

Township of Ewing, Mercer County

Planning Period 2025-2035

Comprehensive Master Plan

Housing Element & Fair Share Housing Plan

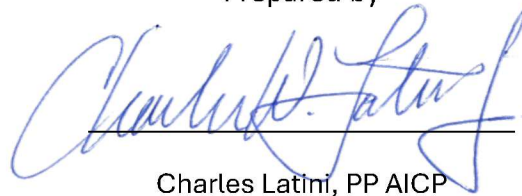
Adopted June 12, 2025

Housing Element and Fair Share Plan

Planning Board Township of Ewing Mercer County, New Jersey

Adopted at a Public Hearing at the
Ewing Township Planning Board
June 12, 2025

Prepared by

A handwritten signature in blue ink, appearing to read "Charles Latini", is written over a horizontal line.

Charles Latini, PP AICP

New Jersey Professional Planner License no. 5721

L&G Planning

PO Box 7743, West Trenton, NJ 08628

Ewing Township Mayor & Council

Bert H. Steinmann, Mayor

Jennifer Keyes Maloney, Council President

Sarah Stewart

Kevin Baxter

David Schroth

Kathleen Wollert

Ewing Township Planning Board

Richard Owen, Class IV, Chair

Bert H Steinmann, Class I, Mayor

Evan Crumiller, Environmental Commission, Class II

Jennifer Keyes Maloney, Class III

Derrick D. Smith, Class IV

Shirley Hicks, Class IV

Laurence Ganges, Class IV

Fredricka Billups, Class IV

Shirl Thomas, Class IV

Isam K. Perkins Sr., Class IV

Imelda Wollert, Planning Board Secretary

Michael Herbert, Esq., Planning Board Attorney

Anthony Morici, Township Engineer

Charles Latini, Jr. Township Planner

INTRODUCTION & MT. LAUREL	6
AFFORDABLE HOUSING IN EWING TOWNSHIP – A BRIEF HISTORY	10
THE EWING TOWNSHIP HOUSING ELEMENT	12
EWING TOWNSHIP – MUNICIPAL SUMMARY	12
I. DEMOGRAPHIC CHARACTERISTICS	13
POPULATION	13
POPULATION COMPOSITION BY AGE	14
INCOME	15
POVERTY STATUS	16
HOUSEHOLD COSTS	17
II. EXISTING HOUSING CONDITIONS	18
HOUSING UNIT DATA	18
HOUSING TYPE AND SIZE	19
OCCUPANCY	21
HOUSING VALUES AND CONTRACT RENTS	21
HOUSING CONDITIONS	22
III. EMPLOYMENT DATA	24
EMPLOYMENT TRENDS	24
COMMUTING TO WORK	27
IV. FUTURE PROJECTIONS	30
V. THE EWING TOWNSHIP FAIR SHARE PLAN	32
THE FOURTH ROUND, 2025-2035	32
AFFORDABILITY REQUIREMENTS	32
2024 INCOME LIMITS FOR REGION 4	33
ILLUSTRATIVE 2024 MAXIMUM AFFORDABLE GROSS RENTS FOR REGION 4	34
ILLUSTRATIVE 2024 MAXIMUM AFFORDABLE SALES PRICES FOR REGION 4	34
AFFORDABLE HOUSING OBLIGATIONS	35
PRESENT NEED OBLIGATION	35
PRIOR ROUND OBLIGATION	35
THIRD ROUND PROSPECTIVE OBLIGATION	35
FOURTH ROUND PROSPECTIVE OBLIGATION	35
SATISFYING THE TOWNSHIP’S OBLIGATION	36

REHABILITATION SHARE	36
PRIOR ROUND OBLIGATION	37
THIRD ROUND OBLIGATION	39
THIRD ROUND FORMULAS	39
SITE SUITABILITY FOR PRIOR AND THIRD ROUND SITES	41

FOURTH ROUND OBLIGATION 41

FOURTH ROUND FORMULAS	41
INCLUSIONARY HOUSING SITES CONSIDERED AND NOT INCLUDED	43
SITE SUITABILITY FOR FOURTH ROUND SITES	43
MANDATORY SET-ASIDE ORDINANCE	46
VERY LOW-INCOME UNITS	46
MULTIGENERATIONAL FAMILY HOUSING CONTINUITY	46
COST GENERATION	46
ADMINISTRATION AND AFFIRMATIVE MARKETING	46
DEVELOPMENT FEE ORDINANCE	47
SPENDING PLAN	47
MONITORING	48

CONCLUSION 48

Appendices

Appendix A:	Planning Board Resolution of Adoption - June 12th 2025 Township Council Resolution of Endorsement
Appendix B:	Judge Lougey's Fourth Round Obligation Documentation
Appendix C:	Rehabilitation Program Documentation
Appendix D:	Birmingham II & II Documentation
Appendix E:	1413 - 1415 Princeton (Pending)
Appendix F:	Ewing Parkway LLC Documentation
Appendix G:	Railroad Avenue Documentation
Appendix J:	Affordable Housing Ordinance
Appendix K:	Development Fee Ordinance
Appendix L:	Affordable Housing Administration/Affirmative Marketing Plan
Appendix M:	Spending Plan

INTRODUCTION & MT. LAUREL

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), a municipal master plan must include a housing plan element as the foundation for the municipal zoning ordinance (see N.J.S.A. 40:55D-28b(3)). Pursuant to the FHA (N.J.S.A. 52:27D-301 et seq.), a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. Specifically, N.J.S.A. 52:27D-310 requires that the housing element contain at least 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;
- 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 of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of 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 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 23 section 1 of P.L.2021, c.273 (C.52:27D-329.20); and
- 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.

In addition to FHA requirements, this Fourth Round HEFSP has been prepared in compliance with the following requirements set forth by Administrative Directive #14-24, issued by the Administrative Office of the Courts on December 13, 2024:

1. One of the requirements for a final HEFSP is the inclusion of detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
2. The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis. When the detailed analyses are completed, the municipality can see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced. If it becomes apparent that one (or more) of the sites in the plan does not have the capacity to accommodate all of the development proposed for it, the burden will be on the municipality either to adjust its zoning regulations (height, setbacks, etc.) so that the site will be able to yield the number of units and affordable units anticipated by the settlement agreement or to find other mechanisms or other sites as needed to address the likelihood of a shortfall.
3. The final HEFSP must fully document the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
4. The HEFSP must include an analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement. Once the HEFSP has been prepared, it must be reviewed by Fair Share Housing Center and the Program's Special Adjudicator for compliance with the terms of the executed settlement agreement, the FHA and Uniform Housing Affordability Controls ("UHAC") regulations. The HEFSP must be adopted

by the Planning Board and the implementation components of the HEFSP must be adopted by the governing body.

The HEFSP must also include (Appendices) all adopted ordinances and resolutions needed to implement the HEFSP, including:

1. All zoning amendments (or redevelopment plans, if applicable).
2. An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).
3. The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.
4. An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.
5. An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
6. An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.
7. A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
8. Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
9. A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

Low-income households are defined as those with incomes no greater than 50% of the median household income, adjusted for household size, of the housing region in which the municipality is located, and moderate-income households are those with incomes no greater than 80% and no less than 50% of the median household income, adjusted for household size, of the housing region.

For Ewing Township, the housing region is Region 4 and is comprised of Mercer, Monmouth and Ocean Counties. In 2025, in Region 4, the median income for a four-person household is \$92,614, the moderate-income level is \$ \$74,091, low-income is \$46,307 and very-low income is \$27,784.

AFFORDABLE HOUSING IN EWING TOWNSHIP – A BRIEF HISTORY

In 1996, Ewing filed an adopted housing element and fair share plan with the Council on Affordable Housing (COAH), and petitioned COAH for substantive certification in 1998. The Township received certification on February 7, 2001. Ewing filed an amended housing element and fair share plan, and re-petitioned COAH for substantive certification on December 8, 2000. The Township received substantive certification from COAH on February 7, 2001.

COAH adopted new substantive rules (N.J.A.C. 5:94), which became effective on December 20, 2004. Those regulations necessitated the preparation of a housing element and fair share plan to satisfy the Township's cumulative housing obligations defined in N.J.A.C. 5:94 and described in subsequent sections below. The Township petitioned for Third Round substantive certification to COAH on February 15, 2007. Prior to COAH action on the Township's petition, COAH's third round regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in *Re Adoption of N.J.A.C. 5:94 and 5:95* by the New Jersey Council on Affordable Housing 390 N.J. Super. 1 (App. Div.), certif. denied. 192 N.J. 72 (2007). On May 6, 2008 COAH adopted revised Third Round regulations in response to the Appellate Division Decision, and became effective on June 2, 2008. The same day that COAH adopted the revised rules, COAH proposed amendments to the rules. The amendments were published in the June 16, 2008 N.J. Register. On September 22, 2008, COAH proposed revisions to the June 2, 2008 third round rules. While Ewing Township re-petitioned COAH with a Revised Plan for substantive certification on December 8, 2008, COAH was rendered ineffective and all implementation actions halted until remedy by the Fair Share Housing Center was filed with the courts.

On February 9, 2010, Governor Chris Christie suspended COAH and appointed a committee in preparation to dismantle it, which suspension was later withdrawn, but was followed by a “reorganization plan” to also abolish COAH in 2011. The Supreme Court ruled that it was not within the Governor’s power “to abolish independent agencies that were created by legislative action.” It also ordered the COAH to come up with new regulations regarding the development of affordable housing. COAH passed new guidelines on May 1, 2014, which increased the amount of units developers are permitted to build in exchange for one affordable housing unit from four to nine. Without the documents used to support the numbers that were the basis for the guidelines, on July 2014, a Superior Court judge ruled that the contract which derived those numbers must be released and a search conducted for the missing documents.

In October 2014 the COAH Board failed to meet the deadline by the Supreme Court for establishing new Third Round guidelines, when the Board voted 3-3, to adopt the proposal. In the absence of action by the state, the New Jersey Supreme Court ruled in March 2015, that determination of affordable housing obligations would be administered by the court.

While all this uncertainty was occurring, Ewing Township, under the leadership of Mayor Steinmann and Township Council, continued to hold developers accountable for providing affordable housing. At the time it was held by the Township Administration that its obligation under the NJ Fair Housing Act remained in force and it was the Township’s obligation to provide it. This policy proved to be of value as the embattled affordable housing guidelines held communities in limbo for several years.

As many communities challenged the numbers imposed on them to meet the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the March 10, 2015 NJ Supreme Court's decision (In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, Ewing Township put together a plan and become one of the first communities, by way of the Settlement Agreement with Fair Share Housing Center. The settlement was approved by the Honorable Mary C. Jacobson, A.J.S.C., on December 1, 2016.

Forward to today

In March of 2024, Governor Murphy signed landmark legislation (Bill S50/A4) that changed the way that municipalities in New Jersey handled their affordable housing obligations. The legislation formally abolished COAH, and instead will rely on non-binding calculations formulated by the Department of Community Affairs - The Fair Housing Act (or "FHA"). The calculations are determined by previous court decisions, and towns must complaint by June 30, 2025. The legislation also provides a bonus credit system that rewards municipalities that build age-restricted housing, housing for special needs, and location-specific building such as building near public transit stations.

This Plan is designed to meet these requirements.