

## **1. WHY DOES TEWKSBURY NEED A HOUSING ELEMENT/FAIR SHARE PLAN (HEFSP)?**

Tewksbury's draft HEFSP serves the primary purpose of documenting the efforts undertaken by the Township to affirmatively and pro-actively address its affordable housing (AH) planning and land use regulation obligations under New Jersey's Fair Housing Act (FHA).

## **2. HOW CAN A MUNICIPALITY AVOID LEGAL CHALLENGES REGARDING AFFORDABLE HOUSING?**

To be ready for the possibility of legal challenges, including a builder's remedy lawsuit, a municipality must be able to demonstrate that it has made a good faith effort to investigate and identify parcels having a "reasonable development potential" (RDP) for affordable housing.

## **3. WHAT FACTORS WERE CONSIDERED IN DETERMINING TEWKSBURY'S RDP?**

As a municipality within the jurisdiction of the Highlands Water Protection and Planning Act, Tewksbury is subject to the provisions of the Act that limit or prohibit the extension or addition of new sewer and water infrastructure. Tewksbury's RDP is therefore determined in large part by its access to existing sewer and water infrastructure. The Township is not required to provide or extend water or sewer capacity to serve AH development where the necessary infrastructure does not currently exist.

## **4. WHAT IS AN AFFORDABLE HOUSING ZONING OVERLAY?**

The draft HEFSP proposes adopting a number of AH zoning overlays to classify the development of AH as a possible permitted use on the listed properties within those overlays, subject to the following:

- (a) A property within an affordable housing zoning overlay is owned by or sold to a willing developer who desires to construct AH on the site; and
- (b) A willing developer assumes the responsibility for providing suitable water and/or sewer capacity where it is not already present; and
- (c) The development occurring within the affordable housing overlay meets all other state and local permitting requirements, including NJDEP, NJ Highlands, and local zoning.

## **5. IS TEWKSBURY CALLING FOR AFFORDABLE HOUSING DEVELOPMENTS ON LOTS IDENTIFIED WITHIN THE PROPOSED AFFORDABLE HOUSING ZONING OVERLAYS?**

No. As discussed on pages 51 through 55 of the draft HEFSP, several properties were evaluated for AH development potential. These properties are listed in the bottom third of the table on page 49, and they represent the basis for the Township’s calculation of its constitutional obligation to plan for the “unmet need” of its AH obligation. It’s extremely important to note that the plan does not commit the Township to the construct or operate AH units at those locations, nor does it require or authorize anyone else to do so.

With the exception of Block 44 Lot 22 (behind the Oldwick fire house), which was purchased by the Township some years ago, this draft HEFSP does not give the Township any authority to compel the construction of affordable housing on land that it does not own.

Similarly, the draft HEFSP does not compel an unwilling property owner to develop any parcel for AH or sell any lot to a developer, nor does it imply that any contractual agreements to develop AH on such properties are ongoing or have been consummated.

## **6. WHAT IS THE DIFFERENCE BETWEEN A 100% AFFORDABLE AND AN INCLUSIONARY HOUSING DEVELOPMENT?**

The HEFSP identifies the RDP-designated parcels as suitable for the development of either “inclusionary” or “100% affordable” AH units. In a 100% affordable development, all of the units qualify as credits toward the Township’s unmet affordable housing obligation. If built as an inclusionary development, the developer must set aside 20% of the units as credits toward the Township’s obligation; the balance (80%) can be built as market rate units. For example, the hypothetical 186 units in the zoning overlay at 34 Fairmount would include a 20% set-aside of 37 affordable units, with the balance of 149 units at market rate.

## **7. WHAT IS THE UNMET NEED OF TEWKSBURY’S AFFORDABLE HOUSING OBLIGATION?**

As shown on page 49 of the draft HEFSP, the Township has identified an unmet need of 131 affordable housing units. 100 of these units represent durational adjustment credits, which identifies them as feasible for future construction on 4 designated parcels (Block 20 Lot 7, and Block 44, Lots 21, 24, and 24.01). The draft HEFSP proposes to include those parcels in AH overlay zones to permit future affordable housing development if and when sewer and water infrastructure is added or extended to serve them.

The Township is presently evaluating proposals received in response to a recent RFP issued by the Township to develop 24 AH units on Township-owned property at Block 44, Lot 22. This parcel was dedicated to AH development at the time of purchase, but the prospective AH developer (NORWESCAP) backed out. The site will be developed as a 100% affordable project, and will contribute AH units toward the Township’s unmet need.