

Guidance for Municipal Plan Conformance with the Highlands Regional Master Plan
Housing Conformance Standards
New Jersey Highlands Council

COMPONENT	STATUS ¹	STANDARDS	COMMENTARY
Municipal Master Plan, Housing Plan Element, Fair Share Plan, and Implementing Ordinance(s)		<p>BASIC PLAN CONFORMANCE STANDARDS:</p> <ol style="list-style-type: none"> 1. General (Background Statement): NA 2. Policy Statement: (1) Adopt by reference RMP Policies and Objectives 607, 6O8, and 6O8a into the policies, goals, objectives section of the Master Plan. Relate the policies to MLUL purposes and the Fair Housing Act of 1985 as appropriate. (2) Adopt by reference RMP Policies and Objectives 3A6 and 3A6a. Relate the policies to the Right to Farm Act N.J.S.A. 4:1C-1 et seq. as appropriate. 3. LUC Zones: NA 4. Preservation Area Special Provisions: NA 	<p><i>See Policy 607 regarding a municipality's constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families. See Policy 608 and Objective 608a regarding the RMP requirements related to a municipality's affordable housing obligation.</i></p> <p><i>See Policy 3A6 and 3A6a regarding the allowance of limited development, including family and farm labor housing in Agricultural Resource Areas in order to support the viability of agricultural operations, provided that it is consistent with resource management and protection requirements of the RMP.</i></p>
		<p>PLAN CONFORMANCE STANDARDS:</p> <ol style="list-style-type: none"> 1. Master Plan Requirements: Establish that every municipality in a "growth area" has a constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of its region's present and prospective need for housing for low and moderate income families. Municipal land use regulations must affirmatively afford a reasonable opportunity for a variety and choice of housing including low and moderate cost housing, to meet the needs of people desiring to live there. Municipalities must meet their housing obligations and meet the resource protection requirements of the RMP. Establish as a policy of the municipality that through sound planning, both resource protection and the fulfillment of affordable housing obligations can be achieved in the Highlands. 	<p><i>COAH has primary jurisdiction for the administration of housing obligations in accordance with regional planning considerations. The Highlands Council is coordinating with COAH to ensure that municipalities meet their housing obligations and that affordable housing is planned and sites are designed to meet the resource protection requirements of the RMP. Through sound planning, both resource protection and affordable housing goals can be achieved in the Highlands.</i></p>

¹ This column is for the municipal self-assessment. C = fully complete. P = partially complete, with a need for improvement. IP = in progress. NS = not started. NA = not applicable (e.g., for a municipality for which this component is not relevant).

		<p>2. <u>Housing Plan Element, Fair Share Plan, and Implementing Ordinance(s) Requirements:</u> (1) Develop a new or amend an existing Housing Plan Element that reflects current conditions and resource protection requirements of the RMP. The Housing Plan Element is the portion of a municipality’s master plan, required by the Municipal Land Use Law (MLUL), N.J.S.A.40:55D-28b(3) and the Fair Housing Act, that includes all information required by N.J.A.C. 5:97-2 and establishes the municipality’s fair share obligation. Note that RMP resource protection standards may limit the ability of planned (un-built) sites to be developed for affordable housing and plans should provide alternate mechanisms to address affordable housing obligations. (2) Develop a new or amend an existing Fair Share Plan that describes the mechanisms and the funding sources, if applicable, by which a municipality proposes to address its affordable housing obligation as established in the Housing Plan Element, and includes the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:97-3. (3) Adopt the new or updated Housing Plan Element, Fair Share Plan, and implementing ordinance(s) that incorporate affordable housing obligations and local land use capability.</p> <p>In order to complete the aforementioned items, municipalities shall first complete the following Plan Conformance activities, pursuant to the Plan Conformance Guidelines:</p> <p>(1) Review of Highlands LUCM maps, charts and technical data to identify any need for RMP Updates. The RMP Updates Program is designed to facilitate and coordinate the exchange and verification of updated, relevant factual information. As a result, the RMP and LUCM will reflect the most current data for use during Plan Conformance.</p> <p>(2) Determine local land use capability, through a Land Use Capability Analysis and “Limiting Factor” Analysis, combining land, resource, and utility based capacity considerations consistent with the provisions of the RMP (pursuant to the Land Use Capability Analysis Approach Program).</p> <p>(3) Utilize the Highlands Build Out Model to develop a local build out analysis that incorporates RMP policies and objectives to evaluate land use capability and capacity planning. The local build out analysis will assist municipalities in determining household and employment projections that are consistent with RMP conformance.</p> <p>(4) Based on the findings from the Land Use Capability Analysis, “Limiting Factor” Analysis, and Highlands Build out Model, municipality shall consider modifications to zoning to more fully utilize available resource or utility capacities, protect natural resources, and permit development and redevelopment to meet the current and future needs of the municipality consistent with RMP policies.</p>	
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		<ol style="list-style-type: none"> 3. Conforming municipalities shall, consistent with the Fair Housing Act, either petition COAH for a substantive certification of its Housing Plan Element and ordinances or institute an action for declaratory judgment granting it repose in the Superior Court. 4. Permit through local development review and Highlands Project Review limited development, including family and farm labor housing in Agricultural Resource Areas which are necessary to support the viability of the agricultural operation, in coordination with the NJDA and the SADC, and subject to compliance with the resource management and protection requirements of the RMP and the Right to Farm Act N.J.S.A. 4:1C-1 et seq. 	
Institutional Capability		<ol style="list-style-type: none"> 1. Planning: The Council will provide assistance should planning board and zoning board of adjustment members and staff require assistance with this issue to ensure that the Housing Plan Element is properly drafted to meet the requirements of N.J.A.C. 5:97 and the RMP. Further, the Housing Plan Element must be implemented and conformance with the RMP must be maintained. 	To assist board members and staff regarding this topic and the implementing ordinance the Council will provide educational and training opportunities as requested. Council will work with the municipality's professionals if requested.
		<ol style="list-style-type: none"> 2. Project Review: Municipality must have capacity to interpret the amended development regulations permitting limited development, including family and farm labor housing in Agricultural Resource Areas in order to support the viability of the agricultural operations, provided that it is consistent with resource management and protection requirements of the RMP. 	
		<ol style="list-style-type: none"> 3. Independent Projects: The municipality must periodically and in a timely manner inform the Highlands Council of special or independent projects (e.g., housing affordability studies) developed and implemented regarding housing planning, as related to Plan Conformance or RMP implementation. 	
Recommended Model or Example Ordinances (up to five, with model ordinances listed first)		<ol style="list-style-type: none"> 1. COAH provides Model Growth Share Provisions for an Affordable Housing Ordinance on their website, retrievable at: http://www.state.nj.us/dca/coah/sampledocs/growthshareord1205.doc It should be noted that the aforementioned model ordinance contains information that is no longer accurate, pursuant to N.J.A.C. 5:97; however much of the information is still relevant. The Highlands Council recommends that municipalities check the COAH website for updates to this document. 	Model and draft ordinances are listed for informational purposes only. Specific language from each ordinance must be reviewed by competent legal and planning experts to determine what is most appropriate for use in complying with the Highlands Council standards for Plan Conformance.