

**Township of Buena Vista
Atlantic County**

**Housing Element of the Master Plan
Fair Share Plan**

Adopted by the Planning Board on ----- by Resolution -----
Endorsed by the Governing Body on ----- by Resolution -----

DRAFT – June 4, 2025

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Atlantic County**

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EXECUTIVE SUMMARY

The Township of Buena Vista has prepared this plan in response to the enactment of Assembly Bill 4 signed by the Governor in 2024. This legislation abolished the Council on Affordable Housing (COAH), the State agency responsible for administering and overseeing affordable housing plans. The legislation also amended affordable housing regulations as provided for in the Fair Housing Act (FHA) and set deadlines for municipalities for reporting and filing a Fourth-Round Housing Element and Fair Share Plan.

In accordance with the amendments to the FHA, Buena Vista accepted the Department of Community Affairs' (DCA) calculations of the Municipality's Present Need and Prospective Need in a binding resolution 42-2025 on January 27, 2025 and on January 28, 2025 the Township filed the resolution with the Affordable Housing Dispute Resolution Program ("the Program") through a Complaint for Declaratory Relief in accordance with the Administrative Office of the Courts' Directive #14-24 ("AOC Directive #14-24). On March 27, 2025, the Court issued an Order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth Round Housing Cycle for the municipality consistent with the DCA calculations: Present Need of 22 and Prospective Need as 13.

This plan provides for the Municipality's Fourth-Round affordable housing obligation as calculated by the DCA and fixed by the Courts. It also amends the Prior-Round obligation by removing a group home which closed and placing a group home which provided surplus credits into the Fourth-Round.

The Township has a low Fourth-Round obligation and limited opportunities to address this obligation due to lack of sewer and water infrastructure. The Township has not proposed a Durational Adjustment as there is sewer in the non-pinelands areas. The Township's Fourth-Round obligation will be satisfied in part with an

existing group home. The Fourth-Round also requires at least five (5) family units, one of which will be addressed as a market to affordable unit. In order to meet the Fourth-Round obligation the Township proposes a new mandatory set-aside ordinance to ensure that future development provides for affordable housing units.

Over the years the regulations pertaining to each Round of Affordable Housing obligations have changed. In preparing the Fourth-Round components of the Fair Share Plan, the FHA as amended (N.J.S.A. 52:27D-310, et seq.), was followed. This Plan also follows the requirements of N.J.A.C. 5:93 where appropriate, as called for by the recent FHA amendments.

INTRODUCTION

The Township of Buena Vista is located in the western corner of Atlantic County, consisting of just under 42 square miles. The Township is bounded to the west by Buena Borough and the northwest by Franklin and Monroe Townships in Gloucester County. Folsom Borough forms the northern border of the Township and Hamilton Township forms the eastern border. Weymouth Township forms the southern border and the City of Vineland in Cumberland County form the southwest border. The Township of Buena Vista was established in 1867 after separating from Hamilton Township.

Buena Vista has many farms in the southern portion of the Township and considerable forested area in the north, protected by the Pinelands Comprehensive Management Plan. Commercial development is focused on Route 40 and Route 54, with smaller village areas such as Richland Village along Route 40. There is access to public sewer through a shared agreement with the Borough of Buena, serving the areas where Route 40 and Route 54 intersect. The capacity and access to sewer is controlled by the Buena Borough MUA.

In February of 2009 the Township of Buena Vista prepared, adopted, and endorsed an Affordable Housing Plan (“2009 Plan”) to address its 19-unit Prior-Round Obligation and provide for mechanisms to meet the required “Growth-Share” under the Third-Round regulations¹. On July 22, 2010, the COAH determined the Township’s petition for certification of the 2009 Plan incomplete.

In July of 2015 the Township of Buena Vista filed an Application for Declaratory Judgment seeking Temporary Immunity from Mount Laurel Lawsuits. The Superior Court of New Jersey Law Division Atlantic County (Docket No. ATL-L-1639-15) granted the Township Temporary Immunity through December 8, 2015

¹ The “Growth-Share” regulations were invalidated by the Courts.

provided the Township file a Housing Element and Fair Share Plan addressing their future affordable housing obligation. The Township entered into a settlement agreement with FSHC on August 4, 2017 which provided for the Township's Third-Round Prospective Need running from 1999 through 2025 as 19. The settlement agreement also provided for a present need/rehabilitation obligation of 73. That settlement agreement was approved by the Court at a duly-noticed Fairness Hearing on October 13, 2017.

Consistent with the settlement agreement, the Township amended their 2009 Plan in 2017 by adding the Mount Laurel compliance techniques through which the Township would satisfy its Third-Round obligation. The 2017 Plan included a number of ancillary documents, including a Spending Plan that (1) accounts for the funds to be deposited through 2025, into the Township's Mount Laurel Trust Fund; and (2) demonstrates the manner in which the Township intends to expend the funds to advance the interests of the region's low- and moderate-income households. The Court approved the Township's Third-Round HEFSP after a duly-noticed Compliance Hearing held on September 27, 2017 followed by an order of Conditional Judgment of Compliance and Repose for the Township on August 30, 2018.

In accordance with the amendments to the FHA, the Township accepted the affordable housing obligations as calculated by the Department of Community Affairs (DCA) in a binding resolution 42-2025 on January 27, 2025 and filed the resolution on January 28, 2025 through a Complaint for Declaratory Relief Pursuant to AOC Directive #14-24. On March 27, 2025 the Court issued an order fixing Municipal Obligations for Present Need and Prospective Need for the Fourth-Round Housing Cycle for the Township consistent with the DCA calculations: Present Need of 22 and Prospective Need as 13.

This Plan provides mechanisms to satisfy the Township's cumulative affordable housing obligations.

AFFORDABLE HOUSING HISTORY IN NEW JERSEY

Affordable Housing has been embedded in New Jersey land use regulations and policy since the 1975 New Jersey Supreme Court decision, *Southern Burlington NAACP v Mount Laurel Township*, known as “Mount Laurel I.” Following a challenge to Mount Laurel’s zoning the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a variety and choice of housing types affordable to low- and moderate-income households. This decision formed the foundation of affordable housing planning and regulations in the State.

In 1983 New Jersey Supreme Court in *Southern Burlington County NAACP v. Mount Laurel Township*, 92 N.J. 158 (1983) or “Mount Laurel II” extended the constitutional obligation to all municipalities within a “growth area” as designated in the State Development Guide Plan. This decision also created an opportunity for builders to challenge municipal ordinances, in certain circumstances, for the right to build affordable housing on land that was not zoned to permit the use or density. This is what was termed a “Builder’s Remedy” for municipalities that did not provide for their constitutional obligation of affordable housing.

In response to Mount Laurel II, the State adopted the New Jersey Fair Housing Act in 1985 which created the Council on Affordable Housing (“COAH”) as an administrative alternative to litigation. COAH was charged with promulgating regulations to establish housing regions, estimate the state’s low- and moderate-income needs, and set criteria for municipal compliance through adopted housing elements and fair share plans.

COAH established a municipality’s first round affordable housing obligation for a period of six-years, from 1987 to 1993. The rules established by COAH created both a rehabilitation (present need) obligation and a new construction (prospective need) obligation. In 1994, COAH adopted new regulations to address the second-

round obligation for the period 1993 to 1999. These regulations also recalculated a portion of the municipal's first round obligation, creating a cumulative obligation from 1987 to 1999, and what is now called the "Prior Round" Obligation.

In 2004 COAH adopted rules and regulations for the Third Round, which defined the round from 1999 to 2014. These regulations changed the way in which COAH calculated a municipality's affordable housing obligation, moving from an absolute number based on available data to what the new regulations termed a "growth share" approach that linked affordable housing obligations to the construction of both residential and non-residential development in the municipality over the third-round time period. This was short lived as the New Jersey Appellate Division invalidated key elements of these rules, including the growth share approach to calculating affordable housing obligations, In re Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super 1 (App. Div. 2007). The Court ordered COAH to adopt new rules, which was completed in 2008. The new regulations maintained in large part the growth share approach and extended the third round from 2014 to 2018.

The 2008 regulations were challenged and in 2010 the Appellate Division, In re Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462, upheld the COAH Prior Round regulations which assigned rehabilitation obligations. However, the Appellate Division invalidated the regulations pertaining to growth share and directed COAH to use similar methods that were set in the First and Second rounds. This decision was reviewed and upheld by the New Jersey Supreme Court in September of 2013 and ordered that COAH adopt new regulations on or before October 22, 2014. COAH failed to adopt the new regulations, and Fair Share Housing Center (FSHC) filed a motion in aid of litigant's rights with the New Jersey Supreme Court. The New Jersey Supreme Court issued a ruling on March 10, 2015, known as "Mount Laurel IV," which set the framework for the Third-Round affordable housing plans.

Mount Laurel IV transferred the responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. This meant that municipalities would need to apply to the Courts if they wish to be protected from exclusionary zoning lawsuits. A shortfall in this decision remained as to how a municipal's affordable obligation would be calculated and left that to the trial courts, with the direction that the obligations be determined in a methodology which was similar to those used in the First and Second Round rules. The decision also directed municipalities to rely on COAH's Second Round rules at N.J.A.C. 5:93 as well as the Fair Housing Act (N.J.S.A. 52:27D-301 et seq) in preparing Third Round Housing Elements and Fair Share Plans.

FSHC was permitted to serve as an interested party in every municipal Declaratory Judgement Action. In determining an affordable housing obligation, FSHC calculated municipal affordable housing obligations, as did an expert for municipalities, and offered to settle with municipalities. Many municipalities entered into Court approved Settlements with FSHC, those that did not challenged the methodology used by FSHC to determine municipal obligations.

The Third Round, which began with COAH's 2004 rules identified the time period of 1999 to 2014. However, with COAH's stalemate in adopting regulations and the associated court challenges all cumulating past the initial third round period into the 2015 "Mount Laurel IV" decision, the third round was now identified as the period 2015 to 2025. This left a "Gap Period" of 1999 to 2015. In 2017 the New Jersey Supreme Court, In Re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), found that the "gap period," defined as 1999-2015, generates an affordable housing obligation. This obligation expanded the definition of the municipal Present Need obligation to include low- and moderate- income households formed during the gap period as a component of the new-construction obligation rather than the rehabilitation obligation.

In 2018 an unpublished decision of the NJ Superior Court, Law Division, Mercer County was rendered In re Application of Municipality of Princeton, also known as the “Jacobson Decision” which established a methodology for calculating municipal obligations in the Third Round under the Mount Laurel Doctrine. Although this decision is specific to Mercer County, Mount Laurel judges throughout the State have relied upon the Court’s decision in calculating Third Round affordable housing obligations². The decision came after many municipalities had entered into settlement agreements with FSHC which established a municipality’s affordable housing obligation.

While the Courts were addressing affordable housing policy and regulations, the State of New Jersey adopted two important pieces of legislation which shaped affordable housing policy. In 2008, Governor Corzine signed P.L. 2008. C.46 (referred to as “A500”, or the “Roberts Bill”) which amended the FHA. Key components of this bill include:

- Eliminating Regional Contribution Agreements (“RCA”) which allowed a municipality to transfer a portion of their affordable housing obligation to an identified receiving municipality.
- Establishing a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing
- Created a very low-income affordable housing category and required at least 13% of all affordable housing units be restricted as very low-income housing units
- Required municipalities to commit to spend all collected development fees for affordable housing within four years of the date of collection.

The second piece of legislation was adopted in 2024. Governor Murphy signed P.L. 2024, c.2 (referred to as “A4”) which further amended the FHA and abolished

² The Jacobson decision is also referred to in the 2024 FHA amendments providing that the decision “shall be referenced as to datasets and methodologies that are not explicitly addressed” in N.J.S.A. 52:27D-304.3 of the FHA.

COAH. The legislation replaced COAH with “the Program” which is an Affordable Housing Dispute Resolution Program. Additional key components of the Act include:

- Giving responsibility to the DCA to provide calculations of municipal present and prospective need using the standards as provided for in the legislation
- Establishing monitoring deadlines for all affordable units and trust funds
- Establishing mechanisms and bonuses for a municipality to meet its affordable housing obligation
- Establishing the Fourth Round of affordable housing obligations from 2025 through 2035
- Establishing a deadline of June 30, 2025 for a municipality to file a Housing Element and Fair Share Plan in compliance with the new regulations to remain protected from an exclusionary zoning lawsuit.

This document has been completed to effectuate the requirements of the 2024 FHA amendments utilizing the affordable housing calculations as published by the DCA in October of 2024.

HOUSING ELEMENT

The 2024 amendments to the Fair Housing Act included changes to what a Housing Element is required to address. The following is required to be part of any newly adopted Housing Element pursuant to N.J.S.A. 52:27D-310-10:

- 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;
- 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 trends;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- 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;
- 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;

- 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;
- 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.

The following section of this report addresses each of the above referenced requirements.

A Note on the Data: The following statistics and demographic data are derived from one of the following sources.

2023 American Community Survey 5-year Estimates: The most up to date information is the American Community Survey (ACS) estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year period.

2020, 2010, 2000 and 1990 Census: The 2020 Census is the most recent decennial census. This information is used when ACS information is unavailable, and sometimes for comparison.

NJ Building Permit Data: NJ reports building permits and certificates of occupancy issued for each municipality on a monthly basis.

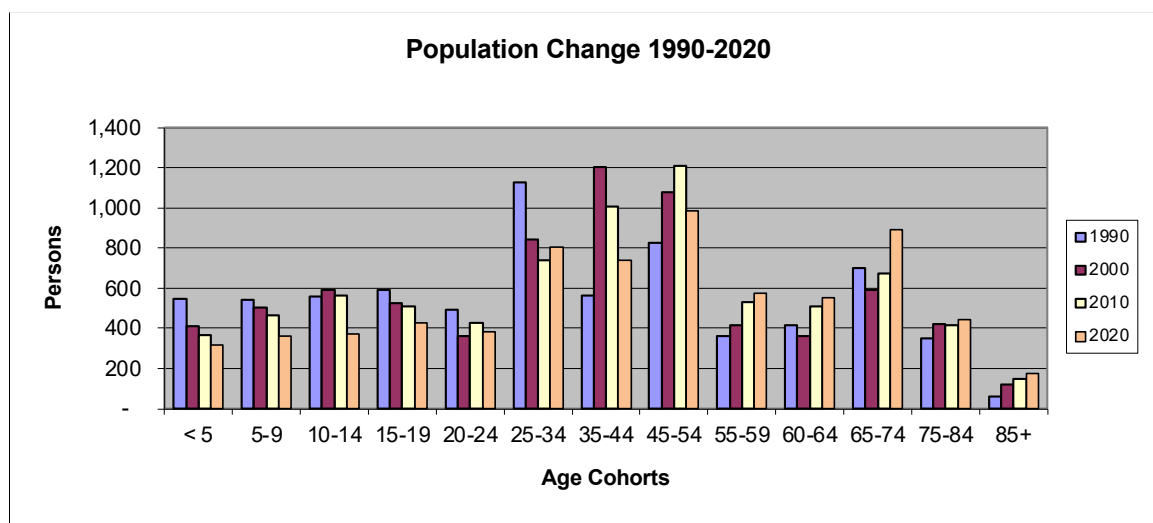
Demographic Analysis

The Township of Buena Vista has seen a population decrease over the past thirty years, with an 8.1% decrease in total population. This primarily stems from the ten-year period from 2010 to 2020 where the population declined by 537 persons. The Township population in 1990 was higher at 7,655. The ACS 5-year estimates show that the population is remaining steady reporting an estimated population of 7,064 persons, only 31 more persons.

Population Trends			
	Township of Buena Vista	Atlantic County	New Jersey
1990	7,655	224,327	7,730,188
2000	7,436	252,552	8,414,350
2010	7,570	274,549	8,791,894
2020	7,033	274,534	9,288,994
1990 to 2000	-2.9%	12.6%	8.9%
2000 to 2010	1.8%	8.7%	4.5%
2010 to 2020	-7.1%	-0.01%	5.7%
1990 to 2020	-8.1%	22.4%	20.2%

Source: US Census Data

To understand the population changes it is helpful to look at both the changes over time to the different age-cohorts and the changes to the total housing units. We can see where the changes in population occurred in terms of age. Decreases in population have occurred from 1990 through 2020 in the 25-34 age-cohort with similar increases in the 35-44 age cohort. This shows a general aging of the population. Over the thirty-year period the Township lost their younger population and saw a considerable increase in the Over 85 cohort. The Township's median age has also increased from 34.7 years in 1990 to 46.6 years in 2020, an increase of twelve years in age.



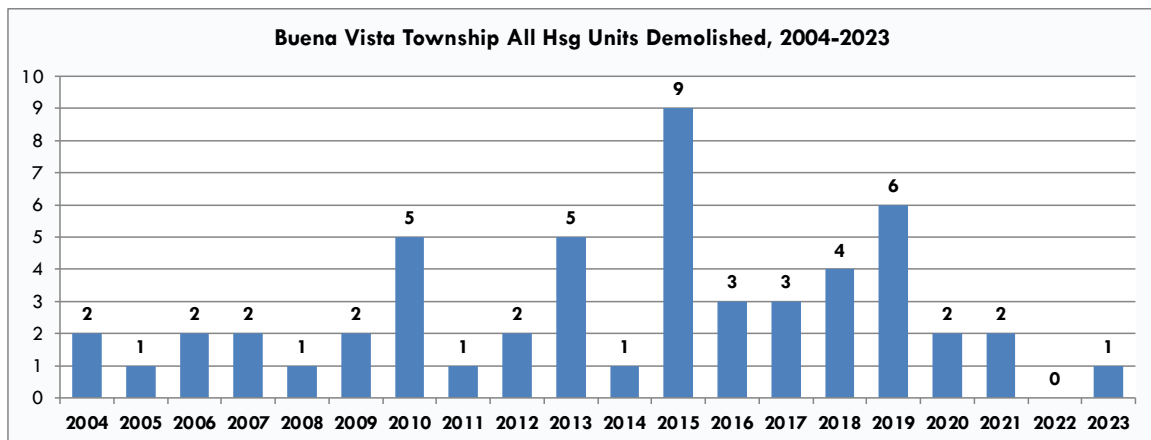
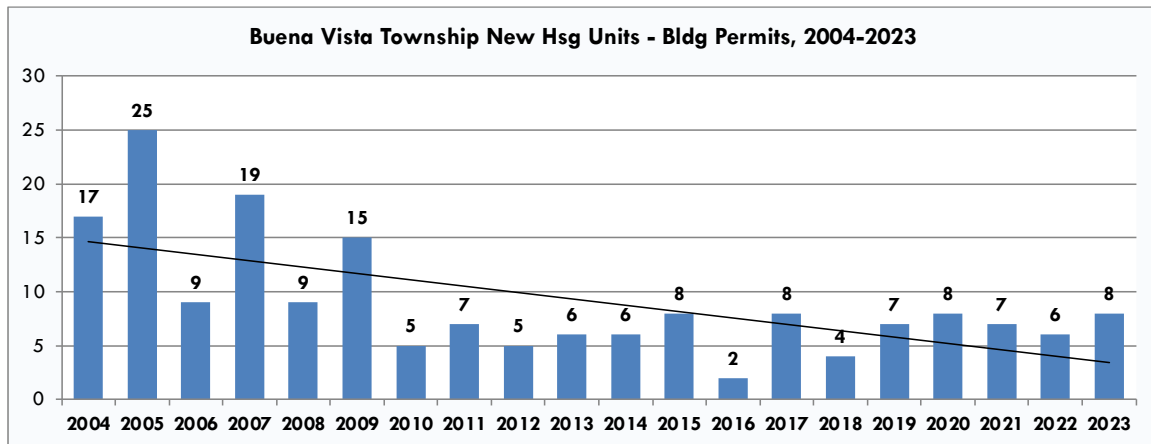
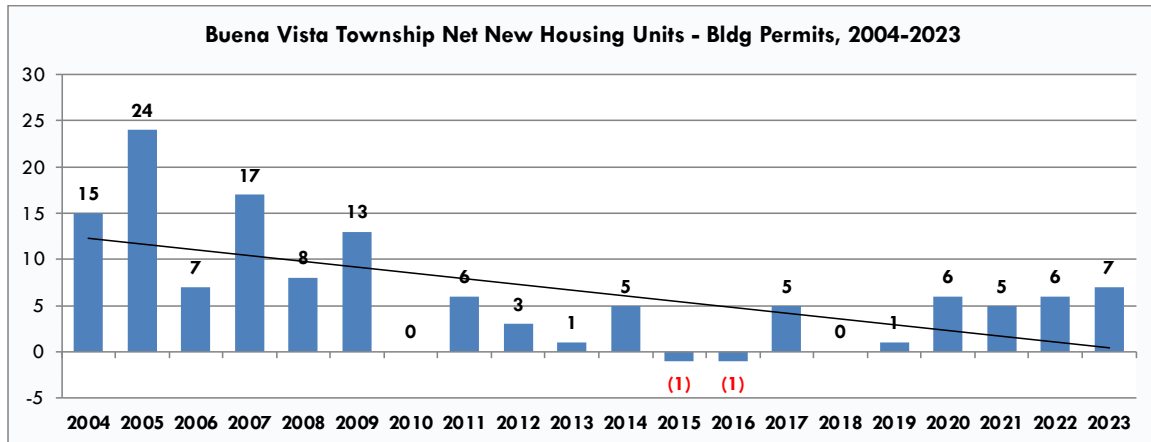
If you look at the total population change by age cohorts as shown in the table below from 1990 through 2020, the Township has seen a general aging of the population.

1990 - 2020 Population Profiles or Cohorts - Buena Vista								
Age	Population							
	Persons				Population Change			
	1990	2000	2010	2020	1990 to 2000	2000 to 2010	2010 to 2020	1990 to 2020
< 5	547	409	366	316	-25.2%	-10.5%	-13.7%	-42.2%
5-9	545	505	465	364	-7.3%	-7.9%	-21.7%	-33.2%
10-14	559	590	563	375	5.5%	-4.6%	-33.4%	-32.9%
15-19	589	525	512	426	-10.9%	-2.5%	-16.8%	-27.7%
20-24	494	361	430	381	-26.9%	19.1%	-11.4%	-22.9%
25-34	1,130	842	740	804	-25.5%	-12.1%	8.6%	-28.8%
35-44	563	1,206	1,006	737	114.2%	-16.6%	-26.7%	30.9%
45-54	829	1,081	1,210	988	30.4%	11.9%	-18.3%	19.2%
55-59	359	417	529	577	16.2%	26.9%	9.1%	60.7%
60-64	419	362	507	554	-13.6%	40.1%	9.3%	32.2%
65-74	701	594	674	892	-15.3%	13.5%	32.3%	27.2%
75-84	349	424	418	446	21.5%	-1.4%	6.7%	27.8%
85+	60	120	150	173	100.0%	25.0%	15.3%	188.3%
18+	5,648	5,598	5,840	5,730	-0.9%	4.3%	-1.9%	1.5%
62+	1,378	1,338	1,552	1,812	-2.9%	16.0%	16.8%	31.5%
65+	1,110	1,138	1,242	1,511	2.5%	9.1%	21.7%	36.1%
Median Age	34.7	39.0	42.1	46.6	12.4%	7.9%	10.7%	34.3%
Source: US Census Data								

Although the Township saw a decline in population, the total housing units increased by 9.3% over the same thirty-year period, for 254 more units. Although the housing units increased over the cumulative thirty-year period, since 2010 the Township saw a slight decrease of housing units, 27 units. Interestingly the ACS 5-year estimates provide for a total of 3,219 housing units, a 238 unit increase from the 2020 Census data. This is also inconsistent with the reported population decline.

Housing Trends			
	Township of Buena Vista	Atlantic County	New Jersey
1990	2,727	106,877	3,075,310
2000	2,827	114,090	3,310,275
2010	3,008	126,647	3,553,562
2020	2,981	132,038	3,761,229
1990 to 2000	3.7%	6.7%	7.6%
2000 to 2010	6.4%	11.0%	7.3%
2010 to 2020	-0.9%	4.3%	5.8%
1990 to 2020	9.3%	23.5%	22.3%
Source: US Census Data			

The State of NJ compiles reports of building permits issued for residential purposes. The data shows 24 new housing units since 2020 and 19 new housing units from 2010 through 2020. The tables appear to support in part the housing growth estimated in the ACS 5-year estimates as discussed above, however not to the extent as reported in the census estimates. The tables below are sourced from the DCA Residential Development Viewer shows the total building permits and demolition permits issued for housing units in the Township from 2004 through 2023.



2020 Population by Categories						
	Buena Vista		Atlantic County		New Jersey	
	Persons	%	Persons	%	Persons	%
Total	7,033	100%	274,534	100%	9,288,994	100%
Sex						
F	3,588	51.0%	142,183	51.8%	4,770,289	51.4%
M	3,445	49.0%	132,351	48.2%	4,518,705	48.6%
Race						
White	5,189	73.8%	156,796	57.1%	5,112,280	55.0%
Black or African American	780	11.1%	41,519	15.1%	1,219,770	13.1%
Asian	62	0.9%	21,784	7.9%	950,090	10.2%
American Indian and Alaska Native	19	0.3%	1,253	0.5%	51,186	0.6%
Native Hawaiian and Other Pacific Islander	4	0.1%	342	0.1%	3,533	0.0%
Other	311	4.4%	27,192	9.9%	1,048,641	11.3%
Two or More Races	668	9.5%	25,648	9.3%	903,494	9.7%
Hispanic or Latino	909	12.9%	53,713	19.6%	2,002,575	21.6%
Age						
25-64	3,660	52.0%	140,922	51.3%	4,927,277	53.0%
65+	1,511	21.5%	51,975	18.9%	1,531,299	16.5%
Median Age	46.6	n/a	42.5	n/a	39.9	n/a
Source: US Census Data						

Housing Analysis

The most recent data available from the ACS 5-year estimates reflects the total housing units of 3,219, considerably higher than what was reported in the 2020 Census. The Township housing stock is primarily owner-occupied at 85.5% and 14.5% are rental units. Over 48% of all households are married couples and 26% are single-female households. The median housing value is \$214,800 and the median gross rent is \$1,275.

Buena Vista Housing Units by Tenant and Occupancy Status, 2020						
Year Round Housing Units			Owner-occupied		Rental	
Occupied	Vacant	Total	No.	%	No.	%
2,750	231	2,981	2,350	85.5%	400	14.5%
Source: U.S. Census Bureau						

Summary of Household Characteristics - Buena Vista 2020		
	No. of Persons	% of Total
Total Population	7,033	
In Households	7006	99.62%
In Group Quarters	27	0.38%
Institutionalized	0	0.00%
Non-Institutionalized	27	0.38%
Total Households	2,750	
Married Couple	1,331	48.40%
Cohabiting Couple	223	8.11%
Single Male	471	17.13%
Single Female	725	26.36%
Source: U.S. Census Bureau		

Selected Housing or Housing Related Characteristics (Occupied Units)					
	Median Value Housing (owner-occupied)	Median Gross Rent	Median Household Income	Value Income Ratio	Rental Vacancy Rate
Township of Buena Vista	\$214,800	\$1,275	\$79,436	2.70	9.1%
Atlantic County	\$272,700	\$1,325	\$76,819	3.55	4.7%
Source: ACS 2023 5-year estimates					

Eighty-four percent (84%) of the Township's housing stock is single-family detached units. The housing stock is older with the majority of the units constructed before 1970. More than 50% of the total housing stock is fifty years of age or older. In general, the housing stock has a median room count of 6.3 per unit and over 75% have 3 or more bedrooms per unit. An estimated 1.7%, or 52 units, of occupied housing units have more than 1.5 occupants per room. This is considered overcrowding. No units lack complete kitchen or plumbing facilities and 94 units (3.1%) of the occupied units are heated by wood.

Housing Units by Number of Units in Structure, Township of Buena Vista		
Number of Units	Units	Percent of Total
1-unit, Detached	2,727	84.72%
1-unit, Attached	37	1.15%
2 units	20	0.62%
3 or 4 units	-	0.00%
5 to 9 units	32	0.99%
10 to 19 units	52	1.62%
20 or more units	17	0.53%
Mobile Home	334	10.38%
Other	-	0.00%
Total	3,219	
Source: ACS 2023 5-year estimates		

Housing Units by Age		
Year Built	Units	Percent of Total
2020 or later	-	0.00%
2010 to 2019	36	1.12%
2000 to 2009	339	10.53%
1990 to 1999	152	4.72%
1980 to 1989	368	11.43%
1970 to 1979	418	12.99%
1960 to 1969	907	28.18%
1950 to 1959	659	20.47%
1940 to 1949	72	2.24%
1939 or earlier	268	8.33%
Total	3,219	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Rooms		
Rooms	Housing Units	Percent of Total Housing Units
1	52	1.6%
2	-	0.0%
3	141	4.4%
4	332	10.3%
5	487	15.1%
6	783	24.3%
7	599	18.6%
8	405	12.6%
9+	420	13.0%
Total	3,219	100.0%
Median Rooms	6.3	
Source: ACS 2023 5-year estimates		

Occupied Housing Units by Number of Bedrooms		
Bedrooms	Housing Units	Percent of Total Housing Units
No Bedrooms	52	1.6%
1-Bedroom	44	1.4%
2-Bedrooms	693	21.5%
3- Bedrooms	1,946	60.5%
4-Bedrooms	484	15.0%
5 + Bedrooms	-	0.0%
Total	3,219	100.0%
Source: ACS 2023 5-year estimates		

Estimated housing values show that approximately 44% of all housing units have values less than \$200,000, which would provide an opportunity for low- and moderate- income families. A majority of the housing units are valued between \$200,000 and \$499,000.

Housing Value, Owner-Occupied Units		
Value	Housing Units	Percent of Total Housing Units
Less than \$50,000	213	8.2%
\$50,000 to \$99,999	199	7.6%
\$100,000 to \$149,999	182	7.0%
\$150,000 to \$199,999	551	21.2%
\$200,000 to \$299,999	917	35.2%
\$300,000 to \$499,999	466	17.9%
\$500,000 to \$999,999	50	1.9%
\$1,000,000 or more	27	1.0%
Total	2,605	100.0%
Median Housing Value	\$ 214,800	
Source: ACS 2023 5-year estimates		

Employment Analysis

The median household income in the Township is \$79,436, lower than the County's median household income. The median family income is \$98,441. The poverty rate in the Township is 8% for all persons and 4% for families.

Income Levels			
	Township of Buena Vista		
	Households	Families	Non-Family
Median Income	\$79,436	\$98,441	\$37,644
Mean Income	\$98,172	\$102,718	\$84,765
Source: ACS 2023 5-year estimates			

Percent Distribution Persons and Families below Poverty Level				
	Population Below Poverty Line			Families Below Poverty Line
	All Persons	% of All Persons 18+ Years of Age	% of All Persons 65+ Years of Age	
Township of Buena Vista	8.1%	6.7%	2.4%	4.0%
Atlantic County	13.1%	22.3%	10.0%	9.9%
New Jersey	9.8%	8.8%	9.5%	7.0%
Source: ACS 2023 5-year estimates				

Affordable housing units are required to be priced to be affordable to low- and moderate-income families. Buena Vista is located within Region 6 for the purposes of determining housing affordability. Income limits for households ranging from 1 person to 5 persons range from a household income of \$20,655 for a one-person low-income family up to an income of \$84,983 for a 5-person moderate income household. Household income reported in the Township includes 40% of households with incomes which would fall into the affordable housing income levels.

Household Income		
	Buena Vista Households	(% of Total Households)
Total Households	2,983	n/a
Less than \$10,000	75	2.5%
10,000 - 14,999	24	0.8%
15,000 - 24,999	141	4.7%
25,000-34,999	380	12.7%
35,000 - 49,999	317	10.6%
50,000 - 74,999	493	16.5%
75,000 - 99,999	501	16.8%
100,000 - 149,999	704	23.6%
150,000 - 199,999	238	8.0%
200,000 +	110	3.7%
Source: ACS 2023 5-year estimates		

2024 Affordable Housing Region 6 Income Limits					
	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household
Median Income	\$ 68,852	\$ 78,688	\$ 88,524	\$ 98,360	\$ 106,228
Moderate Income(80% of Median)	\$ 55,081	\$ 62,950	\$ 70,819	\$ 78,688	\$ 84,983
Low Income (50% of Median)	\$ 34,426	\$ 39,344	\$ 44,262	\$ 49,180	\$ 53,114
Very Low Income (30% of Median)	\$ 20,655	\$ 23,606	\$ 26,557	\$ 29,508	\$ 31,868
Source: Affordable Housing Professionals of NJ, April 12, 2024					

Of the population over the age of 16, 61% are in the labor force and 61% are employed. The fields of educational services, and health care/social assistance

employs 24% of the population, with retail employing 21% of the population. Over 38% of the employed population work in management, business, science and arts.

BUENA VISTA EMPLOYMENT STATUS		
	Total	Percent of Population 16 Years and Over
Population 16 years and Over	5,969	100%
In Labor Force	3,667	61.43%
Civilian Labor Force	3,667	61.43%
Employed	3,423	57.35%
Unemployed	244	4.09%
Armed Forces	0	0.00%
Not In Labor Force	2,302	38.57%
Source: ACS 2023 5-year estimates		

Employment by Industry, Civilian Employed population 16 years and over		
Occupation	No. Persons	% Buena Vista
Agriculture, Forestry, Fishing and Hunting, and Mining	107	3.13%
Construction	350	10.22%
Manufacturing	190	5.55%
Wholesale Trade	113	3.30%
Retail Trade	713	20.83%
Transportation and Warehousing, Utilities	108	3.16%
Information	23	0.67%
Finance and Insurance, and Real Estate and Rental and Leasing	122	3.56%
Professional, Scientific, and Management, and Administrative and Waste Management Services	273	7.98%
Educational Services, and Health Care and Social Assistance	835	24.39%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	295	8.62%
Other Services, except Public Administration	134	3.91%
Public Administration	160	4.67%
Total	3,423	100%
Source: ACS 2023 5-year estimates		

Employment by Occupation Civilian Employed population 16 years and over		
Occupation	No. Persons	% Buena Vista
Management, Business, Science, and Arts	1,309	38.24%
Service	525	15.34%
Sales and Office	758	22.14%
Natural Resources, Construction and Maintenance	323	9.44%
Production, Transportation & Material Moving	508	14.84%
Total	3,423	100%
Source: ACS 2023 5-year estimates		

Affordable Housing Obligation

A municipality's affordable housing obligation is spread across different time periods. The most current obligation is related to the Fourth-Round. However, a municipality must also address any prior affordable housing obligations if they have not already been fully satisfied. The following reviews all components of Buena Vista's affordable housing obligation beginning in 1987 and extending through 2035.

The following table identifies the Municipality's comprehensive affordable housing obligation:

Present Need/Rehab Obligation	22
Prior Round (1987-1999)	19
Round 3 Settlement (1999-2025)	0
Round 4 (DCA Calculations 2025-2035)	13
Total Obligation (New Units)	32

Present Need / Rehabilitation Component

The Present Need/Rehabilitation obligation is determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof. This figure was calculated by the Department of Community Affairs (“DCA”) based upon its interpretation of the standards of the Amended FHA. The Township’s rehabilitation obligation is **22**.

Prior Round Component

The Prior Round obligation is the Township’s cumulative Round 1 and 2 affordable housing obligation for the years between 1987 and 1999. The Township’s Prior Round obligation is **19**.

Round Three Component

Pursuant to a settlement agreement dated August 4, 2017, by and between Buena Vista and Fair Share Housing Center, the Township’s Third Round affordable housing obligation is **0** (per the Kinsey Report³, as adjusted by FSHC settlement agreement, including the “Gap Period” between 1999 and 2015). The Third Round Prospective Need includes the so-called “Gap Period Present Need,” which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

³ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, July 2015.

Round Four Component

The Fourth-Round affordable housing obligation extends from 2025 through 2035. This is considered the current Prospective Need, which is a projection of housing needs based on development and growth which is reasonably likely to occur in a municipality. The Fourth-Round prospective need was determined pursuant to methodology adopted by the state pursuant to the Fair Housing Act as amended in 2024.

On October 18, 2024, the Department of Community Affairs (“DCA”) issued a report estimating the Fourth-Round affordable housing obligations for all municipalities based upon its interpretation of the standards of the Amended FHA. The Township of Buena Vista adopted a binding resolution #53-2025 on January 21, 2025, committing to the DCA Fourth Round Prospective Need (New Construction) Obligation of **13**.

Land Use Analysis

The Township has conducted an exhaustive review of all available vacant and underutilized parcels through their approved Vacant Land Adjustment. The Township has given consideration to those sites which would be suitable for affordable housing purposes. The Township has also reviewed all municipal owned parcels.

Consistent with smart growth principles, the Township has chosen to intersperse affordable housing throughout existing residential neighborhoods in the Township through a set-aside ordinance for all properties that are either within a Pinelands Town area or outside of the Pinelands jurisdiction. The Township is predominately located within the Pinelands areas and governed by the regulations of the Pinelands Comprehensive Management Plan. As such, the Township is limited to

the areas where sewer infrastructure is permitted. The Township does have public sewer in limited areas in accordance with a Memorandum of Agreement between the Township, Buena Borough and the Pinelands Commission. The Township does not have public water; all service is provided through private wells.

Multigenerational Family Housing Analysis

In 2021 the FHA was amended to require 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. Currently there are no recommendations published from the Commission. The duties of the commission are:

“To prepare and adopt 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.”

A review of 2020 Census data shows that 6.2% of the occupied housing units in the Township contain three plus generations of families. The Township of Buena Vista is rural community. The Township recognizes the needs of older residents who want to age in place or continue to live independently in the Township where they raised their families. The Township ordinances do not prohibit the creation of extra living space for family members, provided they are part of the same housekeeping unit.

Regional Planning Analysis

The Township is split between the Pinelands Comprehensive Management Plan (CMP) planning areas and the New Jersey State Planning areas. Ninety-percent (90%) of the total land area in the Township is within a Pinelands Management Area. The Pinelands Areas encompass all but the southwestern corner of the Township bordering Buena Borough and Cumberland County, west of State Highway Route 40. Land which is not within the Pinelands Management Areas are within the Rural State Planning Area (PA4) with a small sliver of Environmentally Sensitive Planning Area (PA5) following the Panther Branch and headwaters to the Manumuskin. The planning areas are as provided for in the 2024 State Development and Redevelopment Plan (SDRP).

The Office of Planning Advocacy and the State Planning Commission are currently in the process of Cross Acceptance to adopt the 2024 SDRP. This is the first update to the 2001 SDRP. In both the 2001 and 2024 SDRP the land area in the Township subject to the State Plan is predominately within a Rural State Planning Area (PA4). The Township is a farming community with a variety of housing stock. There are no approved centers in the PA4 portions of the Township. The PA4 area is within a State Sewer Service Area. In the 2024 Draft SDRP the PA4 Planning Area is intended to:

- maintain the Environs as large contiguous areas of farmland, open space, and forested areas;
- enhance habitats and sensitive lands;
- accommodate growth in Centers;
- reverse auto-oriented patterns of development;
- promote a viable agricultural or forestry industry;
- revitalize cities, towns, and other traditional settlements;
- protect, enhance, and diversify the existing character and agricultural economy of stable communities; and
- confine programmed sewers and public water services to Centers, except where public health is at stake

In the Pinelands areas of the municipality the CMP has designated the majority of the land, 91%, as Forest, Rural and Agricultural Production Planning Area (approximately 21,798 acres). These areas are designed for preservation and protection of the Pinelands resources and development is restricted. Eight-percent (8%) of the Pinelands areas include a Pinelands Town (1% or 235 acres) and Pinelands Village (7% or 1,677 acres). Development is encouraged in the Pinelands Town Planning Area with permissive residential densities ranging from two to four homes per acre where public water and sewer are available. Development within a Pinelands Village Planning Area includes permissive residential densities of one to five acre lots as many areas are not accessible to public sewer. Where sewer is available density can be increased to match the density of the surrounding areas.

The NJ SDRP recognizes the planning areas and goals of the CMP. Based on the combined State Planning areas and Pinelands Management Areas, only the Pinelands Town and Villages areas are intended for development and public sewer infrastructure.

FAIR SHARE PLAN

A Fair Share Plan (FSP) is prepared to address how a municipality intends to meet their constitutional affordable housing obligations. The FSP identifies the affordable housing obligations, projects that have been completed, proposed mechanisms to meet the affordable housing obligations, and addresses the requirements of the FHA and affordable housing regulations applicable to each set of obligations, including N.J.A.C. 5:93 and N.J.A.C. 5:80 where applicable.

Affordability Requirements

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. The Township of Buena Vista is in Region 6, which includes Atlantic, Cape May, Cumberland and Salem counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. As required by the amended FHA (Roberts bill), there is also included a very low-income category, which is defined as households earning 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (hereinafter "UHAC") at N.J.A.C. 5:80-26.3(d) and (e), which were amended by "emergency" in December 2024, the maximum rent for a qualified unit be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than

70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is defined using the federal Department of Housing and Urban Development (“HUD”) income limits on an annual basis. In the spring of each year HUD releases updated regional income limits. It is from these income limits that the rents and sale prices for affordable units are derived. These figures are updated annually.

Affordable Housing Plan

The following incorporates provisions to address the Township’s new Fourth-Round obligations.

Rehabilitation Obligation/Present Need:

The Township’s Present Need obligation is **22-units**. As it did in its Court-approved Third-Round plan, the Township’s rehabilitation obligation is being addressed primarily through the Atlantic County Improvement Authority (“ACIA”) through their “Owner Occupied Housing Rehabilitation Program.” The ACIA uses federal Community Development Block Grant (hereinafter “CDBG”) funds as well as prior rehabilitation funds paid back at the time of a home sale to operate a county-wide housing rehabilitation program. This program provides deferred loans for property owners that meet the required income limits. To qualify property owners must also demonstrate that the home is properly insured and the municipal taxes are paid up to the current quarter. The program requires that a household’s income not exceed 80% of the median income for Atlantic County in accordance with HUD published Section 8 income guidelines. If qualified a homeowner can use a deferred loan for basic rehabilitation needs including plumbing, heating, electric, roof,

windows, doors, insulation and exterior repair and painting. The Township has also utilized recaptured funds from loans to assist in the rehabilitation program.

In addition to the programs administered by the ACIA, the Township of Buena Vista also has a revolving loan fund to assist housing rehabilitation efforts of low- and moderate-income households.

From January of 2010 through February of 2025, the ACIA in cooperation with the Township of Buena Vista had rehabilitated twenty-nine (29) units within the Township. The Township's Fourth-Round rehabilitation obligation will be handled through the continued participation in the County-wide program and the Township program. A list of all units which were rehabilitated from 2010 through 2025 is included in the Appendix.

Prior Round:

As set forth above, the Township of Buena Vista has addressed their Prior Round (1987-1999) obligation of **19**. In order to effectively address the Township's total affordable housing obligation, the components addressing the prior round will be amended to remove a group home which is no longer operating. There are no new projects in the Third-Round, utilizing all Court-approved projects from the Township's Third-Round plans, as approved in the Township's Judgement of Repose on August 30, 2018. The Township's Third-Round Plan creates a surplus of 5 credits to be applied in the Fourth-Round.

Bonus credits are permitted for rental units, up to 25% of the Township's Prior Round obligation in accordance with N.J.A.C. 5:93-5.15(a). As such the Township is permitted to take a bonus credit for a maximum of 5 credits. Additionally, in accordance with N.J.A.C. 5:93-5.14(a)1, the Township is permitted to include up to 25%

of the total Prior Round obligation (less prior cycle credits) as age-restricted housing units, for a maximum of 5 units.

The following Table summarizes the Prior Round Obligation Components as amended:

Buena Vista Prior Round Plan Obligation - 19	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Special Needs Housing Credits</i>						
Pafacom Inc 4328 Post Road	x		x	4	4	8
Elwyn NJ 106 Nineteenth Street	x		x	3		3
Youth Consultation Services Inc 4706 Landis Avenue	x		x	4	1	5
Pafacom Inc 5648 Chestnut Avenue	x		x	4		4
<i>100% Affordable – Neighborhood Stabalization Program</i>						
1015 Route 54			x	1		1
130 Rockefeller Lane			x	1		1
219 Meyner Lane			x	1		1
Total				18	5	23
Surplus Credits						5

Third Round:

Pursuant to the FSHC agreement referenced above, the Township's Third Round affordable housing obligation is **0**. The Third Round Prospective Need includes the so-called "Gap Period Present Need," which is a measure of households formed from 1999-2015 that need affordable housing, created by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

Fourth Round Prospective Need:

The Department of Community Affairs (DCA) for the State of New Jersey has calculated proposed new affordable housing obligations for each municipality for Round 4 (2025 through 2035). The Township's Fourth-Round affordable housing obligation is **13**.

The amendments to the FHA for a Fourth-Round plan require a municipality provide 50% of actual affordable units, exclusive of any bonus credits, available to families with children, for a total of **5 units**⁴. Additionally, at least 25% of actual units, exclusive of bonuses, are required to be rental units for a total of **2 units**, of which of which 50% of the rental units, or **1 unit**, to be available to families with children. (N.J.S.A. 52:27D-311.l) The Township proposes to satisfy the family rental requirement through a mandatory set-aside ordinance.

The following table addresses Fourth-Round credits which will address the Township's Fourth-Round Obligation.

⁴ The Township's Fourth-Round obligation is 13, which is permitted to include 3 bonus credits. The Township will utilize 3 bonus credits, therefore a total of 10 actual units are required to be provided in the Plan.

Buena Vista Fourth Round Prospective Need Plan - 13	Rental	Senior	Family	Units	Bonus Credits	Total Credits
<i>Inclusionary Development Credits</i>						
Set-aside Ordinance – Pinelands Towns	x		x	5		5
<i>Special Needs Housing Credits</i>						
H2HHC GH2523 Home 207 Weymouth Road	x		x	4	3	7
<i>Municipally Sponsored</i>						
Market to Affordable			x	1		1
Total				10	3	13
Surplus Credits from Prior Round				5		5
TOTAL CREDITS				15	3	18

Bonus credits are permitted for units in the Fourth Round in accordance with the amended FHA under N.J.S.A. 52:27D-311.k. The Township is permitted to utilize up to three (3) bonus credits and proposes to apply these to the Youth Consultation Services Group Home. In accordance with the amended FHA under N.J.S.A. 52:27D-311.k(1) the Township is utilizing three (3) bonus credits from permanent supportive housing from the Youth Consultation Services. Under N.J.S.A. 52:27D-311.k(8) the Township is permitted one bonus credit for each unit up to 25% of the total Fourth-Round prospective need, allowing for the three (3) bonus credits. The Township reserves the right to apply bonus credits in the future if they become available.

Unfulfilled Prior Round (1987 through 2025)

The mechanisms identified in Buena Vista's Court approved FSP plan included several components, all of which involved existing units and no new units were required. There is one change to the components of the Prior Round plan, which involves an identified Group Home. Constructed in 2013, Scioto Properties created a 5-bedroom group home on property located at 650 Tuckahoe Road (Block 6001, Lot

11). Unfortunately, this group home closed and is no longer providing credits to the Prior Round Plan. The facility has been removed from the plan components.

Elements Satisfying Obligation

H2HHC GH2523, LLC Group Home – 4 bedrooms/7 credits

Located at 207 Weymouth Road (Block 3211, Lot 1.01), this facility contains four (4) bedrooms. The site received a certificate of occupancy in 2018. This is a community residence for developmentally disabled adults. The property is licensed by the State of New Jersey Department of Human Services. (See documentation in the Appendix of the Fair Share Plan)

Under the 2024 FHA amendments this site would qualify for bonus credits of one credit per bedroom up to 25% of the Township's total Round-Four obligation. This site provides for 3 bonus credits.

Overlay Zone – Pinelands and Non-Pinelands Areas

The Township proposes to adopt an affordable housing set-aside ordinance requiring a mandatory affordable housing set aside for any new residential developments of five (5) units or more. The provisions of the ordinance would not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. It would apply to any residential development created through existing zoning, variance (any type), future zone changes or redevelopment of an existing property. A draft ordinance is included in the Appendix.

Market to Affordable Program – 1 credit

The Township proposes to create an opportunity for a market to affordable program. The Township has sufficient funds in their AHTF to create at least one (1) unit which would be a family unit. The Township reserves the right to provide for more than one credit from a market to affordable program as funds are collected in the AHTF. This would be a for-sale unit and any funds recouped through the sale will be replaced into the AHTF and used for future units if necessary.

Very Low-Income Units

Very Low-income housing is affordable to those households with a gross household income of 30% or less of the median gross household income in the region. In 2008 the FHA was amended to include a requirement that at least 13% of all affordable housing units be very low-income units⁵. The 2024 amendments to the FHA added a provision that at least half of the very low-income units be available to families with children. This would apply to the Township's Fourth-Round obligation.

The Township is required to provide 13% of their total affordable housing units in their Third and Fourth-Round plans as very-low-income units. In accordance with the Court-approved Fair Share Plan and Settlement Agreement for the Third-Round, the Township provided for the 3 required very-low-income units from existing group homes.⁶ With a Fourth-Round obligation of 13, an additional unit is required to be very low-income and should be available to a family with children.

⁵ Assembly Bill A-500 adopted in 2008, also known as the Roberts Bill, created a new definition for very low-income units and a requirement that 13% of all affordable units be made available to very low-income households.

⁶ Although the Township had a zero unit Third-Round obligation, the settlement agreement with FSH noted that the VLI units would be from the Scioto Properties and Youth Consultation Services as they were constructed after 2008. This would provide for 9 VLI units, exceeding any requirement.

It is proposed that this unit be addressed in the mandatory set-aside ordinance. The Township will use AHTF to buy-down a future unit making it a very-low-income family unit.

Phasing Plan for Affordable Housing Units⁷

The Township has unbuilt units satisfying their Fourth-Round obligation. As a mandatory set-aside unit, the development of these units are subject to market conditions. The Township anticipates that the units identified will be developed in accordance with the following schedule, subject to market conditions:

Program	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Market to Affordable		1								
Set-Aside Ordinance		1		1		1		1		1
Total	0	2	0	1	0	1	0	1	0	1

Bonus Provisions

For the Prior Round, in accordance with N.J.A.C. 5:93-5.15, the municipality intends to take bonus credits for up to 25% their total obligation as provided for in the Court-approved Third-Round plan. The projected rental bonus would account for 5 credits.

Bonus credits are permitted for units in the Fourth Round in accordance with the amended FHA under N.J.S.A. 52:27D-311.k. for up to 25% of the total Fourth-Round prospective need, allowing for three (3) bonus credits. The Township reserves the right to apply additional bonus credits in the future if they become available.

⁷ Phasing is estimated and may not reflect changes to market conditions which will impact the proposed developments.

Affordable Housing Trust Fund

Township of Buena Vista adopted an affordable housing trust fund ordinance in accordance with affordable housing regulations for the purposes of funding affordable housing activities on February 27, 2012, under Ordinance 1-2012. As of May 31, 2024 the balance of the AHTF was \$264,839. A Spending Plan will be completed to provide for the expenditure of funds.

Cost Generation

The Township of Buena Vista will provide for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings for projects involving affordable housing. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance and Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) The Township shall comply with all requirements for unnecessary cost generating requirements under N.J.A.C. 5:93-10.

Monitoring

The Township of Buena Vista shall complete all required annual monitoring reports for the municipality's Affordable Housing Trust Fund and of the affordable housing units and programs in accordance with the FHA regulations and requirements. In fact, the municipality has complied with all current AHMS reporting deadlines to date, as set forth in the Amended FHA. Buena Vista's Municipal Housing Liaison has access to the AHMS and has been regularly inputting the required monitoring data as it becomes available.

Fair Share Ordinance and Affirmative Marketing

The Township of Buena Vista on December 11, 2017 by ordinance 51-2017 and in accordance with the Township's Court-approved Fair Share Plan, adopted an Affirmative Marketing and Fair Share Ordinance in accordance with N.J.A.C. 5:93 et seq., and UHAC at N.J.A.C. 5:80-26⁸. The Township's Fair Share Ordinance will govern the administration of affordable units in the Township as well as regulating the occupancy of such units. The Fair Share Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and sales prices, affirmative marketing, income qualification and the like. The costs of advertising and affirmative marketing of the affordable units (including the contract with the Administrative Agent) shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.

The affirmative marketing plan is designed to attract buyers and/or renters 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 the affordable units located in the Township. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in Housing Region #6, consisting of Atlantic, Cape May, Cumberland and Salem counties.

The affirmative marketing plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26. All newly created affordable units will comply with the affordability controls required by the

⁸ At this time the State is in the process of amending the UHAC regulations and adopting new affordable housing regulations under proposed N.J.A.C. 5:99 which will potentially require amendments to the Municipal Housing Ordinances and Marketing Plan. At such time that these regulations become effective the ordinances will be amended as required by law.

FHA and UHAC. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the affirmative marketing plan (i.e., the costs of advertising the availability of affordable units, contract with the Administrative Agent, etc.) are the responsibilities of the developers of the affordable units. This requirement will be included in the Township's fair share ordinances and shall be a condition of any municipal development approval.

Conclusion

The Township has seen limited development over the years, despite the size of the municipality. The impacts of the Pinelands CMP have controlled development and continue to restrict future opportunities. Additionally, the lack of sewer and water infrastructure severely limits opportunities for new development. Despite this, the Township proposes to meet its Prior Round affordable housing obligation through various mechanisms as demonstrated herein. The Township also recognizes there is a need to provide future opportunities for affordable housing and therefore has revised portions of the existing zoning ordinance to ensure larger residential developments provide affordable housing.

APPENDIX A – Buena Vista DJ Complaint

*APPENDIX B - Order Fixing Municipal Obligation for “Present Need” and
“Prospective Need” for the Fourth Round Housing Cycle*

APPENDIX C – Buena Vista Rehab Units

APPENDIX D – H2HHC Group Home Permit and Survey

APPENDIX E - Draft Affordable Housing Set-Aside Ordinance

APPENDIX A

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IN THE MATTER OF THE
APPLICATION OF BUENA VISTA
TOWNSHIP, A Municipal Corporation of
the State of New Jersey,

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ATLANTIC COUNTY
DOCKET NO.

CIVIL ACTION
(Mount Laurel)

**COMPLAINT FOR DECLARATORY
JUDGMENT PURSUANT TO
N.J.S.A. 52:27D-313**

Buena Vista Township, a Municipal Corporation of the State of New Jersey, having its principal place of business at 890 Harding Highway, Buena, NJ 08310, by way of Complaint for Declaratory Judgment pursuant to N.J.S.A. 52:27D-313 and N.J.S.A. 2A:16-50 *et seq.* says:

BACKGROUND

1. Petitioner Buena Vista Township (hereinafter “Petitioner” and/or “Buena Vista” and/or “Township”) is a body politic and corporate organized under the laws of the State of New Jersey.

2. On March 20, 2024, the New Jersey Legislature adopted P.L. 2024, c. 2, which amended the Fair Housing Act (FHA) (N.J.S.A. 52:27D-302 *et seq.*), abolished the Council of Affordable Housing (“COAH”), promulgated procedures and guidelines implementing the Affordable Housing Alternate Dispute Resolution Program (the “Program”), and created a new process for municipalities to come into constitutional compliance with their affordable housing obligations.

3. Buena Vista is located in Atlantic County in Region 6 pursuant to the N.J.S.A. 52:27D-304.2.

4. Buena Vista has made a good faith effort to meet its first, second, and third round affordable housing obligations.

5. Pursuant to its first, second, and third round obligations, Buena Vista Township has provided for affordable housing through special needs housing and a market to affordable program.

6. Pursuant to N.J.S.A. 52:27D-304.1(d), the Department of Community Affairs (the “DCA”) is responsible for providing a report setting forth non-binding calculations of regional and municipal affordable housing need for the Fourth Round based on the provisions of N.J.S.A. 52:27D-304.2 and -304.3.

7. Pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), participating municipalities must adopt and file resolutions calculating their housing obligations for the Fourth Round by January 31, 2025.

8. P.L. 2024, c. 2 established the Program within the New Jersey Judiciary for the purpose of resolving disputes associated with municipal affordable housing obligations and compliance. In furtherance of that end, the Administrative Director of the Courts issued Directive #14-24 on December 13, 2024 directing municipalities to file declaratory judgment actions seeking certification of municipal compliance with the FHA within 48 hours of adoption of a resolution establishing the municipality’s fair share obligation.

9. On or about October 18, 2024, DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background.” (the “DCA Report”).

10. Pursuant to the DCA Report, the Fourth Round affordable housing obligations calculated for Buena Vista are as follows:

Present Need: 22

Prospective Need: 13

11. On January 27, 2025, Buena Vista adopted a Resolution accepting the obligations in the DCA Report as its affordable housing obligations for the Fourth Round. A copy such resolution is attached hereto as Exhibit A.

12. Buena Vista desires that the Court review and accept the municipal fair share obligation of Buena Vista Township as set forth in the Resolution attached hereto as Exhibit A.

13. In compliance with P.L. 2024, c. 2, Buena Vista shall draft and file a Housing Element and Fair Share Plan demonstrating compliance with the Fourth Round affordable housing obligations.

14. After such filing, Buena Vista desires that the Court review and accept its Housing Element and Fair Share Plan and approve the Program's issuance of a Certificate of Compliance.

COUNT ONE

(DECLARATORY RELIEF, CONSTITUTIONAL COMPLIANCE)

15. Buena Vista repeats and realleges each and every allegation set forth in Paragraphs 1-14 of this Complaint as if set forth herein at length.

16. Pursuant to the Declaratory Judgments Act, N.J.S.A. 2A:16-50 et seq., N.J.S.A. 52:27D-313, and P.L. 2024, c. 2, Buena Vista has a right to a declaratory judgment verifying and confirming Buena Vista's full compliance with its constitutional affordable housing obligations

WHEREFORE, Petitioner, the Buena Vista Township, respectfully seeks that the Court

grant the following relief:

- a. An Order exercising jurisdiction over the compliance by Buena Vista Township with its constitutional affordable housing obligations; and
- b. An Order declaring, pursuant to N.J.S.A. 52:27D-304.1(f), that the affordable housing obligations set forth by Buena Vista Township in the Resolution dated January 27, 2025 are established; and
- c. An Order declaring that Buena Vista Township is under the Court's voluntary compliance declaratory judgment jurisdiction and that the Township is immunized and protected against builder's remedy litigation and exclusionary zoning challenges; and
- d. An Order declaring that the Buena Vista Township's Housing Element and Fair Share Plan, including its spending plan, satisfactorily addresses its affordable housing mandates and provides the Township with immunity and repose against builder's remedy litigation and exclusionary zoning challenges for a period of ten (10) years from the date of the Final Judgment.
- e. A Judgment of Compliance and Repose for a period of ten (10) years from its date of entry.
- f. An Order granting such additional relief as the Court deems equitable and just.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Buena Vista Township

By /s/ Tara Ann St. Angelo
TARA ANN ST. ANGELO

Dated: January 28, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Tara Ann St. Angelo, Esq. is hereby designated as Trial
Counsel for Petitioner Buena Vista Township

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Buena Vista Township

By: /s/ Tara Ann St. Angelo
TARA ANN ST. ANGELO

Dated: January 28, 2025

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that the matter in controversy is not the subject of any other action pending in any other Court or of a pending arbitration or administrative proceeding to the best of knowledge and belief. Buena Vista Township filed a declaratory judgment action related to its Third Round affordable housing obligations (*IMO Buena Vista Township*, Docket No. ATL-L-1639-15). Such action was closed after the entry of a Final Judgment of Compliance and Repose upon consent of all parties on August 30, 2018. To the best of our knowledge, no other action, arbitration or administrative proceeding is contemplated. Furthermore, we know of no other parties that should be joined in the above action.

GEBHARDT & KIEFER, P.C.
Attorneys for Petitioner, Buena Vista Township

By: /s/ Tara Ann St. Angelo
TARA ANN ST. ANGELO

Dated: January 28, 2025

RESOLUTION # NO. 42-2025

**RESOLUTION OF THE TOWNSHIP OF BUENA VISTA, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY REGARDING FAIR SHARE AFFORDABLE HOUSING
OBLIGATIONS FOR THE FOURTH ROUND**

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

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

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

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

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

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

Present Need: 22

Prospective Need: 13

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

WHEREAS, the Township accepts the conclusions set forth in the DCA Report; and

WHEREAS, the Township's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of P.L. 2024, c. 2; and

WHEREAS, the Township specifically reserves its rights to:

- a. Adjust the Township's fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), a survey pertaining to present need pursuant to N.J.A.C. 5:93-5.2(a) and N.J.A.C. 5:93-Appendix C), and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;
- b. Revoke or amend this Resolution and the Township's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
- c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third-party challenge to the Township's Fourth Round Affordable Housing Obligations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of Buena Vista Township, Atlantic County, New Jersey, as follows:

TOWNSHIP COMMITTEE	MOTION	SECONDED	AYE	NAY	ABSTAIN	ABSENT
KRENZER						<input checked="" type="checkbox"/>
RENART		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
TESTA			<input checked="" type="checkbox"/>			
WILLIAMS	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
RUGGIERI			<input checked="" type="checkbox"/>			
ON CONSENT AGENDA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						

Civil Case Information Statement

Case Details: ATLANTIC | Civil Part Docket# L-000184-25

Case Caption: IN THE MATTER OF BUENA VISTA TWP
Case Initiation Date: 01/28/2025
Attorney Name: TARA ANN ST ANGELO
Firm Name: GEBHARDT & KIEFER, PC
Address: 1318 ROUTE 31 NORTH
 ANNANDALE NJ 08801
Phone: 9087355161
Name of Party: PETITIONER : IMO Buena Vista Township
Name of Defendant's Primary Insurance Company
 (if known): None

Case Type: AFFORDABLE HOUSING
Document Type: Complaint
Jury Demand: NONE
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO
Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: IMO Buena Vista Township?
 NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

01/28/2025
 Dated

/s/ TARA ANN ST ANGELO
 Signed

APPENDIX B

PREPARED BY THE COURT:

**IN THE MATTER OF THE
DECLARATORY JUDGMENT
ACTION OF THE TOWNSHIP
OF BUENA VISTA, ATLANTIC
COUNTY PURSUANT TO P.L.
2024, CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
ATLANTIC COUNTY
DOCKET NO. ATL-L-184-25

Civil Action

**ORDER FIXING MUNICIPAL
OBLIGATIONS FOR “PRESENT NEED”
AND “PROSPECTIVE NEED” FOR THE
FOURTH ROUND HOUSING CYCLE**

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 28, 2025 (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF BUENA VISTA** (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,¹ therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

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

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported as **22** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **13** affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

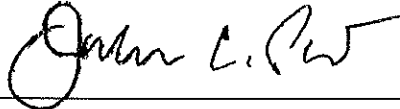
AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this 27th day of **MARCH 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **22** affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **13** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:

A handwritten signature in black ink, appearing to read "John C. Porto", is written over a horizontal line.

Hon. John C. Porto, P.J.Cv.

(X) Uncontested.

APPENDIX C

HOUSING UNITS REHABILITATED IN BUENA VISTA FROM 01/01/2010 - 05/31/2025			
ADDRESS	COST	DATE	PROGRAM
219 Cains Mill Road	\$7,930	3/29/23	Buena Vista Recapture
	\$5,075	5/24/23	ACIA Home Funds
	\$5,075	5/24/23	
5639 Chestnut Avenue	\$7,280	4/12/23	Buena Vista Recapture
233 Pocono Street	\$5,200	5/8/24	Buena Vista Recapture
741 6th Road	\$4,886	3/12/19	Buena Vista Recapture
795 Route 54	\$6,630	6/18/12	Buena Vista Recapture
	\$3,500	11/21/17	
	\$5,500	12/8/17	
	\$1,105	6/20/18	
	\$24,490	9/20/18	ACIA Home Funds
130 Rockefeller Lane	\$6,500	8/10/10	Buena Vista Recapture
205 West Beach Road	\$2,499	5/9/18	Buena Vista Recapture
106 Gardner Boulevard	\$1,150	6/21/11	Buena Vista Recapture
	\$3,700	7/18/11	
	\$1,895	1/25/12	
	\$13,150	8/1/12	
	\$2,620	11/24/10	
	\$4,800	3/7/11	
353 Dodge Street	\$3,320	6/27/11	Buena Vista Recapture
322 N Union Road	\$7,500	9/11/14	Buena Vista Recapture
307 Jays Avenue	\$7,425	12/17/19	Buena Vista Recapture
159 Greenbriar Avenue	\$7,710	12/9/20	Buena Vista Recapture
243 Fir Avenue	\$2,279	12/20/11	Buena Vista Recapture
527 Cains Mill Road	\$550	11/21/11	Buena Vista Recapture
106 E. Colton Lane	\$2,479	4/20/11	Buena Vista Recapture
107 Delwyn Lane	\$3,350	4/12/11	Buena Vista Recapture
307 Sherwood Drive	\$2,000	2/4/10	ACIA Home Funds
	\$4,400	6/4/10	
	\$3,910	6/8/09	
624 8th Street	\$20,515	2/5/10	ACIA Home Funds
219 Meyner Lane	\$3,655	12/5/13	ACIA Home Funds
306 S Harding Highway	\$20,909	1/6/16	ACIA Home Funds
500 Cains Mill Road	\$650	10/19/20	ACIA Home Funds
	\$26,000	4/22/21	
531 Cedar Avenue	\$3,200	2/26/21	ACIA Home Funds
	\$22,380	8/17/21	
459 Railroad Boulevard	\$21,245	4/6/22	ACIA Home Funds
	\$3,750	11/30/20	
	\$1,995	12/7/21	
741 6th Road	\$25,650	9/28/22	ACIA Home Funds
	\$638	10/5/22	
322 Union Road	\$819	8/15/23	ACIA Home Funds
	\$20,310	1/23/24	
539 Tenth Street	\$7,500	1/12/24	ACIA Home Funds
813 Main Avenue	\$700	6/14/24	ACIA Home Funds
	\$21,990	10/9/24	
177 Risa Avenue	\$9,030	10/4/24	ACIA Home Funds
755 Tuckahoe Road	\$4,500	2/19/25	ACIA Home Funds

**APPENDIX D BUENA VISTA TOWNSHIP
ZONING PERMIT**

NO. #2-18

DATE: 1-16-18

SECTION I. Application for Zoning Permit

Zone RDR1 Block 3211 Lot 1.01

I, H2HHC GH2523 LLC, do hereby make application for a permit to
alter/construct a HANDICAP RAMP & GROUP HOME. The purpose or use of
the structure will be EXIT & ENTRANCE. The proposed building
will be located on 207 WEYMOUTH RD (street/road).

Owners name & address; H2HHC GH2523 LLC.
576 CENTRAL AVE SUITE 301
EAST ORANGE NJ 07018 Phone # 732-547-4939

Contractor's name; N/A Phone # _____

The proposed building has an area of N/A sq. ft. and will be set back from
the lot lines, _____ front _____ left side _____ right side _____ rear line Height _____

Wetlands Are _____ Are not present _____ Other conditions _____

I certify that all information contained in this application is true. Any falsifications could subject the applicants
to severe penalties and possible revocation of permits.

[Signature]
Applicant's signature

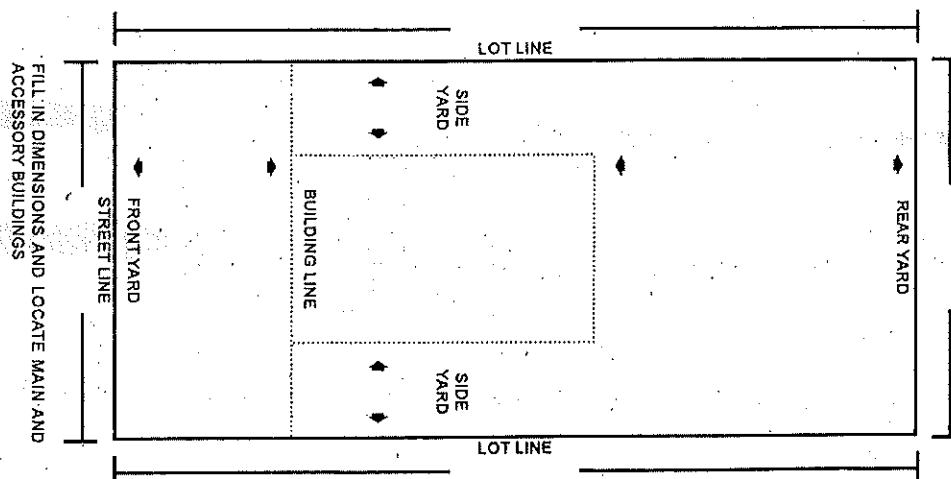
SECTION II

Zoning permit fee in the amount of \$ 30.00 has been paid.

Cash _____ Check _____ Check # _____

[Signature] 1-16-18
Zoning Officer Date

Comments: GROUP HOME & HANDICAP RAMP



APPENDIX E

BUENA VISTA ORDINANCE _____-2025 AMENDING THE DEVELOPMENT REGULATIONS PURSUANT TO THE RECOMMENDATIONS OF THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTING AN AFFORDABLE HOUSING SET-ASIDE ORDINANCE

SECTION 1. Create a new Section 115-110.3 Mandatory Affordable Housing Set-Aside Ordinance under Article XI as follows:

Section 115-110.3 Mandatory Affordable Housing Set-Aside Ordinance

- A. In all districts where residential is a permitted use, a mandatory affordable housing set-aside on future residential development of five or more units in the Township is required, as follows:
1. Any residential development of five or more units in the Township, developed through Planning Board approval, Zoning Board approval, redevelopment or rehabilitation plan, shall require that twenty-percent (20%) of the residential units be set aside for low- and moderate-income households.
 2. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
 3. For inclusionary projects in which the low- and moderate-income units are to be offered for sale, the set-aside percentage shall be 20%; for projects in which the low- and moderate-income units are to be offered for rent, the set-aside percentage should be 15%.
 4. All such affordable units, including the required income and bedroom distribution, shall be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., or any successor regulation, Township ordinances, and all other applicable law.