

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2026-05

AN ORDINANCE OF LAFAYETTE TOWNSHIP TO REPEAL AND REPLACE CHAPTER 12-21 TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS REGARDING COMPLIANCE WITH THE MUNICIPALITY’S AFFORDABLE HOUSING OBLIGATIONS

§ 12-21. Affordable Housing Requirements

§ 12-21.1 Purpose

- a. This Ordinance is intended to assure that low and moderate income units, referred to as affordable units, are created with controls on affordability over time and that low and moderate income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- b. The Lafayette Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. The Housing Element and Fair Share Plan describe the ways Lafayette Township shall address its fair share of low and moderate income housing as determined by the Fair Housing Act, any applicable settlement agreements, judgments or orders of the Superior Court, the Affordable Housing Dispute Resolution Program, and other applicable State law and are documented in the Housing Element and Fair Share Plan.
- c. This Ordinance implements and incorporates the Housing Element and Fair Share Plan and addresses the applicable statutory, regulatory, and court ordered requirements, as may be amended and supplemented.
- d. The Lafayette Township shall file such monitoring and evaluation reports as may be required by the Fair Housing Act, the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., any applicable settlement agreements, and any orders of the Superior Court or the Affordable Housing Dispute Resolution Program. Any such plan evaluation reports shall be available to the public at the Lafayette Township Municipal Building, Municipal Clerk’s Office, 33 Morris Farm Road, Lafayette, NJ 07848, New Jersey, and on the municipality’s website, if available.

§ 12-21.2 Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended.

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this Ordinance and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, including any successor rules adopted by the New Jersey Housing and Mortgage Finance Agency.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units in accordance with N.J.A.C. 5:80-26.16, as may be amended and supplemented.

“Affordability average” means the average percentage of regional median income at which restricted units in an affordable housing development are affordable to low and moderate income households.

“Affordable” means a sales price or rent within the means of a low or moderate income household; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7, as may be amended and supplemented, and in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means 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.

“Affordable housing program(s)” means any mechanism in the Housing Element and Fair Share Plan prepared or implemented to address the municipality’s fair share obligation.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” or “restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, but does not include a market rate unit financed under UHORP, MONI, CHOICE, or similar programs.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.) in, but not of, DCA.

“Age-restricted unit” means a housing unit designed to meet the needs of, and intended exclusively for, the residents of an age-restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent is a minimum age of either 62 years, or 55 years and meets the provisions of 42 U.S.C. §§ 3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an administrative agent as a very low income, a low income, or a moderate income household, as applicable.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement, and load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure; or any mining, excavation, landfill, and any use or change in the use of any building or other structure or land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to, new construction, the conversion of a non-residential structure to residential use, and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low income household” means a household with a total gross annual household income equal to 50 percent or less of regional median income.

“Low income unit” means a restricted unit that is affordable to a low income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, including weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market rate units” means housing not restricted to low and moderate income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region or county, as adopted annually by the New Jersey Housing and Mortgage Finance Agency or the New Jersey Department of Community Affairs, as applicable.

“Moderate income household” means a household with a total gross annual household income in excess of 50 percent but less than or equal to 80 percent of regional median income.

“Moderate income unit” means a restricted unit that is affordable to a moderate income household.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.17(k)3.

“Rehabilitation” means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented.

“Very low income household” means a household with a total gross annual household income equal to 30 percent or less of regional median income.

“Very low income unit” means a restricted unit that is affordable to a very low income household.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of units in relevant projects, as provided for at N.J.S.A. 52:27D-311j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

§ 12-21.3 Mandatory Set-Aside.

- a. Any future development of five (5) or more residential units, at six (6) dwelling units per acre or greater, in the Borough developed through planning board approval, zoning board approval, redevelopment or a rehabilitation plan requires an affordable housing set aside of at least 20% of all units, with at least 50% of the restricted units in each development being affordable to low-income households, including 13% to very low-income households. All such affordable units, including the required bedroom distribution, shall be governed by controls on affordability and affirmatively marketed in conformance with UHAC, N.J.A.C. 5:80-26.1, et seq. or any successor regulation, and all other applicable law.
- b. Developers shall not subdivide a project for the purpose of avoiding compliance with this requirement.
- c. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Lafayette Township to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.

§ 12-21.4 Affordable Housing Programs

The Lafayette Township has determined that it will use the following mechanisms to satisfy its affordable housing obligations, as identified in its Housing Element and Fair Share Plan:

- a. A Rehabilitation program.
 - (1) The Lafayette Township rehabilitation program shall be designed to renovate deficient housing units occupied by low and moderate income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 - (2) Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
 - (3) All rehabilitated units shall remain affordable to low and moderate income households for a period of ten years. For owner occupied units the control period will be enforced with a lien, and for renter occupied units the control period will be enforced with a deed restriction.
 - (4) The Lafayette Township shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 - (5) The Lafayette Township shall adopt a resolution committing to fund any shortfall in the rehabilitation program for the Lafayette Township.

- (6) The Lafayette Township shall designate one or more administrative agents to administer the rehabilitation program. The administrative agent or agents shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office or offices of the administrative agent or agents.
- (7) Units in a rehabilitation program shall be exempt from UHAC, but shall be administered in accordance with the following:
 - (i) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter occupied unit is re-rented prior to the end of the controls on affordability, the deed restriction shall require the unit to be rented to a low or moderate income household at an affordable rent and affirmatively marketed pursuant to UHAC.
 - (ii) If a unit is renter occupied, upon completion of the rehabilitation, the maximum rent shall be the lesser of the current rent or the maximum permitted rent pursuant to UHAC.
 - (iii) Rents in rehabilitated units may increase annually in accordance with standards established by the municipality consistent with affordable housing requirements.
 - (iv) Applicant and tenant households shall be certified as income eligible in accordance with UHAC, except that households in owner occupied units shall be exempt from any regional asset limit requirement.

§ 12-21.5 Inclusionary Zoning

- a. Presumptive densities and set asides.

To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning in Lafayette Township shall be designed to provide a realistic opportunity for the construction of affordable units at densities and set asides consistent with the municipality’s Housing Element and Fair Share Plan, any applicable settlement agreements, and applicable law.

- b. Phasing.

In inclusionary developments the following phasing schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low and Moderate Income Units Completed
No more than 10 percent	1 affordable unit
No more than 25 percent of market units plus 1	25 percent of affordable units
No more than 50 percent of market units	50 percent of affordable units
No more than 75 percent of market units	75 percent of affordable units
No more than 90 percent of market units	100 percent of affordable units

- a. Design. In inclusionary developments, to the extent possible and practical, low and moderate income units shall be integrated with the market rate units.
- b. Payments in lieu and off site construction. Standards for the collection of payments in lieu of constructing affordable units or standards for constructing affordable units off site shall be in accordance with applicable law, including the Fair Housing Act and any requirements of the Affordable Housing Dispute Resolution Program.
- c. Utilities. Affordable units shall utilize the same type of heating source and generally the same utility systems as market rate units within the affordable development, except where otherwise approved for energy efficiency or affordability.

§ 12-21.6 New Construction

The following general guidelines apply to all newly constructed developments that contain low and moderate income housing units, including any currently unanticipated future developments that will provide low and moderate income housing units.

- a. For the purposes of determining affordability averages and bedroom distributions, all restricted units within any single-family development in a municipality are treated as one scattered-site affordable development. This treatment affects only the calculations of affordability and bedroom counts for single-family developments, is not to be construed to require that the restricted units be developed or administered as one scattered-site affordable development, and does not affect multifamily developments.
- b. For the purposes of determining affordability averages and bedroom distributions, unless stated otherwise, non-integer values calculated pursuant to this subsection are to be rounded up to the nearest whole number. However, non-integer values calculated pursuant to (d)3, (d)4, (d)5, (g)2, (g)3, or (g)5 below may be rounded down or up to the nearest whole number in either direction. For example, 33.1901 will typically be rounded up to 34, but may be rounded down to 33 or up to 34 if calculated pursuant to (d)3, (d)4, (d)5, (g)2, (g)3, or (g)5 below.
- c. The average rent for all restricted units within each affordable development is affordable to households earning no more than 52 percent of median income;
- d. Unless otherwise approved pursuant to (l) below, in each affordable development, restricted units that are not age-restricted or supportive housing must be structured in conjunction with realistic market demands such that:
 - (1) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - (2) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - (3) No more than 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are efficiency or one-bedroom units;
 - (4) At least 30 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are two-bedroom units;
 - (5) At least 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are three-bedroom units; and
 - (6) The remainder of the restricted units, if any, are allocated at the discretion of the developer in accordance with the municipality's housing element and fair share plan.
- e. Unless otherwise approved pursuant to (l) below, in each affordable development, restricted units that are age-restricted or supportive housing must be structured such that, at a minimum, the number of bedrooms within the restricted units equals the number of restricted units. For example, the standard may be met by creating a two-bedroom unit for each efficiency unit. In affordable developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom and three-bedroom units must compose at least five percent of those restricted units.
- f. Unless otherwise approved pursuant to (l) below, in each affordable development, the following income distribution requirements must be satisfied by all of the restricted units in the development as well as by, considered in isolation, the restricted units that are age-restricted, the restricted units that are supportive housing, and the restricted units that are neither age-restricted nor supportive housing:
 - (1) At least 50 percent of all restricted units are low-income or very-low-income units;
 - (2) At least 50 percent of all restricted efficiency or one-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
 - (3) At least 50 percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;

- (4) At least 50 percent of all restricted three-bedroom units are low-income units or very-low-income units;
 - (5) At least 50 percent of all restricted units with four or more bedrooms, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units; and
 - (6) Any very-low-income units are distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted
 - (7) units within each bedroom count. For example, if half of the restricted units are two-bedroom units, then half of the very-low-income units should be two-bedroom units.
- g. For the purposes of determining bonus credits pursuant to N.J.S.A. 52:27D-311k(5), the minimum number of three-bedroom units required pursuant to this subchapter is determined by taking 20 percent of the total number of family housing units in the municipal fair share plan and housing element, not by summing up the three-bedroom-unit requirements calculated for each affordable development.
 - h. In determining the initial rents and initial sale prices for compliance with the affordability average requirements for restricted units other than age-restricted units and assisted living facilities, the following standards apply:
 - (1) An efficiency unit is affordable to a one-person household;
 - (2) A one-bedroom unit is affordable to a one-and-one-half-person household;
 - (3) A two-bedroom unit is affordable to a three-person household;
 - (4) A three-bedroom unit is affordable to a four-and-one-half-person household; and
 - (5) A four-bedroom unit is affordable to a [six person] six-person household.
 - i. For age-restricted units and assisted living facilities, the following standards apply:
 - (1) An efficiency unit is affordable to a one-person household;
 - (2) A one-bedroom unit is affordable to a one-and-one-half-person household;
 - (3) A two-bedroom unit is affordable to a two-person household or to two one-person households; and
 - (4) A three-bedroom unit is affordable to a two-and-one-half-person household.
 - j. The provisions of this section do not apply to affordable developments financed pursuant to UHORP, MONI, or CHOICE or to assisted living residences, each of which must comply with applicable Agency regulations.
 - k. The requirements of (e), (f), and (g) above must be satisfied by all restricted units in the municipality, considered in the aggregate. The individual requirements of (e), (f), and (g) above may be waived or altered for a specific affordable development with written approval from the Division if such waiver or alteration would not result in a material deviation from the municipal housing element and fair share plan. Any waiver or alteration that would result in a material deviation from the municipal housing element and fair share plan must receive written approval from the Dispute Resolution Program or, if the municipality does not participate in the Dispute Resolution Program, from a county-level housing judge.
- l. Accessibility requirements.
 - (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7, and all applicable accessibility requirements.
 - (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have:
 - (i) An adaptable toilet and bathing facility on the first floor.
 - (ii) An adaptable kitchen on the first floor.

- (iii) An interior accessible route of travel on the first floor.
- (iv) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor.
- (v) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7.

(3) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed, using funds deposited by the developer in the municipal affordable housing trust fund for this purpose, consistent with applicable law.

(4) Full compliance with these provisions shall not be required where an entity demonstrates that it is site impracticable to meet the requirements, as determined in accordance with the Barrier Free Subcode.

m. Maximum rents and sales prices.

(1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, N.J.A.C. 5:80-26.4, 26.6, 26.7, and 26.13, as may be amended and supplemented, utilizing the regional income limits established by the New Jersey Housing and Mortgage Finance Agency or applicable State agency.

(2) The average rent for all restricted rental units within each affordable development shall be affordable to households earning no more than 52 percent of regional median income. The maximum rent for all restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of regional median income, except as permitted where an enhanced very low income set aside is provided in accordance with N.J.A.C. 5:80-26.4.

(3) The developers and municipal sponsors of restricted rental units shall establish at least one rent for each bedroom count for very low income, low income, and moderate income units, provided that at least 13 percent of all restricted units within the municipality are affordable to very low income households.

(4) At least 50 percent of the restricted rental units in each affordable development shall be affordable to low income households, and at least 13 percent of all restricted rental units shall be affordable to very low income households, consistent with N.J.S.A. 52:27D-329.1 and N.J.A.C. 5:80-26.4.

(5) The maximum sale price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of regional median income, and each affordable development must achieve an affordability average of no more than 55 percent of regional median income for restricted ownership units.

(6) At least 50 percent of the restricted ownership units in each affordable development shall be affordable to low income households, and at least 13 percent of all restricted ownership units shall be affordable to very low income households.

(8) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest based on a mortgage loan equal to 95 percent of the purchase price and an interest rate consistent with the Federal Reserve H.15 rate, together with taxes, homeowner and private mortgage insurance, and condominium or homeowner association fees, does not exceed 28 percent of the eligible monthly income of the appropriate size household, subject to the affordability average requirements of UHAC.

(9) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, subject to the affordability average requirements of UHAC.

- (10) The resale price of restricted ownership units and increases in rents of restricted rental units shall be determined in accordance with UHAC.
- (11) Tenant paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by the New Jersey Department of Community Affairs for its Section 8 program or other applicable guidance.

§ 12-21.7 Affirmative Marketing Requirements

- a. The Lafayette Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Division of Housing and Community Resources or its successor, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- b. The affirmative marketing plan shall be a regional marketing strategy designed to attract buyers and renters of affordable units in the housing region in which the municipality is located. The plan shall attract persons of all majority and minority groups, regardless of race, color, national origin, religion, sex, familial status, gender identity or expression, affectional or sexual orientation, disability, age (except for housing for older persons as permitted by law), number of children, source of lawful income, or any other characteristic protected by the New Jersey Law Against Discrimination, and shall be intended to reach potentially eligible households that are least likely to apply for the units.
- c. The administrative agent shall ensure the affirmative marketing of affordable units. The municipality may designate a qualified municipal staff person approved by the State to serve as administrative agent for this purpose, or it may contract with one or more experienced administrative agents approved by the State.
- d. The affirmative marketing plan shall, at a minimum:
 - (1) Describe the random selection method that will be used to select occupants of affordable housing units and identify any occupancy preferences permitted by N.J.A.C. 5:80-26.17(k).
 - (2) Identify the media to be used in advertising and publicizing the availability of affordable units, including newspapers and other publications, online housing search websites, municipal and county websites, social media platforms, and non-digital means such as flyers or postings at public buildings and transportation locations.
 - (3) Identify specific community and regional organizations that will assist in the outreach to low and moderate income households, including but not limited to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, local branches of the NAACP serving the housing region, senior citizen advocacy organizations, and supportive housing advocacy organizations.
 - (4) Describe how the plan will provide language access, including outreach and materials in languages commonly spoken in the municipality and region.
 - (5) Set forth application procedures and requirements, including any application fees, consistent with UHAC.
- e. In implementing the affirmative marketing program, the administrative agent shall:
 - (1) Post a listing of available affordable housing units on the New Jersey Housing Resource Center at least sixty days before the random selection process or lottery for such units, in accordance with applicable statutes and UHAC.
 - (2) Within one business day of listing rental units that are reserved for individuals with special needs who are homeless, or that constitute permanent supportive housing, notify the local Continuum of Care of the availability of such units.
 - (3) Publish at least one advertisement in a regional newspaper serving the housing region.
 - (4) Advertise the units on at least one widely used housing search website.

- (5) Undertake at least two additional regional marketing strategies, one digital and one non-digital, using the sources identified in the affirmative marketing plan, and continue advertising and outreach until all units being brought to market at that time have been sold or rented or until sufficient applications have been received to fill the units plus anticipated turnover.
- f. In carrying out the affirmative marketing process, the administrative agent shall comply with the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64, and all applicable provisions of Federal and State fair housing law.
- g. The Municipal Housing Liaison shall monitor the implementation of the affirmative marketing plan by each administrative agent and developer and shall report on affirmative marketing activities in any required municipal monitoring reports.

§ 12-21.7a Random Selection and Occupancy Preferences

- a. The administrative agent shall use a random selection process to select income eligible households for referral to restricted units, consistent with N.J.A.C. 5:80-26.17(k), as may be amended and supplemented. The random selection process may occur before or after household income certification and may divide the applicant pool into groups based on bedroom count, income category, or other factors expressly permitted by UHAC.
- b. Occupancy preferences shall be limited to those expressly permitted by N.J.A.C. 5:80-26.17(k), which may include:
 - (1) A preference for very low, low, and moderate income households who live or work within the housing region.
 - (2) A subordinate preference, subject to the regional preference, for very low, low, and moderate income households who live or work in New Jersey.
 - (3) For preservation or replacement projects, a preference for income eligible households displaced by rehabilitation or demolition of restricted units.
 - (4) A veterans' preference for up to fifty percent of the restricted units in a particular project, if permitted by State law and UHAC.
- c. No residency preference limited solely to the municipality shall be used unless expressly permitted by statute, UHAC, and any applicable court order or mediation agreement.
- d. Any occupancy preferences shall be described in the affirmative marketing plan and in the administrative agent's operating manual.

§ 12-21.8 Occupancy Standards

- a. Any unit that, prior to the effective date of the amendments to this subchapter as promulgated pursuant to P.L. 2024, c.2 (N.J.S.A. 52:27D-304.1), received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction, or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall be subject to the regulations at this subchapter ("UHAC regulations") that were in effect prior to the effective date of the amendments promulgated pursuant to P.L. 2024, c.2.
- b. Developments approved as part of a compliance certification or that otherwise contain restricted units subject to the UHAC regulations shall satisfy the following occupancy standards:
 - (1) For any 100-percent affordable development comprising one or more restricted units:
 - (i) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the applicable municipal code or the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever is greater;
 - (ii) Each bedroom in each restricted unit must have at least one window; and

- (iii) Restricted units must include adequate air conditioning and heating;
- (2) For developments comprising market-rate rental units and restricted rental units:
- (i) Restricted units must use the same building standards (for example, plumbing, insulation, siding) as market-rate units of the same unit type (for example, flat, townhome) within the same development, except that restricted units and market-rate units may use different interior finishes;
 - (ii) Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations;
 - (iii) Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services;
 - (iv) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits;
 - (v) Restricted units must include adequate air conditioning and heating and, if market-rate units provide cooling and heating, restricted units must use the same type of cooling and heating sources as market-rate units of the same unit type;
 - (vi) Each bedroom in each restricted unit must have at least one window;
 - (vii) Restricted units must be of the same unit type (for example, flat, townhome) as market-rate units within the same building; and
 - (viii) Restricted units must be of at least the same size as the most common market-rate unit(s) of the same type and bedroom count within the same development, but under no circumstances shall any restricted unit or bedroom be less than 90 percent of the minimum size prescribed by the applicable municipal code or Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever prescribes the greater minimum size;
- (3) For developments containing for-sale units, including those with a mix of rental and for-sale units, subsection (b)2 above shall govern the rental units, while for-sale units shall adhere to the following:
- (i) Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, single-family home), except that restricted units and market-rate units may use different interior finishes;
 - (ii) Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations;
 - (iii) Restricted units may be of different housing product types than market-rate units, provided that developments containing market-rate townhomes or single-family homes offer restricted housing options that also include townhomes or single-family homes;
 - (iv) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the applicable municipal code or the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4, whichever provides the greater minimum square footages;
 - (v) Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s);
 - (vi) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits;
 - (vii) Each bedroom in each restricted unit must have at least one window; and
 - (viii) Restricted units must include adequate air conditioning and heating;

§ 12-21.9 Control Periods for Restricted Rental Units

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11 and 26.12, as may be amended and supplemented.
- b. Each restricted rental unit shall remain subject to the requirements of this Ordinance until the municipal obligation to maintain controls under UHAC has expired.

§ 12-21.10 Rent Restrictions for Rental Units

- a. Rent restrictions for restricted rental units shall be governed by N.J.A.C. 5:80-26.13, as may be amended and supplemented.
- b. Annual increases in rents shall be consistent with UHAC and any applicable settlement agreements or court orders.
- c. The administrative agent shall annually review and approve proposed rent increases for restricted rental units.

§ 12-21.11 Tenant Income Eligibility

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14 and 26.16, as may be amended and supplemented, and shall be determined as follows:
 - (1) Very low income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of regional median income.
 - (2) Low income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of regional median income.
 - (3) Moderate income rental units shall be reserved for households with a gross household income less than or equal to 80 percent of regional median income.
- b. The administrative agent shall certify a household as eligible for a restricted rental unit when the household satisfies UHAC income eligibility requirements and the proposed rent does not exceed applicable affordability standards.

§ 12-21.12 Administration

- a. The position of Municipal Housing Liaison for Lafayette Township is established by this Ordinance. The Township shall appoint the Municipal Housing Liaison by resolution or other appropriate action.
- b. The Municipal Housing Liaison must be either a full time or part time employee of Lafayette Township and shall meet all qualification and training requirements imposed by the State.
- c. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Lafayette Township, including but not limited to:
 - (1) Serving as the municipality’s primary point of contact for all inquiries from the State, affordable housing providers, administrative agents, and interested households.
 - (2) Coordinating the implementation of the affirmative marketing plan and affordability controls.
 - (3) Supervising any contracted administrative agent.
 - (4) Monitoring the status of all restricted units in the municipality’s Housing Element and Fair Share Plan.
 - (5) Preparing monitoring and reporting forms as required by the State or the court.
- d. Lafayette Township shall appoint one or more administrative agents for ownership units and one or more administrative agents for rental units, which may or may not be the same entity,

to carry out the responsibilities of an administrative agent as set forth in UHAC and this Ordinance.

§ 12-21.13 Enforcement of Affordable Housing Regulations

- a. The provisions of this Ordinance shall be enforceable by the municipality, the State, or any other party entitled by law to enforce affordable housing controls, in accordance with UHAC, the Fair Housing Act, and applicable case law.
- b. A violation of the requirements of this Ordinance, including but not limited to failure to file required reports, failure to comply with affirmative marketing requirements, or unauthorized transfer or rental of a restricted unit, shall be subject to enforcement action, which may include legal or equitable relief, fines, or other remedies as authorized by law.
- c. The municipality may, to the extent permitted by law, pursue any remedies available at law or in equity to enforce the provisions of this Ordinance, UHAC, and any deed restriction or mortgage instrument used to secure affordability controls.

§ 12-21.14 Appeals

Appeals from all decisions of an administrative agent designated pursuant to this Ordinance shall be filed in writing with the Superior Court of New Jersey or such other body or agency as may be authorized by law.

§ 12-21.15 Repealer, Severability, and Effective Date

- a. All ordinances or parts of ordinances inconsistent with this Ordinance are repealed as to such inconsistencies.
- b. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.
- c. This Ordinance shall take effect upon passage and publication as provided by law.

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on February 26, 2026 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on March 13, 2026.

Mayor:

Municipal Clerk: