



Outlook

Coverage Request: NJ Affordable Housing Ruling Creates New Crisis for Long-Time Homeowners

Date Fri 11/28/2025 2:24 AM

To NJ21st Team <team@nj21st.com>

Hello, I hope this email finds you well.

I'm reaching out regarding a pressing and developing situation affecting long-time affordable housing homeowners in our community. Recent legal precedent in New Jersey has put families in an unexpected and deeply unfair position, and we urgently need public attention to it.

Last month, a Mercer County Superior Court judge dismissed the challenge brought by 27 New Jersey municipalities against the state's new affordable housing law (P.L. 2024, c.2). In that ruling, the judge emphasized that the public interest in expanding affordable housing outweighs municipal objections, and confirmed that towns must meet their obligations under the Mount Laurel doctrine.

However, rather than fulfilling these obligations through **new development and proper allocation of affordable units**, our township (like others across the state) is attempting a shortcut:

unilaterally extending 30-year affordable housing deed restrictions on long-time homeowners who are nearing the ends of their program term.

These families entered the affordable housing program decades ago under clear, transparent terms:

- Purchase the home at the affordable rate,
- Live in it for 30 years,
- Pay their mortgages responsibly,
- Maintain the property,
- And after that term, finally earn the equity they worked hard to build.

Many of these residents have raised families, contributed to the community, and upheld every promise made in the original agreement. Now, with the program term completed (and at the very moment they should finally have an opportunity to sell on the open market and maximize their equity) the township is seeking to impose **another 30-year control period**, without negotiation and without fair compensation.

This is not what the program was designed for.

And importantly, this is **not** what the judge's ruling mandated.

The ruling validated the state's ability to require affordable housing production, not the re-restriction of homes that were never meant to be permanently controlled.

Rather than meeting their obligations through new construction or requiring developers to include affordable units in upcoming projects, municipalities appear to be taking an easier route: restraining long-time homeowners while still allowing developers to profit from an historically inflated housing market.

The result is a troubling dynamic:

- **Developers benefit.**
- **Municipalities check a box.**
- **And the very families the program was designed to uplift are being stripped of the equity they earned over decades.**

This is a story that affects real people right now. CGP&H, who is overseeing what seems to be a forceful takeover along with the very HOA and Township that is supposed to serve it's residents, are threatening baseless fines for not signing the agreement. Several homeowners are willing to speak on record, share documents, and sit down with your team to explain how this impacts their financial futures, retirement plans, and ability to move freely after 30 years of compliance.

Given the statewide significance of the recent ruling, the conflict between policy and practice, and the human impact on families who relied on their agreements in good faith, we believe this situation warrants media attention.

If this is something your newsroom would consider covering, I can provide:

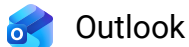
- Direct access to affected residents
- Copies of relevant documents and notices
- Contextual research tying our issue to broader NJ affordable housing trends

Thank you for taking the time to review this. We truly hope you can help bring transparency and fairness to this situation.

Sincerely,

[REDACTED]

There is a 6pm meeting to discuss this matter at Montgomery Township Municipal building on December 1st.



Re: Coverage Request: NJ Affordable Housing Ruling Creates New Crisis for Long-Time Homeowners

[REDACTED]
Date Mon 12/1/2025 1:09 PM

To NJ21st Team <team@nj21st.com>

From: **Lori Savron** <LSavron@montgomerynj.gov>

Date: Thu, Nov 20, 2025 at 4:45 PM

Subject: Responses to Questions from Information Session

To: Lori Savron <LSavron@montgomerynj.gov>

CC: Cheryl Chrusz <CChrusz@montgomerynj.gov>, Dara Belsky <dbelsky@montgomerynj.gov>

Dear Homeowner:

Thank you for reaching out to the Township and/or attending the information session on Monday, November 17, 2025.

We are providing some clarification based on questions we received at the meeting. If you would like to talk further, please feel free to reach out.

-

Q&A

Q: Do I have the right to refuse the \$10,000 payment and not extend the controls?

A: You do not have to accept the \$10,000 payment however the controls will be extended automatically. The \$10,000 payment would be made to the next homeowner whom you sell to.

Q: Can the \$10,000 be negotiated?

A: No, the \$10,000 is the payment approved by the Township Committee.

Q: What are the fines that can be levied?

A: The fines relate to whether a homeowner is found to not be living in the unit as their primary residence which is a requirement of the deed restriction.

Q: Where does it say in my deed that the unit is subject to an extension of the affordability control period by the Township?

A: There are two (2) recorded documents that refer to the Township's right to extend the affordability control period: The Deed and the Affordable Housing Agreement.

Please review your **Deed** for the language however, we have attached a Deed that you can **see** the language highlighted in Article 6 of the attached Deed (which appears on Page 3) – pdf labeled **"Deed with Highlighted Language"**. Personal information has been redacted from the deed. The attached deed would be the same or similar to your deed.

A copy of the **Affordable Housing Agreement** is also attached. Every unit has an Affordable Housing Agreement that has been executed and officially recorded at Somerset County Clerk's office. Please refer to the highlighted sections on Page 1 and Page 4 of the attached pdf **"Porcello and Mtg Housing 10-08-02"**

If you wanted to cross reference the citations in the New Jersey Uniform Housing Affordability Controls (UHAC), here is the link and scroll to page 101 and 102 for the pertinent section **[formerly 5:80-26.25] 5:80-26.26 Municipal rejection of repayment option on 95/5 units**

[uhac_amendments12_19_2024.pdf](#)

Q: What if I can't find my deed or the Agreement to verify this?

A: The Township can pull a copy of the recorded deed and agreement from the County website. Please reach out to Chery Chrusz if you need us to get those for you.

Q: Will you extend the decision timeline?

A: To clarify this question, the extension of affordable controls does not require your consent. The purpose of the form is to authorize the amended Agreement which will trigger the payment of \$10,000. However, the Township has extended the timeframe to return the Property Owners Consent to Extend the Affordable Controls form until **Tuesday, December 2**. The reason for the extension is to provide every homeowner the opportunity to find and review your deed and the agreement so you can confirm what the Township has explained in the letter and at the information session.

Q: What are other towns doing with regards to extending controls?

A: The towns we polled have extended the controls in a similar manner via resolution – some have made payments and others that were older and not subject to the \$10,000, no payments were made to those residents.

Q: Is the \$10,000 taxable income?

A: The Township is still in the process of researching this and will provide updated information as soon as it is available. However, answering this question does not impact whether the control period

will be extended. It will be extended whether you receive the \$10,000 payment now, or the next purchaser of your unit receives the \$10,000.

Q: Does this impact SNAP or LIHEAP?

A: We confirmed with Sharon Clark of Central Jersey Housing Resource Center that the one-time \$10,000 payment does not impact SNAP or LIHEAP.

Action Items

By November 21 – make contact with the Township (If you are receiving this email, this has been satisfied)

By Tuesday December 2 – Provide proof of residency (you can do this by email, regular mail, bring to us in person at the municipal building Mon-Friday from 8 am to 4:30 pm in the Planning Department).

By Tuesday, December 2 – Complete and return the Property Owners Consent to Extend Affordable Controls

Schedule the inspection for either 11/25, 11/26 or 12/13

Second Listening Session Being Offered (If needed)

Monday 12/1 in person at Municipal Building 6 pm – 7 pm

Regards,

Lori Savron, CPM, AICP, PP

Township Administrator/Planning Director

Montgomery Township

908-533-9293

908-872-0737 cell

[100 Community Drive](#)

[Skillman, NJ 08558](#)

Tami Novak

Administrative Assistant to the Township Administrator

TNovak@montgomerynj.gov

[5:80-26.25] **5:80-26.26** Municipal rejection of repayment option on 95/5 units

(a) A municipality [shall have] **has** the right to determine that the most desirable means of promoting an adequate supply of [low-and] **low- and** moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on [lower income] **lower-income** housing units sold within the municipality beyond the period required [by N.J.A.C. 5:93-9.2] **at N.J.A.C. 5:80-26.6**. Such determination [shall] **must** be made by resolution of the municipal governing body and [shall] **will** be effective upon filing with [COAH] **the Dispute Resolution Program**. The resolution [shall] **must** specify the time period for which the repayment option [shall] **is** not [be] applicable. During such period, no seller in the municipality may utilize the repayment option permitted [by N.J.A.C. 5:93-9.8] **at N.J.A.C. 5:80-26.25**.

(b) Municipalities that exercise the option outlined [in] **at** (a) above shall:

1. Provide public notice in a newspaper of general circulation; [and]
2. Notify the administrative agent and [COAH] **the Division** of its governing body's action[.];
- . **3. Extend the control period not less than 30 years or, if the original control period and extended control period, in combination, total at least 60 years, not less than 20 years; and**

4. Take at least one of the following actions:

- i. Purchase the affordable units; or**
- ii. Contribute at least \$10,000.00 per unit from the municipal affordable housing trust fund to support the preservation of the units.**

(c) (No change.)

[5:80-26.26] **5:80-26.27** Continued application of options to create, rehabilitate, or maintain 95/5 units

[When a housing unit has been maintained as a low-or moderate-income unit after controls have been in effect for the period specified in N.J.A.C. 5:93-9.2, the] **The** deed restriction governing [the] **95/5** housing units [shall] **must** allow municipalities, DCA, the Agency, [COAH, non-profit agencies] **nonprofit entities**, and sellers of [low-and] **low- and** moderate-income units to again exercise all the same options as provided in this subchapter **when a housing unit has been maintained as a low- or moderate-income unit after affordability controls have been in effect for the period specified at N.J.A.C. 5:80-26.6.**

5:80-26.28 Severability

Round Four Housing Process Explained

MONTGOMERY ADVANCES HOUSING PLAN - OFFICIALS' UPDATE 10.16.25

On March 20, 2024, Governor Murphy signed into law P.L. 2024 c.2, which amended the Fair Housing Act, abolished the Council on Affordable Housing (COAH), established the Affordable Housing Dispute Resolution Program (the Program) and significantly changed how affordable housing matters are administered in NJ.

The process sets a strict schedule for all municipalities that want to remain immune from zoning lawsuits, including the following deadlines:

- The Township Committee must adopt a resolution setting forth Montgomery's affordable housing obligation by January 31, 2025. The Township may accept the number issued by the New Jersey Department of Community Affairs (DCA) or offer alternative numbers.
- Any challenges to the DCA number, or to an alternative number, must be filed by February 28, 2025. The Program is the new authority overseeing the process. Examples of groups that may seek to challenge the DCA number, or a town's alternative number, include developers, property owners and Fair Share Housing Center advocacy group.
- By March 31, 2025, the Program will issue a decision on any challenges to Montgomery's number.

- A Housing Element and Fair Share Plan must be adopted by June 30, 2025 and new ordinances to implement the plan must be adopted by March 15, 2026. This has now occurred after several public hearings held by the Montgomery Planning Board. See the adopted **2025 Fourth Round Housing Element and Fair Share Plan - 6-26-2025** on the **Master Plan** webpage of this website.

If a New Jersey town does not participate in the mandated 2025 to 2035 Affordable Housing Round Four process, it risks enforcement action, including losing compliance immunity to builders' remedy lawsuits, i.e., court challenges from developers seeking to build affordable housing on their land. This may result in costly court battles and the forced development of affordable housing units, with many additional market-rate units approved to offset builders' costs. If this were allowed to happen, a township would lose much of its control over the development process and local zoning.

The Montgomery Township Planner, Michael Sullivan, made a presentation to the Township Committee on January 16, 2025, which included public questions. It also included a brief discussion on how bonus credits can be earned to reduce the overall number of new units required, as well as the variety of mechanisms that can be used, such as group homes and extension of expiring controls on existing units, which further reduce the number of new units required.

AFFORDABLE HOUSING FAQs

Links to the meeting video of Mr. Sullivan's January 16, 2025 presentation and resident's questions (see Video Index Items 4 and 5), as well as his slide deck:

- [Resolution 25-1-54 Committing to the Township's Fourth Round Affordable Housing Obligation as Calculated by DCA \(PDF\)](#)
- [Video of Affordable Housing Presentation, January 16, 2025](#)
- [Slides of Affordable Housing Presentation, January 16, 2025 \(PDF\)](#)

- [Slides of Affordable Housing Presentation, June 23, 2025 \(PDF\)](#)
- [Video of Affordable Housing Public Hearing, June 23, 2025](#)
- [Video of Affordable Housing Public Hearing, June 26, 2025](#)
- [Slides of Affordable Housing Presentation, August 11, 2025 \(PDF\)](#)
- [Video of Affordable Housing Public Hearing, August 11, 2025](#)
- [Slides of Affordable Housing Presentation, August 25, 2025 \(PDF\)](#)
- [Video of Affordable Housing Public Hearing, August 25, 2025](#)

FAQs

- [Is the Township required to provide an opportunity for Affordable Housing units?](#)
- [What is meant by Round Four of Affordable Housing?](#)
- [Why doesn't Montgomery push back against the state's affordable housing mandates?](#)
- [What is Affordable Housing?](#)
- [What is Montgomery's Affordable Housing Number and what does it mean?](#)
- [Does Montgomery's "Number" mean Montgomery needs to build 260 new affordable housing units?](#)

[View All FAQs](#)

Contact Us

Emily Schreiner

Public Health Planner

[Contact Emily Schreiner](#)

Phone: [908-544-4330](#)

Human Services

[Contact Human Services](#)

Physical Address

[View Map](#)

356 Skillman Road
Skillman, NJ 08558

[Directions](#)

- Affordable Housing: 908-206-7307
- Senior Center: 609-466-0846
- Food Pantry: 609-466-1054

[Directory](#)

News Flash

Montgomery Food Distribution Event 11-21

Are you a resident who has been impacted by SNAP benefit reductions or do you need a little extra help with groceries this month? Drive-through food distribution Fri., 11-21 - receive a bag of food for your family.

[Flier with details in English & Spanish](#)

County Food Event 11-15 for SNAP Recipients

On Saturday, November 15 from 9 am to 4 pm there will be an emergency food distribution at the Somerset County Public Works Complex in Bridgewater.

[Read on...](#)

Food Donations Needed

Special food collection efforts are underway to assist Montgomery families in need of assistance. No one in Montgomery should have to go hungry. Here are ways to help.

[Additional Info...](#)

Montgomery Officials Announce Affordable Housing Progress

A significant milestone in Montgomery's ongoing affordable housing planning that will allow the Township to meet our State-mandated affordable housing obligations without inclusion of the KenVue property.

[Read on...](#)

[View All News](#)

Government Websites by CivicPlus®