on lots that are at least one (1) acre in size. The AH-4 Zone requires an affordable housing set-aside of 15% for rental units and 20% for for-sale units.

AH-OO Affordable Housing Overall Overlay District

The AH-OO is a mandatory set-aside ordinance that applies when any parcel is rezoned, receives a density variance and/or is developed/redeveloped at a density of greater than six (6) dwelling units per acre and a total of 20 units or more are created, then an affordable housing set-aside must be provided. In the event that the units are rental units, the affordable housing set-aside would be 15%. In the event that the units are for sale, the affordable housing set-aside would be 20%. Age-restricted units are not permitted under the AH-OO.

SH Senior Housing District

Multifamily dwellings and community residences are permitted principal uses in this district. The SH District is located on North Main Street, in approximately the center of the Borough and is the location of Centennial Court, a 100% affordable age-restricted rental development containing 100 units.

CBD Central Business District

Multifamily dwellings are permitted above the first story of any structure housing a first story devoted to the permitted commercial uses in this zone. The CBD is located in two

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(2) locations, both along North Main Street. North of Harry Shupe Boulevard on the west side of North Main Street, the zone is generally developed with commercial uses. South of Harry Shupe Boulevard, the district contains a mix of commercial and residential uses.

ALR Adult Living Residential District

The ALR District permits adult living campus community residences and community residences. The district is situated south of Route 80 along East Dewey Avenue. The site is currently developed with luxury apartments.

OAL Office/Assisted Living District

The OAL District permits assisted living facilities with a maximum density of 35 units per acre. This district is situated in the center of the Borough, near the intersection of North Main Street and Harry Shupe Boulevard. The minimum lot size is 40,000 square feet and the area is currently undeveloped.

Multigenerational Housing

P.L. 2021, c. 273 established the Multigenerational Family Housing Continuity Commission (the Commission) and assigned the Commission the responsibility of preparing and adopting, "...recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas" (N.J.S.A. 52:27D-329.20f[1]). Municipalities are now required to provide an analysis of the extent to which local ordinances advance or detract from these recommendations. At the time this Housing Element and Fair Share Plan is being prepared, no such recommendations have been published by the Commission. The RM-75 Zone permits two-family uses, which would support multigenerational housing. The Borough should explore other methods for encouraging multigenerational housing such as accessory apartments or accessory dwelling units.

4. Fair Share Plan

4.1 Plan Purpose and Goals

This Fair Share Plan describes the specific ways in which Wharton Borough will meet its Fourth Round affordable housing obligations, and is compliant with the Fair Housing Act (FHA), Fourth Round regulations (“Amended FHA”), and Affordable Housing Dispute Resolution Program Directive #14-24. The overall goal of this Fair Share Plan is to provide a framework for the Borough to provide for its fair share of the present and prospective regional need for low- and moderate-income housing for the period of 2025 through 2035.

4.2 Determination of Housing Need

Prior Round Obligation (1987-1999)

Rounds 1 and 2 of affordable housing in New Jersey are known collectively as the Prior Round. The Prior Round Obligation was the municipal new construction obligation from 1987 through 1999. Wharton Borough received Substantive Certification for Round 1 on October 8, 1992 and Substantive Certification for Round 2 on February 4, 1999 with an extended certification date of May 11, 2005.

Table 16. Prior Round Obligations

Project	Mechanism	Units/ Credits
Centennial Courts Senior Housing	100% Affordable, Age-Restricted	10*
Community Hope Group Home	Supportive/Special Needs	6
Special Homes of New Jersey Group Home	Supportive/Special Needs	8
River Place Apartments	Inclusionary Development	18
Rental Bonus Credits		10
	Total	52**
	Prospective Need Obligation	42
Morris County Rehabilitation Program	Rehabilitation	29
	Total	29
	Rehabilitation Obligation	29

* The Centennial Courts project had a total of 100 units, 90 of which were carried over to future rounds.

** 10-unit carryover to the Third Round.

Borough of Wharton Housing Element and Fair Share Plan – Fourth Round 2025-2035

Third Round Obligation (1999-2025)

The Borough had a Third Round prospective need of 174 units and a Third Round present/rehabilitation need of 138 units. The Borough entered into a Settlement Agreement with Fair Share Housing Center on October 26, 2016 with the above-referenced obligations; however, the settlement permitted acceptance of a lower number if one was adjudicated in court. The Mercer County decision from Judge Jacobson regarding the affordable housing obligations in the State created an accepted methodology from the Superior Court that resulted in the document, Statewide and Municipal Obligations Under Jacobson Opinion by Econsult Solutions, Inc., dated March 28, 2018. This document applied the Jacobson Methodology for all municipalities in the State. According to this document, Wharton had a Third Round Prospective Need and Gap Prospective Need of 144 units and a present need of 60 units.

Table 17. Third Round Obligation

Project	Mechanism	Units/ Credits	Status
Third Round Prospective Need Obligation – 144 Units			
Prior Round Carryover	Family Rental Units	10	Complete
Centennial Courts Senior Housing	100% Affordable, Age-Restricted	36 ^A	Complete
AH-3 Overlay Zone Block 106, Lot 23	Inclusionary Zoning – Family Rental	11	Zoned Not Built
AH-4 Overlay Zone Block 102, Lots 48, 49, & 50	Inclusionary Zoning – Family Rental	4	Zoned Not Built
Wharton Woods 57 S. Main Street – Off-site 100% Affordable Block 1605, Lot 4.02	Inclusionary Development (11) 100% Affordable Family Rental (2) Family for-sale (Habitat for Humanity)	13	11 Units Complete 2 Proposed
8-14 N. Main St. Block 1317, Lots 2	Inclusionary Development (3) Family Rental	3	Complete
10 N. Main St. – Off-site Group Home 22 E. Stirling St.	Supportive/Special Needs	6	Complete
170 N. Main Street Redevelopment Plan Block 302, Lot 1	Inclusionary Development – Family Rental	12	Approved Not Built
Equinet Properties, LLC Block 1212, Lot 14	Inclusionary Development – Family Rental	9	Complete
Wharton Woods 19 Thomas Street – Cerebral Palsy of NJ Block 1605, Lot 4.01	Supportive/Special Needs	4	Complete
Rental Bonuses		36	
	Total	144	
	Prospective Need Obligation	144	
	Carryover to Fourth Round	54 ^A	
Morris County Rehabilitation Program	Rehabilitation	60	
Wharton Borough Rehabilitation	Total	60	
	Rehabilitation Obligation	60	

^A The Centennial Courts project had a total of 100 units, 90 of which were carried over to future rounds. Due to the 25% cap on age-restricted units, 36 of those units apply to the Third Round, and 54 are carried over to the Fourth Round.

Borough of Wharton Housing Element and Fair Share Plan – Fourth Round 2025-2035

Fourth Round Obligation (2025-2035)

The Borough of Wharton has a Fourth Round present/rehabilitation need obligation of **91 units** and a prospective need obligation of **74 units**.

Table 18. Fourth Round Obligation

Fourth Round (2025-2035)	
Fourth Round Prospective Need Obligation	74
Fourth Round Rehabilitation/Present Need Obligation	91

4.3 Proposed Mechanisms

On October 18, 2024, New Jersey Department of Community Affairs (NJDCa) published local and regional affordable housing obligations pursuant to P.L.2024, c.2. proposing that the Borough of Wharton has a Fourth Round present need, or rehabilitation obligation of 91 units and a prospective need of 74 units. On January 20, 2025, the Borough Council adopted Resolution R-43-25 accepting the obligations as proposed by NJDCa.

The Borough conducted a vacant land adjustment pursuant to N.J.S.A. 52:27D-310.1 and N.J.A.C. 5:93-4.2, which resulted in an RDP of 6 units; however, the Borough proposes to meet its obligation through redevelopment, primarily the LE Carpenter Redevelopment Plan along with carryover credits from Round Three.

Habitat for Humanity Rehabilitation Program

The Borough plans to continue its program with the Morris County Habitat for Humanity to rehabilitate 91 units within the Borough. The program is funded by the Borough of Wharton's Housing Trust Fund and proposes to complete rehabilitation of units over the next 10 years. The development fee ordinance is in place and additional funds will be obtained as development occurs. Additionally, Morris County Community Development also runs a rehabilitation program in which the Borough participates to rehabilitate additional homes outside of the Borough-funded program.

LE Carpenter Redevelopment Plan

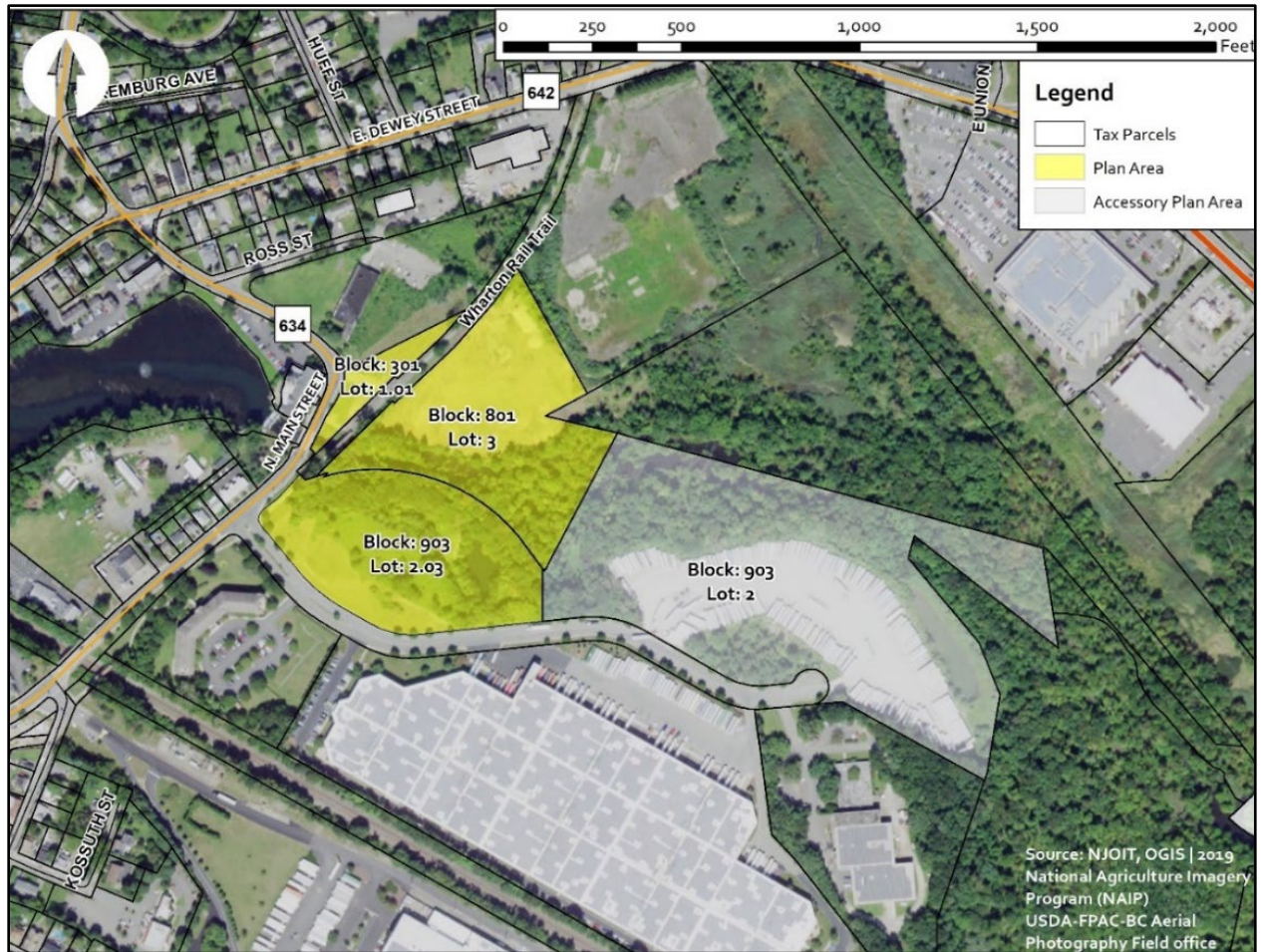
The L.E. Carpenter Redevelopment Plan governs a portion of the Borough of Wharton Redevelopment Area, designated by the Borough of Wharton Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. (the "Redevelopment Law"), via Resolution R-70-03, including Block 301, Lot 1.01; Block 801, Lot 3; and Block 903, Lot 2.03⁶ (the "Plan Area") and Block 903, Lot 2 (the "Accessory Plan Area"). The Plan established the MFI-Multi-Family Zone which permits up to 440 apartments in two phases in the MFI Zone. A 15% set-aside for rental units was applied to determine that up to 66 family rental units would be created in the Plan Area. The first phase of the development for Block 903, Lot 2.03 was approved by the Borough Planning Board for 182 units with 28 affordable units included in the project via resolution dated January 10, 2023. The Applicant is going through resolution compliance and

⁶ Block 903, Lot 2.03 was created via minor subdivision approved by the Wharton Planning Board on May 8, 2007. Prior to the subdivision, this land was part of Block 903, Lot 2, and was subject to Resolution R-70-03, designating the property as an area in need of redevelopment.

Borough of Wharton Housing Element and Fair Share Plan – Fourth Round 2025-2035

obtaining outside agency permits. Phase II of the project is expected to move forward in the next year or so.

Figure 19. L.E. Carpenter Redevelopment Plan/Inclusionary Zone



Borough of Wharton Housing Element and Fair Share Plan – Fourth Round 2025-2035

Table 19. Summary of Fourth Round Fair Share Plan

Project	Mechanism	Units/Credits
Fourth Round Rehabilitation/Present Need		
Habitat for Humanity/ Borough Rehab Program	Rehabilitation Program	91
Fourth Round Present Need Obligation		91
Fourth Round Prospective Need		
Centennial Courts	100% Affordable, Age-Restricted	22*
LE Carpenter Redevelopment Plan Block 801, Lot 3 Block 903, Lots 2, 2.03 Block 301, Lot 1.01	Inclusionary Development – Family Rental	66
Bonus	Redevelopment Bonus (0.5 credit per unit)	18
Total		106
Fourth Round Prospective Need Obligation		74
Excess Credits to Carry Over to 5th Round		32
Maximum Senior Units – 30% (22)		22
Minimum Family Units – 50% (37)		84
Minimum Rental Units – 25% (19)		106
Minimum Family Rental Units – 50% of Rental (10)		84
Maximum Bonus Credits – 25% (18)		18

* 54 units carried over from Prior and Third Rounds; 30% cap applied; 22 units apply to the Fourth Round; 32 units carry over to future round(s).

Appendix A – Resolutions

Case Details | Case Number: MRS-L-000168-25

Case Caption: IN THE MATTER OF WHARTON BORO

Court: Civil Part

Venue: MORRIS

Case Initiation: 01/22/2025

Case Track: 4

Case Status: Active

Jury Demand: NONE

Case Type: AFFORDABLE HOUSING

Judge: MORRIS, AFF HSG

Team: 814

Law Firm Case ID:

Transaction Information

Transaction ID: LCV2025160974

Received by eCourts On: 01/22/2025

Total Payment Amount: \$250.00

Documents Received:

COMPLAINT

MUNICIPAL RESOLUTION

Case Information Statement

R-43-25

**RESOLUTION COMMITTING TO DCA'S FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED
NUMBERS AS MODIFIED UNDER PROTEST**

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

WHEREAS, pursuant to the Amended FHA at N.J.S.A. 52:27D-304.1(f)(1), a municipality is required to adopt a binding resolution containing a "determination of present and prospective fair share obligation" and submit to the jurisdiction of the Affordable Housing Dispute Resolution Program, in order to avoid the loss of immunity from exclusionary zoning litigation (formerly referred to as Builder's Remedy lawsuits) immediately thereafter; and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates Wharton's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 91 units and a Prospective Need or New Construction Obligation of 74 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality's average allocation factor is comprised of the equalized nonresidential factor, income capacity factor and land capacity factor and shall be averaged to yield the municipality's average allocation factor, and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, Wharton has reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, based on the foregoing, Wharton relies on the DCA calculations of Wharton's fair share obligations as modified herein to account for Wharton's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration and accessibility to ascertain whether these identified developable lands may accommodate development and as further set forth in detail and explained in the attached memo prepared by Wharton's affordable housing planner and Wharton seeks to commit to provide its fair share of 91 units present need and 74 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, Wharton reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Wharton is a named plaintiff in that certain litigation captioned as Borough of Montvale v. State of New Jersey, Superior Court of New Jersey, Docket No. MER-L-1778-24 ("Litigation"), which among other things asserts constitutional and legal challenges to numerous provisions of the Amended FHA; and

WHEREAS, the actions contained in this Resolution are taken under protest and are intended to comply with the Amended FHA while Wharton continues to dispute its validity, such that Wharton does not waive any legal rights or claims that it possesses relating to the Amended FHA as set forth in the Lawsuit by virtue of the adoption of the instant Resolution and Wharton further reserves the right to alter its position contained in this Resolution based upon any rulings in the Litigation or in any other similar proceedings by a court of competent jurisdiction; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Wharton reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

WHEREAS, in light of the above, the Wharton Borough Council finds that it is in the best interest of Wharton to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, the Wharton Borough Council finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of Wharton to direct the submission and/or filing of the within Resolution with attached memo with the Program or any other such entity as may be determined to be appropriate.

NOW, THEREFORE, BE IT RESOLVED on this 20th day of January, 2025, by the Borough Council of the Borough of Wharton, County of Morris, State of New Jersey as follows:

- 1. All of the above Whereas Clauses are incorporated into the operative clauses of this Resolution.**
- 2. Wharton hereby commits to the DCA's Round 4 Present Need Obligation of 91 units and the DCA's Round 4 Prospective Need Obligation of 74 units, as explained above and in the attached memo from Wharton's affordable housing planner and subject to all reservations of rights set forth above.**
- 3. Wharton authorizes its Affordable Housing Counsel to submit and/or file the within Resolution with attached memo with the Program or any other such entity as may be determined to be appropriate.**
- 4. This Resolution shall take effect immediately, according to law.**

Adopted: January 20, 2025

ATTEST:


**Gabrielle Evangelista,
Borough Clerk**

BOROUGH OF WHARTON


**WILLIAM J. CHEGWIDDEN,
MAYOR**

CERTIFICATION

I, Gabrielle Evangelista, Clerk of the Borough of Wharton, County of Morris, State of New Jersey, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council at a meeting held on January 20, 2025.


Gabrielle Evangelista, Clerk



**J Caldwell
& Associates, LLC**
Community Planning Consultants

(973) 300-5060

jcaldwell@jcaldwellassociates.com

145 Spring Street | Suite E | Newton, NJ 07860

January 16, 2025

MEMORANDUM TO: Mayor William J. Chegwiddden and Wharton Borough Council
cc: Joe Kovalcik, Borough Administrator
Gabrielle Evangelista, Borough Clerk
Roman Hirniak, Esq., Borough Attorney
FROM: Jessica C. Caldwell, PP, AICP, LEED-GA
SUBJECT: Round 4 Affordable Housing Obligation

This memorandum is intended to provide you with background information and recommendations relative to Wharton Borough's proposed Fourth Round affordable housing obligations and outline next steps and actions that the Borough will need to take comply with Fourth Round regulations.

Fourth Round (2025-2035)

The process for Fourth Round affordable housing compliance and the criteria, methodology and formulas each municipality must rely upon to determine its present and prospective need obligation are now set forth within N.J.S.A. 52:27D-304.1 thru -304.3 of the Fair Housing Act. On October 18th, 2024, the New Jersey Department of Community Affairs (DCA) published the report titled, "Affordable Housing Obligations for 2025-2035 (Fourth Round): Methodology and Background" (hereinafter "DCA Report") pursuant to P.L. 2024, c.2. The DCA report implemented a new framework for determining each municipality's affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the State's Fair Housing Act. The Borough's Prospective Need Obligation, as set forth in the DCA Report, is calculated at **74 units**. The Borough's Fourth Round Present Need/Rehabilitation Obligation is **91 units**.

Background

Wharton Borough had a Prior Round (Rounds 1 and 2, 1987-1999) obligation of 42 units, which was met through a senior housing development, inclusionary zoning and group homes. The Third Round (1999-2025) present need obligation was 138 units and the prospective need obligation was 174 units. The prospective need was addressed through a variety of mechanisms including inclusionary zones, redevelopment zones, group homes and 100% affordable housing. A total of 188 units were completed or zoned for, leaving a 14-unit surplus to carryover to Round 4. The present need obligation is being addressed by a rehabilitation program being funded by the Borough's Affordable Housing Trust Fund.



January 16, 2025

Review of DCA Obligations

To determine each municipalities' fair share of affordable housing units, the DCA report utilized the following three (3) factors:

Equalized Nonresidential Valuation Factor: This factor is described as, "...the changes in nonresidential property valuations in the municipality, since the beginning of the round preceding the round being calculated..." per the Affordable Housing Law.

Wharton Borough's Equalized Nonresidential Valuation Factor was determined to be 0.58%.

Income Capacity Factor: This is the average of, "...the municipal share of the regional sum of the differences between the median municipal household income, according to the most recent American Community Survey Five-Year Estimates, and an income floor of \$100 below the lowest median household income in the region," and "...the municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of \$100 below the lowest median household income in the region, weighted by the number of the households in the municipality."

Wharton Borough's Income Capacity Factor was calculated at 0.43%.

Land Capacity Factor: This factor is the total acreage that is developable, calculated utilizing the most recent land use/land cover (LULC) data from the New Jersey Department of Environmental Protection (DEP), the most recently available (released in 2024) MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from the Department of Community Affairs.

Wharton Borough's Land Capacity Factor was calculated at 0.08%.

The DCA Report then averages the three (3) factors to determine an Average Allocation Factor (AAF), which was 0.36%. The AAF is then multiplied by the total obligation for Region 2, which includes Essex, Morris, Union, and Warren Counties. The obligation assigned to Region 2 was 20,506 units. This resulted in a prospective need obligation of 74 units for Wharton Borough.

The only factor in the DCA Report calculations that is readily adjustable based on municipal review is the Land Capacity Factor. This is because the identification of vacant available land was completed on a statewide basis and individual municipal information can often refine the amount of vacant available land that is calculated. However, for Wharton, the Land Capacity Factor was very low at 0.08%, which equates to 4.26 acres of land. If the Land Capacity Factor were zero, it would result in a reduction of five units. While it's possible that some of the land could be discounted from the total, it would likely only result in a reduction of one or two units. Because of the minimal impact of the Land



January 16, 2025

Capacity Factor on Wharton's obligation, we recommend accepting the prospective need obligation.

Next Steps

By January 31, 2025, the Borough Council must adopt a resolution either accepting the Fourth Round obligation numbers as identified above, or provide alternative numbers. Challenges by any interested party may be made through February 28, 2025. By June 30, 2025, the Planning Board must prepare and adopt a new Housing Element and Fair Share Plan as an element to the Borough Master Plan to demonstrate how its obligation will be met.

Proposal to Address Obligations

Wharton Borough has very limited vacant land remaining such that an adjustment of most of the proposed obligation through a Vacant Land Adjustment is likely. A review of potential locations for overlay zones or programs to provide for additional affordable units will be undertaken as part of the Housing Element and Fair Share Plan. A Housing Element and Fair Share Plan must be adopted by June 30, 2025.

Timeline for Fourth Round Compliance

January 31, 2025

Deadline for a municipality to adopt their obligation numbers via "Binding Resolution" with or without using the DCA's published report.

February 15, 2025

Reporting due to DCA on the status of all Non-Residential and Residential Development Fees collected and expended from the previous year.

February 28, 2025

Deadline for interested party to challenge a municipality's adopted obligation numbers.

March 1, 2025

If no challenges, the municipality's obligation numbers are established by default; immunity remains in effect.

April 1, 2025

Deadline for the Affordable Housing Dispute Resolution Program (AHDRP) to settle the municipal obligation number challenge(s).

June 30, 2025

Deadline for a municipality to adopt and endorse a Housing Element and Fair Share Plan and file with the Program to maintain immunity.

August 31, 2025

Deadline for interested parties to challenge the validity of a municipality's Housing Element and Fair Share Plan.



January 16, 2025

December 31, 2025

Deadline for the municipality to settle any challenge or provide an explanation as to why it will not make all or some of the requested changes.

March 15, 2026

Deadline for a municipality to amend its Housing Element and Fair Share Plans and to adopt the implementing ordinances to comport with the amended obligation numbers.

Appendix B – Ordinances

ARTICLE XVI
Fair Share Ordinance

**[Amended 9-25-2000 by Ord. No. O-17-00; 2-23-2004 by Ord. No. O-5-04; 3-22-2004 by
Ord. No. O-6-04]**

§ 165-111. Purpose.

This article of the Wharton Code sets forth regulations regarding low- and moderate-income housing units in Wharton that are consistent with the provisions of N.J.A.C. 5:93 et seq., as effective June 6, 1994. These rules are pursuant to the Fair Housing Act of 1985 and Wharton's constitutional obligation to provide for its fair share of low- and moderate-income housing.

- A. Wharton's new construction or inclusionary component will be divided equally between low- and moderate-income households as per N.J.A.C. 5:93-2.20.
- B. Except for inclusionary developments constructed pursuant to low-income tax credit regulations:
 - (1) At least 1/2 of all units within inclusionary development will be affordable to low-income households;
 - (2) At least 1/2 of all rental units will be affordable to low-income households; and
 - (3) At least 1/3 of all units in each bedroom distribution pursuant in N.J.A.C. 5:93-7.3 will be affordable to low-income households.

§ 165-112. Inclusionary developments not restricted to senior citizens.

Inclusionary developments that are not restricted to senior citizens will be structured in conjunction with realistic market demands so that:

- A. The combination of efficiency and one-bedroom units is at least 10% and no greater than 20% of the total low- and moderate-income units;
- B. At least 30% of all low- and moderate-income units are two-bedroom units;
- C. At least 20% of all low- and moderate-income units are three-bedroom units; and
- D. Low- and moderate-income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of senior citizen low- and moderate-income units within the inclusionary development.

§ 165-113. Criteria to determine rents and sale prices.

In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:

- A. Efficiency units will be affordable to one-person households;
- B. One half of all one-bedroom units will be affordable to one-person households and 1/2 of all one-bedroom units will be affordable to two-person households;

- C. One half of all two-bedroom units will be affordable to two-person households and 1/2 of all two-bedroom units will be affordable to three-person households;
- D. One half of all three-bedroom units will be affordable to four-person households and 1/2 of all three-bedroom units will be affordable to five-person households;
- E. Median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by HUD as per N.J.A.C. 5:93-7.4(b);
- F. The maximum average rent and price of low- and moderate-income units within each inclusionary development will be affordable to households earning 57.5% of median income;
- G. Moderate-income sales units will be available for at least three different prices and low-income units will be available for at least two different prices;
- H. For both owner-occupied and rental units, the low- and moderate-income units will utilize the same heating source as market units within an inclusionary development;
- I. Low-income units will be reserved for households with a gross household income less than or equal to 50% of the median income approved by COAH; moderate-income units will be reserved for households with a gross household income less than 80% of the median income approved by COAH as per N.J.A.C. 5:93-9.16; and
- J. The regulations outlined in N.J.A.C. 5:93-9.15 and 5:93-9.16 will be applicable for purchased and rental units.

§ 165-114. Rental units.

For rental units, developers and/or municipal sponsors may:

- A. Establish one rent for a low-income unit and one for a moderate-income unit for each bedroom distribution; and
- B. Gross rents, including an allowance for utilities, will be established so as not to exceed 30% of the gross monthly income of the appropriate household size as per N.J.A.C. 5:93-7.4(a). The tenant-paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey.

§ 165-115. Sale units.

For sale units:

- A. The initial price of a low- and moderate-income owner-occupied single family housing unit will be established so that, after a down payment of 5%, the monthly principal, interest, homeowner's insurance, property taxes (based on the restricted value of the low- and moderate-income unit) and condominium or homeowner fee do not exceed 28% of the eligible gross monthly income;
- B. Master deeds of inclusionary developments will regulate condominium or homeowners' association fees or special assessments of low- and moderate-income purchasers at 1/3 of that paid by market purchasers. This 1/3 percentage is consistent with the requirement of N.J.A.C.

5:93-7.4(e). Once established within the master deed, the percentage will not be amended without prior approval from COAH;

- C. The Borough of Wharton will follow the general provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or reoccupancy of sale units as per N.J.A.C. 5:93-9.3;
- D. Wharton will require a certificate of reoccupancy for any occupancy of a low- or moderate-income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c);
- E. Municipal, state, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5-9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9;
- F. The continued application of options to create, rehabilitate or maintain low- and moderate-income sale units will be consistent with N.J.A.C. 5:93-9.10;
- G. Eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11; and
- H. The regulations detailed in N.J.A.C. 5:93-9.12-9.14 will be applicable to low- and moderate-income units that are for-sale units.

§ 165-116. Zoning requirements for inclusionary developments.

In zoning for inclusionary developments the following is required:

- A. Low- and moderate-income units will be built in accordance with N.J.A.C. 5:93-5.6(d):

Minimum % of Low-/Moderate-Income Units Completed	% of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	<u>90</u>
	100

- B. A design of inclusionary developments that integrates low- and moderate-income units with market units is encouraged as per N.J.A.C. 5:93-5.6(e).

§ 165-117. Designation of agency to assure affordability.

To provide assurances that low- and moderate-income units are created with controls on affordability over time and that low- and moderate-income households occupy these units, Wharton will designate an administrative agency or municipal authority with the responsibility of ensuring the affordability of sales and rental units over time. The administrative agency or

municipal authority will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a).

- A. In addition, the administrative or municipal authority will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households in low- and moderate-income units;
- B. Newly constructed low- and moderate-income sale units will remain affordable to low- and moderate-income households for at least 30 years. The administrative or municipal authority will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred to as "Appendix E," as found in N.J.A.C. 5:93; and
- C. Housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to thirty-year controls on affordability. The administrative agency or municipal authority will require an appropriate deed restriction and mortgage lien subject to COAH's approval.

§ 165-118. Rehabilitated units.

Regarding rehabilitated units:

- A. Rehabilitated owner-occupied single-family housing units that are improved to code standard will be subject to affordability controls for at least six years; and
- B. Rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years.

§ 165-119. Rental units.

Regarding rental units:

- A. Newly constructed low- and moderate-income rental units will remain affordable to low- and moderate-income households for at least 30 years. The administrative agency or municipal authority will require an appropriate deed restriction and mortgage lien subject to COAH's approval;
- B. Affordability controls in accessory apartments will be for a period of at least 10 years, except, if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability will extend for 30 years; and
- C. Alternative living arrangements will be controlled in a manner suitable to COAH, that provides assurance that such a facility will house low- and moderate-income households for at least 10 years, except, if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.13, then the controls on affordability will extend for 30 years.

§ 165-120. Elimination of certain development standards.

Section 14(b) of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., incorporates the need to eliminate unnecessary cost-generating features from Wharton's land use ordinances. Accordingly,

Wharton will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on inclusionary development applications. The Borough of Wharton will adhere to the components of N.J.A.C. 5:93-10.1 to 5:93-10.3.

§ 165-121. Fair share obligation; affirmative marketing plan.

- A. The Borough of Wharton has a fair share obligation of 68 units, of which 57 units are new construction.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan will address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Borough of Wharton is in the housing region consisting of Morris, Essex, Union and Warren Counties. The affirmative marketing program is a continuing program and will meet the following requirements:
 - (1) All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following newspapers/publications: The Daily Record and the Star Ledger.
 - (2) The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis.
 - (3) The advertisement will include a description of the street address of units, direction to housing units, number of bedrooms per unit, range of prices/rents, size of units, income information, and location of applications including business hours and where/how applications may be obtained.
 - (4) All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in publications such as neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region. Regional radio and/or cable television station(s) will also be used.
 - (5) The following is the location of applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region: posting of notices in the Borough Hall and delivery of notices to the municipal clerks of all municipalities in the region.
 - (6) The following is a listing of community contact persons and/or organizations in Wharton that will administer the program and will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region: Land Use Administrator, County Housing Office and houses of worship.
 - (7) Quarterly flyers and applications will be sent to each of the following agencies for

publication in their journals and for circulation among their members: boards of realtors in Morris, Essex, Union and Warren Counties.

- (8) Applications will be mailed to prospective applicants upon request.
- (9) Additionally, quarterly informational circulars and applications will be sent to the chief administrative employees of each of the following agencies in the counties within Wharton's region: welfare or social service board, rental assistance office (local office of DCA), office on aging, libraries, and housing agency or authority in each of the counties within Wharton's housing region.
- (10) A random selection method will be used to select occupants of low- and moderate-income housing.
- (11) The Land Use Administrator shall administer the affirmative marketing program. The Land Use Administrator has the responsibility to income-qualify low- and moderate-income households; to place income-eligible households in low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of low- and moderate-income units with income-qualified households; to continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; to assist with advertising and outreach to low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:93-9.1.
- (12) Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The Borough of Wharton intends to comply with N.J.A.C. 5:93-11.7.
- (13) All developers of low- and moderate-income housing units will be required to assist in the marketing of the affordable units in their respective developments.
- (14) The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low- and moderate-income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.
- (15) The Land Use Administrator will comply with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 12.1.

§ 165-122. Rehabilitation program.

The Borough of Wharton will undertake a rehabilitation program to rehabilitate 11 substandard housing units occupied by low- and moderate-income households. Wharton has designated the Borough Administrator to administer the rehabilitation program. The Administrator will prepare a marketing plan for the rehabilitation program. The rehabilitation program will be consistent with N.J.A.C. 5:93-5.2(b) through 5:93-5.2(l).

§ 165-123. Zoning of designated sites.¹

The sites listed on the Table of Sites Meeting the Inclusionary Component Outlined in the Housing Element and Fair Share Plan, included at the end of this chapter, have been designated to meet Wharton's inclusionary component outlined in the housing element and fair share plan which was adopted by the Planning Board on May 9, 1995.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

LAND USE AND DEVELOPMENT

165 Attachment 1

Borough of Wharton

Sites Meeting the Inclusionary Component Outlined in the Housing Element and Fair Share Plan [Amended 12-20-1999 by Ord. No. O-20-99¹]

- a. AH-2: West Dewey Avenue (Block 701, Lot 1). This site is situated on the south side of West Dewey Avenue approximately 900 feet east of the intersection of West Dewey Avenue and West Central Avenue. The plan recommends a density of 6.6 dwelling units per acre for this 9.5 acre site. This results in a total of 63 dwellings, of which 13 would be for lower-income households.
- b. AH-2: Irondale Road (Block 1603, Lot 14). This 9.2 acre tract is located at the southeasterly corner of Mill Street and Irondale Road. A density of eight dwelling units per acre is recommended for this site. This would allow the site to be developed with 73 dwellings. A total of 15 units would be set aside for lower-income households.
- c. SH: North Main Street (Block 903 Lot 1). The housing plan recommends that a maximum density of 22 dwelling units per acre be imposed on this 4.7 acre site, resulting in approximately 100 senior citizen dwelling units on this property. The COAH regulations permit credit for income-qualified senior housing in an amount equivalent to 25% of the community's lower-income housing requirement. This would enable the municipality to receive credit for 14 senior units.

¹ Editor's Note: This ordinance rezoned Lots 33 and 34 in Block 703 from AH-1 District to OAL District, thereby removing them from this list of sites.

LAND USE AND DEVELOPMENT

165 Attachment 6

Borough of Wharton

Schedule XI-3

Borough of Wharton Affordable Housing Overlay Zones [Added 7-16-2018 by Ord. No. O-11-18]

- a. AH-3: Wharton Mall (Block 106, Lot 23). This overlay zone may be utilized when redeveloping the site or rehabilitating the site to include a residential component in one or more mixed-use structures. The overlay zone provides for a residential density of 15 dwelling units per acre. If residential units are proposed, a minimum of 15% would be dedicated to low-/moderate-income housing in the case of rental units, and a minimum of 20% would be dedicated to low-/moderate-income housing in the case of for-sale units. The affordable units are subject to §§ 165-111 through 165-123 of the Borough's Ordinances.
- b. AH-4: North Main Street (Block 102, Lots 48, 49 and 50). This overlay zone may be utilized when redeveloping the site or rehabilitating the site to include a residential component in one or more mixed-use or multifamily structures. The overlay zone provides for a residential density of 15 dwelling units per acre. If residential units are proposed, a minimum of 15% would be dedicated to low-/moderate-income housing in the case of rental units and a minimum of 20% would be dedicated to low-/moderate-income housing in the case of for-sale units. The affordable units are subject to §§ 165-111 through 165-123 of the Borough's Ordinances.
- c. AH-OO: Overall Overlay Zone. This municipal-wide overlay zone may be utilized when any parcel that is rezoned, receives a density variance and/or is developed/redeveloped at a density of greater than six dwelling units per acre and a total of 20 units or more are created, then an affordable housing set-aside must be provided. In the event that the units are rental units, the affordable housing set-aside would be 15%. In the event that the units are for sale, the affordable housing set-aside would be 20%. The proposed overlay zones would not permit age restrictions on affordable units which are set aside. The affordable units are subject to §§ 165-111 through 165-123 of the Borough's Ordinances.

ARTICLE XVII

Development Fee Ordinance

[Added 12-7-1998 by Ord. No. O-13-98; amended 3-22-2004 by Ord. No. O-6-04; 4-23-2007 by Ord. No. O-4-07]

§ 165-124. Purpose.

In *Holmdel Builders Association v Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees.

§ 165-125. Basic requirements.

The Borough of Wharton shall not spend development fees until COAH has approved a plan for spending such fees and the Borough has received third round substantive certification from COAH or a judgment of compliance.

§ 165-126. Definitions.

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

AFFORDABLE HOUSING DEVELOPMENT — A development included in the housing element and fair share plan and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH — The New Jersey Council on Affordable Housing.

DEVELOPMENT FEE — Funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

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

§ 165-127. Development fees.

- A. Collection of fees. Fifty percent of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the issuance of the building permit and that determined at issuance of certificate of occupancy.
- B. Residential development fees:

- (1) Within the R-40, R-15, R-10, R-75, RM-75, A, ALR, and OAL Zoning Districts, residential developers shall pay a fee of 1% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized.

C. Nonresidential development fees.

- (1) Within the MB, B-1, B-2, I-1, I-2 and I-3 Zoning Districts, nonresidential developers shall pay a fee of 2% of the equalized assessed value for nonresidential development.
- (2) If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% of the equalized assessed value for nonresident development.

§ 165-128. Eligible exactions, ineligible exactions and exemptions.

- A. Affordable housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees unless exempted below.
- B. Development fees shall be imposed and collected when an existing structure is expanded or undergoes a change to a more intense use. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- C. Within the CBD, SH, AH-1 and AH-2 Zoning Districts, developers shall be exempt from paying a development fee.

§ 165-129. Affordable housing trust fund.

- A. There is hereby created a separate interest-bearing housing trust fund for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this chapter shall be deposited into this fund.
- B. Within seven days from the opening of the trust account, the Borough of Wharton shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).
- C. No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

§ 165-130. Use of funds.

- A. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the municipal fair share. Such activities include, but are not limited to,

rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d), ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the housing element and fair share plan. The expenditure of all funds shall conform to a spending plan approved by COAH.

- B. Funds shall not be expended to reimburse Wharton for past housing activities.
- C. After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the Borough of Wharton's affordable housing obligation, at least 30% of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal fair share plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans and rental assistance.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the third round municipal fair share plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Borough of Wharton to bonus credits pursuant to N.J.A.C. 5:94-4.22.
 - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Wharton may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- E. No more than 20% of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income-qualification of households, monitoring the turnover of sale and rental units and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

§ 165-131. Contested fees.

Imposed and collected development fees that are challenged shall be placed in an interest-bearing

escrow account by the Borough of Wharton. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

§ 165-132. Monitoring and ongoing collection of fees.

- A. The Borough of Wharton shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.
- B. The ability for the Borough of Wharton to impose, collect and expend development fees shall expire with its substantive certification unless the Borough has filed an adopted housing element and fair share plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Wharton fails to renew its ability to impose and collect development fees prior to the expiration of certification, it may resume the imposition and collection of development fees only by complying with the requirements of N.J.A.C. 5:94-6. Wharton shall not impose a development fee on a development that receives preliminary or final approval after the expiration of its substantive certification, nor will Wharton retroactively impose a development fee on such a development. The Borough of Wharton will not expend development fees after the expiration of its substantive certification.

Appendix C – Spending Plan

To be provided

Appendix D – Marketing Plan

**BOROUGH OF WHARTON
COUNTY OF MORRIS, STATE OF NEW JERSEY**

Affordable Housing

Affirmative Marketing Plan

Borough of Wharton Town Hall
10 Robert Street, Wharton,
New Jersey 07885
(973) 361-8444

Contents

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Overview

All affordable units are required to be affirmatively marketed using the Borough of Wharton's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

The Borough of Wharton provides this Affirmative Marketing Plan for any affordable housing within the Borough. Individual projects may develop their own affirmative marketing plan in compliance with this plan.

Every Affirmative Marketing Plan must include all of the following:

1. Publication of at least one advertisement in a newspaper of general circulation within the housing region;
2. Broadcast of at least one advertisement by radio or television throughout the housing region; and
3. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious, and civic organizations.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan must include the following information:

1. The address of the project and development name, if any;
2. The number of rental units;
3. The price ranges of the rental units;
4. The name and contact information of the Municipal Housing Liaison, Administrative Agent, property manager, or landlord;
5. A description of the Random Selection method that will be used to select applicants for affordable housing; and
6. Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing opportunity:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;

5. The maximum income permitted to qualify for the housing units;
6. The locations of applications for the housing units;
7. The business hours when interested households may obtain an application for a housing unit; and
8. Application fees, if any.

Regional Preference

The Borough of Wharton has provided that households that live or work in Housing Region #2 (comprised of Essex, Morris, Union, and Warren Counties) shall be selected for an affordable housing unit before households from outside of this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Implementation

The affirmative marketing process for affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Borough of Wharton's Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following daily regional newspapers/publications when units are available and there is no wait list for existing units and when any new units may be constructed in the future:

1. The Daily Record

The primary marketing will take the form of at least one (1) press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an as-needed basis. The advertisement will include a description of the:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;
5. Maximum income permitted to qualify for the units;
6. Location of applications;
7. Business hours when interested households may obtain an application; and
8. Application fees.

All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

1. The Daily Record

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

The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

1. Station(s) Choose stations from Attachment A.

The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Essex, Morris, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on those contacts that are able to reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region #2 (attached to and hereby made part of this Resolution) as well as the following entities:

1. Quarterly informational flyers and applications shall be sent to the Essex, Morris, Union, and Warren Counties' Boards of Realtors for publication in their journals and for circulation among their members; and
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the municipalities and counties of Essex, Morris, Union, and Warren.

Applications will be mailed to prospective applicants upon request.

The following is the location of applications, brochure(s), signs and/or poster(s) used as part of the affirmative program, including specific employment centers within the region:

1. Municipal Building: 10 Robert Street, Wharton, NJ 07869
2. Municipal Library: 15 South Main Street Wharton, NJ 07885

The following is the community contact person who will aid the affirmative marketing program:

Municipal Housing Liaison
10 Robert Street, Wharton, NJ 07869
(973) 361-8444

Additionally, quarterly informational circulars and applications for new units which may be constructed in the future will be sent to the chief administrative employees of each of the following agencies in the counties of Essex, Morris, Union, and Warren:

1. Welfare or Social Service Board;
2. Rental assistance office (local office of DCA);
3. Office on Aging.
4. Housing Agency or Authority.
5. County Library.
6. Area community action agencies.

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

1. Borough of Wharton Administrative Offices;
2. Borough of Wharton website;
3. Developer's Sales/Rental Offices;
4. Essex, Morris, Union, and Warren Counties' Administration Buildings;
5. Essex, Morris, Union, and Warren Counties' Libraries (all branches); and
6. Other public buildings and agencies as deemed appropriate by the Administrative Agent.

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. In addition, the foregoing entities shall be notified directly whenever an affordable housing unit(s) becomes available in the Borough of Wharton.

The following is a listing of community contact person(s) and/or organizations in Essex, Morris, Union, and Warren Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low-and moderate-income units:

1. Boonton Housing Authority: 125 Chestnut Street, Boonton;
<https://www.shelterlistings.org/details/32138>
2. Catholic Charities Diocese of Paterson: 777 Valley Road, Clifton,
<https://www.catholiccharities.org>

3. Community Hope, Inc.: (973) 463-9600; 959 Route 46 East, Suite 402, Parsippany
4. Eric Johnson House: (973) 326-9636; 44 South Street, Morristown
5. Family Promise of Morris County: P.O. Box 1494, Morristown;
<https://www.familypromise.org>
6. Homeless Solutions: 6 Dumont Place, Suite 3, Morristown;
<https://www.homelessolutions.org>
7. Hope House Catholic Charities: (973)895-3143; 11 Forrest Road, Randolph
8. Housing Partnership Neighborworks Home Ownership Center: 2 East Blackwell Street, Dover; <https://www.housingpartnershipnj.org>
9. Jersey Battered Women's Service, Inc.: P.O. Box 1437, Morristown, <https://www.jbws.org>
10. Madison Affordable Housing Corporation: 24 Central Avenue, Madison;
<https://affordablehousingonline.com/housing-authority/New-Jersey/Housing-Authority-of-the-Borough-of-Madison/NJ105>
11. Market Street Mission: 9 Market Street, Morristown; <https://www.marketstreet.org>
12. Morris County Affordable Housing Corp.: 99 Ketch Road, Morristown;
<https://housing.morriscountynj.gov/housingcorp>
13. Morris County Human Services: 340 West Hanover Avenue, Morristown;
<https://hs.morriscountynj.gov/services-list/>
14. Morris County Human Services Office of Community Development: P.O. Box 900, Morristown; <https://hs.morriscountynj.gov/community/>
15. Mrs. Wilson's Halfway House for Women: 7 Industrial Road, #301, Pequannock;
<https://newbridge.org>
16. Our Place Day Shelter: (973)539-9920; 51 Washington Street; Morristown
17. The Housing Partnership: 2 East Blackwell Street, Suite 12, Dover;
<https://www.housingpartnershipnj.org/>
18. Urban League of Morris County: 300 Madison Avenue, Suite A, Morristown;
<https://www.ulmcnj.org>

A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region #2, comprised of Essex, Morris, Union, and Warren Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.

The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low-, low- and moderate-income households; to place income-eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

The Administrative Agent shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services. In addition, it shall be the responsibility of the Administrative Agent to inform owners of affordable units and

prospective occupants of affordable units of the Borough's affordability assistance programs and to assist with the implementation of such programs.

All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.

The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's adopted Affordable Housing Ordinance.

An applicant pool will be maintained by the Administrative Agent for re-rentals.

1. When a re-rental affordable unit becomes available Administrative Agent will select applicants from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above. The selection of applicants from the applicant pool is described in more detail in this manual under the section **Random Selection & Applicant Pool(s)**.

Sample Advertisement for Available Rental Units

The **Town/Township/Borough** of **municipality** hereby announces that **# affordable housing units** will be available for rent in the **name of development/project**. The housing is under development by **developer** and is available for **type of income** households. **Development** is located at **address, description**.

The affordable housing available includes rents from **\$/,###/month** and includes **#-bedroom units**. Utilities are included (if applicable). Interested households will be required to submit **application, documentation if applicable, and any other requirements** in order to qualify. The maximum household incomes permitted are **\$41,471 for a one person household, \$47,395 for a two person household, \$53,320 for a three person household, \$59,244 for a four person household, \$63,984 for a five person household, and \$69,723 for a six person household**. Once certified, households will be matched to affordable units through a lottery system. All successful applicants will be required to demonstrate the ability to pay a security deposit (**requirements of security deposit**).

Applications are available at **Location(s), hours of operation**. Applications can also be requested via mail by calling **Realtor** at **Phone #**. Applications will be accepted until **mm/dd/yy** and there is a **\$5 fee for the credit check**.

Visit www.njhousing.gov or call 1-877-428-8844 for more affordable housing opportunities.

Although any income eligible households may apply, workers of **[Insert counties in the COAH Housing regional preference zone]**; Morris County will be selected before residents of other counties or states.

Sample Public Service Announcement

10 second slot:

Affordability priced homes available in Mayberry Borough. Income restrictions apply. Call (800) 555-1234 for information.

30-35 second slot:

Affordably priced, brand new two, three, and four-bedroom attractive homes with nice amenities are available at the Equality at Mayberry Development in desirable Mayberry Borough. Call A Home For You at (800) 555-1234 for information on sales prices and income limits and to get a pre-application. The deadline to submit a pre-application is August 1, 2020, so don't delay. These homes are in accordance with State requirements for low- and moderate-income housing.

Random Selection & Applicant Pool(s)

The following is a description of the random selection method that will be used to select occupants for low- and moderate-income housing:

There will be a period in which to complete and submit applications. Households that have completed applications in that timeframe and have been determined that they are income eligible will be randomly selected to establish an order (service list) in which they will be evaluated by the Administrative Agent for the available unit(s). A copy of the first page of the applications will be folded and placed in a container of sufficient size to allow the applications to be randomly mixed. Once mixed, all applications will be drawn one by one from the container until none are left. The first application drawn will be the first position on the service list, and so on.

At least two people will be present during a random selection and both will sign the resulting service list as having participated and/or witnessed the random selection. Once the applicant is placed on the service list, they shall remain in that position until they are served or asked to be withdrawn from the list. Applicants on the service list shall not be a part of any future random selections. If the household on the list is not of an appropriate household size, income or does not live or work in the Housing Region, that applicant will be skipped and the next applicant household with sufficient income will be evaluated for the available unit. This will continue until a properly sized household with sufficient income or purchase or rent the unit is reached.

The applicant household will be required to submit a complete application to establish their eligibility as defined by the Fair Housing Act. If the end of the service list is reached before an appropriately-sized household that lives or works in the New Jersey Housing Region is identified the Administrative Agent will review skipped households in the order of the random selection. Households that live or work in the Housing Region that are smaller than the ideal household size, as defined by the Borough's Affordable Housing Ordinance, will be considered next.

Any applicants that are skipped for size, income or regional preference will remain on the list and continue to be considered for future restricted units in the order in which they were selected in the random selection.

Unless applicants ask to be removed from the list or become ineligible for assistance, or are unresponsive to our communications, they will remain on the service list. Therefore, these applicants will not need to be in future random selections. Instead, the service order created by future random selections will be placed at the end of the service list set by all prior random selections.

If there are sufficient names remaining on the service list to fill two years of resales and rentals, the applicant pool may be closed by the Administrative Agent. The Administrative Agent will notify the Borough in writing if it intends to close the waiting list. Any households calling or writing to express their interest in an affordable home will be directed to call back on a future date determined by the Administrative Agent. When the applicant pool is being depleted to a point where there is not a sufficient number of people to fill two (2) years of re-sales or rentals, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The service list established by subsequent random selection shall be added to the end of the previous service list.

Initial Randomization

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 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. Households are informed of the date, time and location of the lottery and invited to attend.
4. An applicant pool is created by listing applicants in the order selected.
5. Applications are reviewed for income-eligibility.
6. 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.
7. Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as [regional preference or] the need for an accessible unit).
8. If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be closed.
9. 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.

Randomization After Certification

Random selection is conducted when a unit is available, and only certified households seeking the type and bedroom size of the available unit are placed in the lottery. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. All applications are reviewed and households are either certified or informed of non-eligibility. (The certification is valid for 180 days, and may be renewed by updating income-verification information.)
3. Eligible households are placed in applicant pools based upon the number of bedrooms needed (and any other special requirements, such as regional preference or the need for an accessible unit)
4. When a unit is available, only the certified households in need of that type of unit are selected for a lottery.
5. Households are informed of the date, time, and location of the lottery and invited to attend.

6. After the lottery is conducted, the first household selected is given 3 days to express interest or disinterest in the unit. (If the first household is not interested in the unit, this process continues until a certified household selects the unit.)
7. Applications are accepted on an ongoing basis, certified households are added to the pool for the appropriate household income and size categories, and advertising and outreach is ongoing, according to the Affirmative Marketing Plan.

Matching Households to Available Units

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:
 - a. Maximum of two person per bedroom;
 - b. Children of same sex in same bedroom;
 - c. Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms;
 - d. Children not in same bedroom with parents;
 - e. Provide an occupant for each unit bedroom;
 - f. Provide children of different sex with separate bedrooms;
 - g. Require that all the bedrooms be used as bedrooms; and
 - h. Require that a couple requesting a two-bedroom unit provide a doctor's note justifying such request.

In no case shall a household be referred to an affordable housing unit that provides for more than one additional bedroom per household occupancy as stated in the policies above.

The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor.

A household can be eligible for more than one unit category, and should be placed in the applicant pool for all categories for which it is eligible.

ATTACHMENT A

Affirmative Fair Housing Marketing Plan
For Affordable Housing in Region #2

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in (REGION 2)

I. APPLICANT AND PROJECT INFORMATION

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

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Essex, Morris, Union, Warren		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(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.

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) ☐ Black (non-Hispanic) ☒ 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 <input type="checkbox"/>			
3c. Commercial Media (required) (Check all that applies)			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 2			
Daily Newspaper			
<input type="checkbox"/>		Star-Ledger	
<input type="checkbox"/>		New York Times	
TARGETS PARTIAL HOUSING REGION 2			
Daily Newspaper			
<input type="checkbox"/>		Daily Record	Morris
<input type="checkbox"/>		Express Times	Warren
Weekly Newspaper			
<input type="checkbox"/>		Belleville Post	Essex
<input type="checkbox"/>		Belleville Times	Essex
<input type="checkbox"/>		Bloomfield Life	Essex
<input type="checkbox"/>		East Orange Record	Essex
<input type="checkbox"/>		Glen Ridge Paper	Essex
<input type="checkbox"/>		Glen Ridge Voice	Essex

<input type="checkbox"/>		Independent Press	Essex
<input type="checkbox"/>		Irvington Herald	Essex
<input type="checkbox"/>		Item of Millburn and Short Hills	Essex
<input type="checkbox"/>		Montclair Times	Essex
<input type="checkbox"/>		News-Record	Essex
<input type="checkbox"/>		Nutley Journal	Essex
<input type="checkbox"/>		Nutley Sun	Essex
<input type="checkbox"/>		Observer	Essex
<input type="checkbox"/>		Orange Transcript	Essex
<input type="checkbox"/>		Progress	Essex
<input type="checkbox"/>		Vailsburg Leader	Essex
<input type="checkbox"/>		Verona-Cedar Grove Times	Essex
<input type="checkbox"/>		West Essex Tribune	Essex
<input type="checkbox"/>		West Orange Chronicle	Essex
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Chatham Courier	Morris
<input type="checkbox"/>		Chatham Independent Press	Morris
<input type="checkbox"/>		Citizen of Morris County	Morris
<input type="checkbox"/>		Florham Park Eagle	Morris
<input type="checkbox"/>		Hanover Eagle	Morris

<input type="checkbox"/>		Madison Eagle	Morris
<input type="checkbox"/>		Morris News Bee	Morris
<input type="checkbox"/>		Mt. Olive Chronicle	Morris
<input type="checkbox"/>		Neighbor News	Morris
<input type="checkbox"/>		Randolph Reporter	Morris
<input type="checkbox"/>		Roxbury Register	Morris
<input type="checkbox"/>		Parsippany Life	Morris
<input type="checkbox"/>		Clark Patriot	Union
<input type="checkbox"/>		Cranford Chronicle	Union
<input type="checkbox"/>		Echo Leader	Union
<input type="checkbox"/>		Elizabeth Reporter	Union
<input type="checkbox"/>		Hillside Leader	Union
<input type="checkbox"/>		Leader of Kenilworth & Roselle Park	Union
<input type="checkbox"/>		Madison Independent Press, The	Union
<input type="checkbox"/>		Millburn and Short Hills Independent Press	Union
<input type="checkbox"/>		News Record	Union
<input type="checkbox"/>		Record-Press	Union
<input type="checkbox"/>		Scotch Plains Times (Fanwood Times)	Union
<input type="checkbox"/>		Spectator Leader	Union
<input type="checkbox"/>		Union Leader	Union

<input type="checkbox"/>		Warren Reporter	Warren
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 2			
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	
		3 KYW-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	
<input type="checkbox"/>		41 WXTV	

		Wxtv License Partnership, G.p. (Univision Communications Inc.)	
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		54 WTBY-TV Trinity Broadcasting Of New York, Inc.	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	Spanish
TARGETS PARTIAL HOUSING REGION 2			
<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Essex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Essex, Morris, Union
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Essex, Morris, Union
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Essex, Union

<input type="checkbox"/>		60 W60AI Ventana Television, Inc	Essex, Union
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Morris
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Morris, Union, Warren
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Morris, Union, Warren
<input type="checkbox"/>		23 W23AZ Centenary College	Morris, Warren
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Morris, Warren
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Morris, Warren
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Morris, Warren
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Morris, Warren
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Morris, Warren
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Morris, Warren
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Morris, Warren
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	Warren
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Warren

<input type="checkbox"/>		17 WPHL-TV Tribune Company	Warren
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Warren
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Warren
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Warren
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Warren
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		55 W55BS New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc.	Warren
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	Warren
	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL HOUSING REGION 2			
<input type="checkbox"/>		Cablevision of Newark	Partial Essex
<input type="checkbox"/>		Comcast of NJ (Union System)	Partial Essex, Union
<input type="checkbox"/>		Cablevision of Oakland	Partial Essex, Morris
<input type="checkbox"/>		Cable Vision of Morris	Partial Morris

<input type="checkbox"/>		Comcast of Northwest NJ	Partial Morris, Warren
<input type="checkbox"/>		Patriot Media & Communications	Partial Morris
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Morris, Warren
<input type="checkbox"/>		Cablevision of Elizabeth	Partial Union
<input type="checkbox"/>		Comcast of Plainfield	Partial Union
<input type="checkbox"/>		Cable Vision of Morris	Partial Warren
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Warren
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 2			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	

<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
TARGETS PARTIAL HOUSING REGION 2			
AM			
<input type="checkbox"/>		WWRL 1600	Essex
<input type="checkbox"/>		WXMC 1310	Essex, Morris
<input type="checkbox"/>		WWRV 1330	Essex, Morris (Spanish)
<input type="checkbox"/>		WZRC 1480	Essex, Morris (Chinese/Cantonese)
<input type="checkbox"/>		WMCA 570	Essex, Morris, Union (Christian)

<input type="checkbox"/>		WNYC 820	Essex, Morris, Union
<input type="checkbox"/>		WCBS 880	Essex, Morris, Union
<input type="checkbox"/>		WPAT 930	Essex, Morris, Union (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WINS 1010	Essex, Morris, Union
<input type="checkbox"/>		WEPN 1050	Essex, Morris, Union
<input type="checkbox"/>		WKMB 1070	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WBBR 1130	Essex, Morris, Union
<input type="checkbox"/>		WLIB 1190	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WMTR 1250	Essex, Morris, Union
<input type="checkbox"/>		WADO 1280	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WNSW 1430	Essex, Morris, Union (Portuguese)
<input type="checkbox"/>		WJDM 1530	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WQEW 1560	Essex, Morris, Union
<input type="checkbox"/>		WWRU 1660	Essex, Morris, Union (Korean)
<input type="checkbox"/>		WCTC 1450	Union
		WCHR 1040	Warren
		WEEX 1230	Warren

		WNNJ 1360	Warren
		WRNJ 1510	Warren
FM			
<input type="checkbox"/>		WMSC 90.3	Essex
<input type="checkbox"/>		WFUV 90.7	Essex
<input type="checkbox"/>		WBGO 88.3	Essex, Morris, Union
<input type="checkbox"/>		WSOU 89.5	Essex, Morris, Union
<input type="checkbox"/>		WKCR-FM 89.9	Essex, Morris, Union
<input type="checkbox"/>		WFMU 91.1	Essex, Morris, Union
<input type="checkbox"/>		WNYE 91.5	Essex, Morris, Union
<input type="checkbox"/>		WSKQ-FM 97.9	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WBAI 99.5	Essex, Morris, Union
<input type="checkbox"/>		WDHA -FM 105.5	Essex, Morris, Union
<input type="checkbox"/>		WCAA 105.9	Essex, Morris, Union (Latino)
<input type="checkbox"/>		WBLS 107.5	Essex, Morris, Union
<input type="checkbox"/>		WHUD 100.7	Essex, Morris, Warren
<input type="checkbox"/>		WPRB 103.3	Essex, Union, Warren
<input type="checkbox"/>		WMNJ 88.9	Morris
<input type="checkbox"/>		WJSV 90.5	Morris
<input type="checkbox"/>		WNNJ-FM 103.7	Morris, Warren

<input type="checkbox"/>		WMGQ 98.3	Union
<input type="checkbox"/>		WCTO 96.1	Union, Warren
<input type="checkbox"/>		WNTI 91.9	Warren
<input type="checkbox"/>		WSBG 93.5	Warren
<input type="checkbox"/>		WZZO 95.1	Warren
<input type="checkbox"/>		WAEB-FM 104.1	Warren
<input type="checkbox"/>		WHCY 106.3	Warren
3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)			
	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 2			
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL HOUSING REGION 2			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			
<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>	Brazilian Voice, The	Newark	Brazilian-American

<input type="checkbox"/>		Catholic Advocate, The	Essex County area	Catholic
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>		El Nuevo Coqui	Newark	Puerto Rican community
<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lydenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>		Ukrainian Weekly	New Jersey	Ukrainian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Essex County		
<input type="checkbox"/>	Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>	Verizon Communications	540 Broad St Newark, NJ 07102
<input type="checkbox"/>	Prudential Financial, Inc.	751 Broad St Newark, NJ 07102
<input type="checkbox"/>	Continental Airlines	1 Newark Airport, Newark, NJ

<input type="checkbox"/>		University of Medicine/Dentistry	Office of Marketing & Media Relations 150 Bergen Street Room D347 Newark, NJ 07103
<input type="checkbox"/>		Public Service Enterprise Group	80 Park Plz Newark, NJ 07102
<input type="checkbox"/>		Prudential Insurance	751 Broad Street, Newark, NJ 07102-3777
<input type="checkbox"/>		Horizon Blue Cross & Blue Shield of NJ	3 Raymond Plz W Newark, NJ 07102
<input type="checkbox"/>		Newark Liberty International Airport	Newark Airport, Newark, NJ
<input type="checkbox"/>		Horizon Blue Cross & Blue Shield of NJ	540 Broad St Newark, NJ 07102
Morris County			
<input type="checkbox"/>		Atlantic Health System-Morristown Memorial Hospital	100 Madison Avenue Morristown, NJ 07962
<input type="checkbox"/>		AT&T	295 N Maple Ave, Basking Ridge, NJ and 180 Park Ave, Florham Park, NJ
<input type="checkbox"/>		US Army Armament R&D	21 Picatinny Arsenal, Picatinny Arsnl, NJ
<input type="checkbox"/>		Lucent Technologies	67 Whippany Rd, Whippany, NJ and 475 South St, Morristown, NJ and 5 Wood Hollow Rd, Parsippany, NJ and 24 Mountain Ave, Mendham, NJ
<input type="checkbox"/>		Pfizer	Morris Plains/Parsippany
<input type="checkbox"/>		Novartis Pharmaceutical	59 State Route 10, East Hanover, NJ
<input type="checkbox"/>		Kraft foods	200 Deforest Ave, East Hanover, NJ and 7 Campus Dr, Parsippany, NJ
<input type="checkbox"/>		Mennen Sports Arena	161 E Hanover Ave, Morristown, NJ
<input type="checkbox"/>		Honeywell	101 Columbia Rd Morristown, NJ 07960

<input type="checkbox"/>		Pfizer	5 Woodhollow Rd, Parsippany and 175 Tabor Rd, Morris Plains
<input type="checkbox"/>		St. Clare's Hospital	130 Powerville Road Boonton Township, NJ 07005 and 25 Pocono Road Denville, NJ 07834 and 400 West Blackwell Street Dover, NJ 07801 and 3219 Route 46 East, Suite 110 Parsippany, NJ 07054
Union County			
<input type="checkbox"/>		A&M Industrial Supply Co	1414 Campbell St Rahway
<input type="checkbox"/>		A.J. Seabra inc,	574 Ferry St Newark
<input type="checkbox"/>		Bristol-myers Products Research & Dev	1350 Liverty Ave Hillside
<input type="checkbox"/>		Cede Candy Inc	1091 Lousons Road PO Box 271 Union, NJ
<input type="checkbox"/>		Comcast Network	800 Rahway Ave Union, NJ
<input type="checkbox"/>		HoneyWell Inc.	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
<input type="checkbox"/>		IBM Corporation	27 Commerce Drive Cranford, nj
<input type="checkbox"/>		Howard Press	450 West First Ave Roselle,nj
<input type="checkbox"/>		Lucent Technologies	600 Mountain Ave Murray Hill,NJ
<input type="checkbox"/>		Merck & Co. Inc	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
<input type="checkbox"/>		Rahway Hospital	865 Stone Street Rahway, NJ
<input type="checkbox"/>		Rotuba Extruders, Inc	1401 Park Ave South Linden
<input type="checkbox"/>		Union County College	1033 Springfield Ave Cranford,NJ
Warren County			

<input type="checkbox"/>		Masterfoods USA	800 High Street Hackettstown, NJ
<input type="checkbox"/>		Warren Hospital	185 Roseberry St Phillipsburg, NJ
<input type="checkbox"/>		Roche Vitamins	206 Roche Drive Belvidere, NJ
<input type="checkbox"/>		Hackettstown Hospital	651 Willow Grove St. Hackettstown, NJ
<input type="checkbox"/>		Pechiney	191 Route 31 North Washington, NJ
<input type="checkbox"/>		Lopatcong Care Center	390 Red School Lane Phillipsburg, NJ
<input type="checkbox"/>		Mallinckrodt/Baker, Inc	222 Red School Lane Phillipsburg, 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	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:																
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)																
	<table border="1"> <thead> <tr> <th></th> <th>BUILDING</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td>Morris County Library</td> <td>30 East Hanover Avenue, Whippany, NJ 07981</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Warren County Library Headquarters</td> <td>199 Hardwick Street, Belvidere, NJ 07823</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Essex County/Hall of Records</td> <td>465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Union County/Administration Building</td> <td>Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100</td> </tr> </tbody> </table>		BUILDING	LOCATION	<input type="checkbox"/>	Morris County Library	30 East Hanover Avenue, Whippany, NJ 07981	<input type="checkbox"/>	Warren County Library Headquarters	199 Hardwick Street, Belvidere, NJ 07823	<input type="checkbox"/>	Essex County/Hall of Records	465 Dr. Martin Luther King, Jr. Blvd, Newark, NJ 07102 (973)621-4400	<input type="checkbox"/>	Union County/Administration Building	Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100
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4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)																
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).

—

Name (Type or Print)

—

Title/Municipality

—

Signature

Date

Appendix E – Vacant Land Adjustment

Lands Available for New Construction and Redevelopment

Vacant Land Adjustment

Pursuant to N.J.S.A. 52:27D-310.1 and N.J.A.C. 5:93-4.2, the Borough of Wharton has conducted an analysis of vacant land available for affordable housing purposes. The Borough applied a Vacant Land Adjustment to its Third Round obligation, which resulted in an RDP of 31 units. The parcels identified in that prior vacant land analysis have been reviewed for the Fourth Round and this review results in an **RDP of six (6) units**. The Borough is meeting its obligation through redevelopment.

Block	Lot	Property Address	Total Ac.	Analysis	Developable Ac.	Density	RDP
201	14	72 Langdon Ave	0.64	This site is developed with a single-family dwelling.	0.00	-	-
301	1	170 No Main St	2.95	Received Preliminary and Final Site Plan approval in 2020 for a four-story mixed-use building (Redevelopment Plan) Extension granted in 2025.	0.00	-	-
502	1	107 W Dewey Ave	1.07	Existing development	0.00	-	-
801	3	170 No Main St	6.31	Approximately 6.03 ac. of environmental constraints (Riparian Area, steep slopes, and wetlands)	0.00	-	-
801	5.01	100 E Dewey Ave	11.77	Received Preliminary and Final Site Plan Approval on December 12, 2023	0.00	-	-
903	2	No Main St	16.14	Received Preliminary and Final Site Plan for reconfiguration of an existing truck parking area.	0.00	-	-
903	2.03	No Main St	6.14	Received Preliminary and Final Site Plan for a 4-story, 182-unit residential building.	0.00	-	-
1001	2	No Main St	22.29	Approximately 1.40 acres of environmentally constrained land (Riparian Area, steep slopes, and wetlands), plus a 20'-wide sewer easement that runs through the developable portion.	0.00	-	-
1212	16	Rear Fern Ave	1.56	Approximately 0.35 ac. of steep slopes.	1.21	12	2.9

Block	Lot	Property Address	Total Ac.	Analysis	Developable Ac.	Density	RDP
1305	19	39 Gallagher Ln	0.72	Existing development – single family dwelling	0.00	-	-
1601	8.01	54-56-58 Irondale Rd	0.34	Existing development on Lots 8.01 and 8.02 (single family dwellings)	0.00	-	-
1601	8.02	50 Irondale Rd	0.28		0.00	-	-
1601	8.03	48 Irondale Rd	0.26		0.00	-	-
1601	23	114 Old Irondale Rd	0.20	No environmental constraints. Small lot.	0.00	-	-
1602	8	125 Old Irondale Rd	1.46	Minimal environmental constraints (0.24 ac. of steep slopes)	1.22	12	2.9
1603	14	Old Irondale Rd	9.50	Wharton Woods, LLC received Preliminary and Final Site Plan Approval for a 67-unit townhouse development on August 12, 2014. An Amended Site Plan Application was approved on July 22, 2022. An extension of approval was granted on February 4, 2025.	0.00	-	-
1901	24.01	29 St Mary's St	0.36	No environmental constraints. Small lot.	0.00	-	-
1901	32	68 Hance St	0.22	No environmental constraints. Small lot.	0.00	-	-
1902	14	St Mary's St	8.19	Environmentally constrained (7.43 ac. of wetlands, steep slopes, and riparian area). Remaining land is irregular in shape and not developable.	0.00	-	-
2002	4	14 E Sterling St	0.23	No environmental constraints. Small, standalone lot.	0.00	-	-
Total					2.43		6

Appendix F – Deed Restrictions

To be provided