

**CHAPTER 43**  
**NEIGHBORHOOD PRESERVATION BALANCED HOUSING PROGRAM**

**Authority**

N.J.S.A. 52:27D-320.

**Source and Effective Date**

R.2000 d.464, effective October 25, 2000.  
 See: 32 N.J.R. 1457(a), 32 N.J.R. 4103(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 43, Neighborhood Preservation Balanced Housing Program, expires on April 23, 2006.  
 See: 37 N.J.R. 2757(a).

**Chapter Historical Note**

Chapter 43, Neighborhood Preservation Balanced Housing Program, was originally codified in Title 5 as Chapter 14, Neighborhood Preservation Balanced Housing Program. Chapter 14 was adopted as R.1985 d.688, effective January 21, 1986. See: 17 N.J.R. 2489(a), 18 N.J.R. 162(a). Subchapter 4, Affordability Controls, was adopted by R.1989 d.588, effective December 4, 1989. See: 21 N.J.R. 2153(a), 21 N.J.R. 3740(b).

Pursuant to Executive Order No. 66(1978), Chapter 14, Neighborhood Preservation Balanced Housing Program, was readopted as R.1990 d.604, effective November 9, 1990. See: 22 N.J.R. 1700(b), 22 N.J.R. 3734(a).

Pursuant to Executive Order No. 66(1978), Chapter 14, Neighborhood Preservation Balanced Housing Program, was readopted as R.1995 d.594, effective October 26, 1995. See: 27 N.J.R. 3256(a), 27 N.J.R. 4698(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 14, Neighborhood Preservation Balanced Housing Program, was recodified as N.J.A.C. 5:43, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, Neighborhood Preservation Balanced Housing Program, was readopted as R.2000 d.464, effective October 25, 2000. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**5:43-1.1 Purpose**

The purpose of the Neighborhood Preservation Balanced Housing Program shall be to assist in the delivery of housing affordable to low and moderate income households in viable neighborhoods, in conformance with the State Development and Redevelopment Plan and in fulfillment of Section 20 of the Fair Housing Act of 1985, as amended.

Amended by R.1992 d.144, effective April 6, 1992.

See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).

NPBHP assists in delivery of services.

Amended by R.1998 d.438, effective September 8, 1998.

See: 30 N.J.R. 1880(a), 30 N.J.R. 3239(b).

Inserted “, in conformance with the State Development and Redevelopment Plan and” in the first sentence.

Amended by R.2002 d.325, effective October 7, 2002.

See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

Inserted “, as amended” following “1985” in the former first sentence; deleted the former second sentence.

### 5:43-1.2 Severability

If any part of this chapter shall be held invalid, the holding shall not affect the validity of the remaining part of these rules. If a part of these rules is held invalid in one or more of its applications, the rules shall remain in effect in all valid applications that are severable from the invalid application.

New Rule, R.1996 d.226, effective May 20, 1996.

See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Former section, “Eligible applicants”, recodified to 5:14-1.3.

### 5:43-1.3 Eligible applicants

(a) Municipal governments shall be the only eligible applicants to the Neighborhood Preservation Balanced Housing Program.

(b) Applications shall only be accepted from municipalities meeting at least one of the following criteria:

1. The municipality has petitioned the Council on Affordable Housing for substantive certification;
2. The municipality has received substantive certification from the Council on Affordable Housing;
3. The municipality has entered into a judicially-approved compliance agreement to settle its fair share housing obligation;
4. The municipality is subject to a court-ordered builder’s remedy;
5. The municipality has been designated as a receiving municipality under a regional contribution agreement and project plan approved by the Council on Affordable Housing; or
6. The municipality has, at any time since Fiscal Year 1988, been eligible to receive State aid pursuant to P.L. 1978, c.14 (N.J.S.A. 52:27D-178 et seq.).

(c) Applicants that are eligible in accordance with (b)1 above only shall not be eligible to receive program funding until the municipality’s Fair Share Plan has received substantive certification from the Council on Affordable Housing.

(d) Applicants that are eligible in accordance with (b)4 above, shall not be eligible to receive a funding commitment or program funding until the municipality’s Fair Share Plan has been judicially approved by the issuance of a judgment of repose.

Amended by R.1989 d.143, effective March 20, 1989.

See: 21 N.J.R. 3(a), 21 N.J.R. 750(a).

(b) and (c) added; established application and funding criteria for on or after July 1, 1989.

Amended by R.1992 d.144, effective April 6, 1992.

See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).

References to July 1, 1989 deleted.

Recodified from 5:14-1.2 and amended by R.1996 d.226, effective May 20, 1996.

See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Former section, “Eligible activities”, recodified to 5:14-1.3.

Amended by R.1998 d.438, effective September 8, 1998.

See: 30 N.J.R. 1880(a), 30 N.J.R. 3239(b).

Added (c) and (d).

Amended by R.2002 d.325, effective October 7, 2002.

See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

In (d), inserted “a funding commitment” preceding “or program”.

### 5:43-1.4 Eligible activities

(a) Eligible activities shall include those activities listed below:

1. Rehabilitation of substandard housing units occupied to be occupied by low and moderate income households;
2. Creation of accessory apartments to be occupied by low and moderate income households;
3. Conversion of nonresidential space to residential purposes provided more than 20 percent of the resulting housing units are to be occupied by low and moderate income households;
4. Acquisition of real property; demolition and removal of buildings; or construction of new housing that will be occupied by low and moderate income households, or any combination thereof;
5. Grants of assistance to eligible municipalities for costs of necessary studies, surveys, plans and permits, engineering, architectural and other technical services, cost of land acquisition and any buildings thereon, and cost of site preparation, demolition and infrastructure development for projects undertaken pursuant to an approved Regional Contribution Agreement;
6. Assistance to a local housing authority, nonprofit or limited dividend housing corporation or association for rehabilitation or restoration of housing units which it administers which:
  - i. Are unusable or in a serious state of disrepair;
  - ii. Can be restored in an economically feasible and sound manner; and

iii. Can be retained in a safe, decent and sanitary manner, upon completion of rehabilitation or restoration; and

7. Other housing programs for low and moderate income housing including infrastructure projects directly facilitating the construction of low and moderate income housing not to exceed a reasonable percentage of the construction costs of the low and moderate income housing to be provided.

(b) A proposed activity shall only be considered eligible if the units produced meet the criteria necessary at N.J.A.C. 5:93 to qualify for credit from the Council on Affordable Housing.

(c) The required affordable portion of any mixed income/use development which is located in a non-urban aid municipality shall not be eligible for Balanced Housing funding.

1. A project will be considered eligible for funding if 100 percent of the units are affordable and if the project is not identified, by sale or transfer or any other means, with an inclusionary development.

(d) Balanced Housing funds shall not be used for the sole purpose of converting public housing to homeownership.

(e) Balanced Housing funds shall not be used for the payment of court ordered judgments or governmentally imposed fines levied against subject properties.

Amended by R.1992 d.144, effective April 6, 1992.

See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).

References to "substantial percentage" deleted.

Recodified from 5:14-1.3 and amended by R.1996 d.226, effective May 20, 1996.

See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

Former section, "Definitions", recodified to 5:14-1.5.

Amended by R.2002 d.325, effective October 7, 2002.

See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

In (c), rewrote the introductory paragraph; added (e).

### 5:43-1.5 Definitions

The following words and terms as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Adjusted rent" means the base rent for a rental unit adjusted by the Index.

"Affordable" means capable of being afforded without undue burden by an eligible household. A rental unit shall be considered "affordable" if the monthly rent, including the estimated cost of utilities paid by the tenant, does not exceed 30 percent of an eligible household's income. Homeowner units shall be considered "affordable" if the monthly

carrying costs, including principal and interest (based on a mortgage equal to 95 percent of the purchase price and a market rate of interest), taxes, homeowner and private mortgage insurance and condominium fees, do not exceed 28 percent of an eligible household's income. Except as modified in accordance with N.J.A.C. 5:43-3.1(h)4, in calculating the affordability of both homeowner and rental units the following occupancy is assumed: a studio is occupied by a one person household; a one bedroom unit is occupied by a one and one-half household; a two bedroom unit is occupied by a three person household; a three bedroom unit is occupied by a four and one-half person household; and a four bedroom unit is occupied by a six person household.

"Affordable housing agreement" means the written agreement between an owner of an affordable housing unit and the Department that imposes restrictions on units developed with funding from the Neighborhood Preservation Balanced Housing Program to ensure that those housing units remain affordable to households of low and moderate income for a specified period of time.

"Alteration" means the rearrangement of any space by the construction of walls or partitions, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which affects a primary structural component.

"Applicant household" means a household that has submitted a Preliminary Application for an eligibility review.

"Assessments" means all taxes, levies, or charges, both public and private, including those charges by any condominium, cooperative or homeowner's association as the applicable case may be, imposed upon the affordable housing unit.

"Balanced Housing units" means those units within a project receiving Balanced Housing funds which are subject to affordability controls in accordance with N.J.A.C. 5:43-4 or a mortgage in accordance with N.J.A.C. 5:43-4, regardless of whether such controls or mortgages are waived or modified.

"Base price" means the initial sales price of a unit designated as owner-occupied affordable housing and restricted by affordability controls.

"Base rent" means the monthly charge established for a rental unit at the time the unit is first restricted by affordability controls.

"Cash flow" means the remainder of project revenue minus expenses.

“Certified household” means any eligible household whose total gross annual income has been verified, whose financial resources have been approved and who has received certification as a low or moderate income-eligible household for referral to an affordable housing unit.

“Closing costs” means those costs of a real estate sale that are incurred by the buyer and seller at the time of sale including, but not limited to attorney’s fees, mortgage points, real estate transfer fee, and applicable real estate broker fees.

“Department” means the Department of Community Affairs.

“Design considerations” mean projects that have been designed to harmonize architecturally with the surrounding buildings and neighborhood. (See chapter Appendix I, incorporated herein by reference, for further details.)

“Distressed urban municipality” means a municipality which is eligible for State aid pursuant to P.L. 1978, c.14 (N.J.S.A. 52:27D-178 et seq.) and is within the first 50 most distressed municipalities in accordance with the Municipal Distress Index as maintained and published by the Office of State Planning. A list of these municipalities is included in chapter Appendix J, incorporated herein by reference.

“Division” means the Division of Housing and Community Resources in the Department of Community Affairs.

“Eligible household” means a household whose preliminary application has been reviewed, whose unverified estimated total gross annual income is judged to be low or moderate income pursuant to applicable guidelines, and whose name has been placed on a referral list for affordable housing.

“Eligible neighborhood” means a neighborhood that is viable, as defined by N.J.S.A. 52:27D-143 et seq. (P.L. 1975, c.248), the Maintenance of Viable Neighborhoods Act, a target area or a currently non-viable neighborhood provided that there is in place a strategy that is realistic and financially feasible which will ensure that the neighborhood will be viable within a reasonable time of project completion. Included in any such strategy shall be a plan for ameliorating crime, blight, high vacancy rates and any other factors that might have a negative impact on the long term viability of the neighborhood and a proposed project.

“Energy efficient housing unit” means a housing unit that achieves 86 points or more on the Home Energy Rating Scale (HERS) or is certified as an “Energy Star Home” by an accredited home energy rater. See chapter Appendix G, incorporated herein by reference.

“Expenses” means the sum of all cash expenditures incurred in the operation of a project including:

1. Debt service on superior mortgages;
2. Expenses unpaid but properly accrued; and
3. Payments to the projects reserve accounts.

“First money mortgagee” means the holder and/or assigns of the first money mortgage which must also be an institutional lender or investor, licensed or regulated by a State or Federal government or an agency thereof.

“Foreclosure” means the termination through legal processes of all rights of the mortgagor or the mortgagor’s heirs, successors, assigns or grantees in a restricted Affordable Housing unit covered by a recorded mortgage.

“Gross annual income” means the total calculated amount of a household’s income from all sources including, but not limited to, salary, wages, regular overtime, interest, dividends, alimony, child support, pensions, social security, unemployment, disability, business income and capital gains, tips and welfare benefits. Income is calculated based on a weekly, bi-weekly, semi-monthly, or monthly figure that is effective at the time of the certification interview and estimated for a 12-month period.

“Gross rent” means the total cost of a rental unit to a certified household when a tenant-paid utility allowance is added to the base rent.

“Household” means the person or persons occupying a housing unit.

“Index” means the measured percentage of change in the median income established for a household of four by geographic region using the applicable median income guide published periodically by the U.S. Department of Housing and Urban Development as blended by COAH region and approved for use by the N.J. Council on Affordable Housing. For rental units, “Index” means the Consumer Price Index for Housing as published monthly by the U.S. Department of Labor Statistics and approved for use by the Council on Affordable Housing. For rental units receiving Low Income Housing Tax Credits, “Index” means the measured percentage of change in the capped Section 8 Income Limits published periodically by the U.S. Department of Housing and Urban Development.

“Low income household” means a household whose gross annual income is equal to 50 percent or less of the median gross income established by geographic region and household size using income figures and family size adjustment methodology published periodically in the Federal Register by the U.S. Department of Housing and Urban Development and approved for use by the Council on Affordable Housing.

2. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of the Agreement until such time as title is conveyed to a new owner.

(d) In the event that the Balanced Housing unit is a rental unit, and the owner has leased such unit either for a rental charge in excess of that permitted by the Agreement or to a tenant who has not been certified by the Division, the Division shall have recourse to all legal remedies as stated above, including the recapture of surplus rents paid in excess of the maximum permitted Rental Charge.

Recodified from 5:14-4.9 and amended by R.1996 d.226, effective May 20, 1996.  
See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).  
Former section, "Foreclosure", recodified to 5:14-4.7.

**5:43-4.9 Effective dates for affordability controls**

(a) For units created and rehabilitated with Balanced Housing funds, affordability controls shall be effective as of the date initial restrictions encumber the unit as required by the Balanced Housing Grant Agreement.

(b) For rental units created or rehabilitated with Balanced Housing funds, affordability controls shall remain in effect after the expiration date as required by the Balanced Housing Grant Agreement until the date on which a rental unit shall become vacant provided that the occupant household continues to earn a gross annual income of less than 80 percent of the applicable median income.

(c) The affordability control periods shall be established according to N.J.A.C. 5:43-3.1(f) and shall begin as follows:

1. For sales units, on the date of the initial sales closing transaction by a certified household;
2. For rental housing containing two or more units, on the effective date of an initial lease agreement with a certified household or when permanent certificates of occupancy are issued, whichever is later, or as determined by the Division; and

3. For single-family housing which is rented, on the effective date of an initial lease agreement with a certified household.

Amended by R.1992 d.144, effective April 6, 1992.  
See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).  
Stylistic changes.  
Recodified from 5:14-4.10 and amended by R.1996 d.226, effective May 20, 1996.  
See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).  
Former section, "Violations, defaults and remedies", recodified to 5:14-4.8.

**5:43-4.10 Applicability**

This subchapter shall be effective for housing units receiving funding from the Division under the Neighborhood Preservation Balanced Housing Program on the basis of funding agreements executed before the effective date of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26, October 1, 2001. For housing units receiving funding based on funding agreements executed on or after that date, this subchapter shall be inapplicable, and the units shall be subject to the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

Recodified to 5:14-4.9 by R.1996 d.226, effective May 20, 1996.  
See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).  
Section was "Length of restrictions".  
New Rule, R.2001 d.371, effective October 1, 2001.  
See: 33 N.J.R. 226(b), 33 N.J.R. 3432(a).

**APPENDIX A**

(RESERVED)

Amended by R.1992 d.144, effective April 6, 1992.  
See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).  
Phillipsburg added.  
Repealed by R.1996 d.226, effective May 20, 1996.  
See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).

**APPENDIX B**

**Distressed Urban Municipalities—Maximum Subsidy Rental Units**

Rent*	Studio/SRO	1 BR	2 BR	3 BR	4 BR
1,100 or more	1,000	1,000	1,000	1,000	1,000
1,075	1,000	1,000	1,000	1,000	3,000
1,050	1,000	1,000	1,000	1,000	5,500
1,025	1,000	1,000	1,000	2,000	8,000
1,000	1,000	1,000	1,000	4,500	10,500
975	1,000	1,000	1,000	7,000	13,000
950	1,000	1,000	3,500	9,500	15,500
925	1,000	1,000	6,000	12,000	18,000
900	1,000	2,500	8,500	14,500	20,500
875	1,000	5,000	11,000	17,000	23,000
850	1,000	7,500	13,500	19,500	25,500
825	1,000	10,000	16,000	22,000	26,000
800	1,000	12,500	18,500	24,500	30,500
775	1,000	15,000	21,000	27,000	33,000
750	2,500	17,500	23,500	29,500	35,500
725	5,000	20,000	26,000	32,000	38,000

Rent*	Studio/SRO	1 BR	2 BR	3 BR	4 BR
700	7,500	22,500	28,500	34,500	40,500
675	10,000	25,000	31,000	37,000	43,000
650	12,500	27,500	33,500	39,500	45,500
625	15,000	30,000	36,000	42,000	48,000
600	17,500	32,500	38,500	44,500	50,500
575	20,000	35,000	41,000	47,000	53,000
550	22,500	37,500	43,500	49,500	55,500
525	25,000	40,000	46,000	52,000	58,000
500	27,500	42,500	48,500	54,500	60,500
475	30,000	45,000	51,000	57,000	63,000
450 or less	32,500	47,500	53,500	59,500	65,500

\* Rent includes tenant paid utilities. For rents in between those listed, interpolate.

ADJUSTMENTS:

1. Unit Size:

The Balanced Housing funding charts are based on certain assumptions regarding unit size. These assumptions are:

Studio	500 Sq. Ft.
1 Bedroom	600 Sq. Ft.
2 Bedrooms	750 Sq. Ft.
3 Bedrooms	950 Sq. Ft.
4 Bedrooms	1,150 Sq. Ft.

For units that are smaller than the sizes listed above, subtract \$50.00 for each square foot below the size indicated:

In determining unit size, the Department will consider the net square foot size, that is the area inside the unit. Excluded from the calculation are common halls, stairways, unfinished basements and attics, garages, balconies and porches. The Department may waive all or part of the unit size deduction based on the inclusion of amenities as noted in N.J.A.C. 5:43-2.4(a)6.

The maximum allowable subsidy for any rental unit receiving a project-based Section 8 certificate from the United States Department of Housing and Urban Development or any equivalent project-based subsidy shall be \$15,000.

2. Small Projects:

For rental projects which are not receiving Low Income Housing Tax Credits:

Unit Size	Rent	Number of units in Project*	Add
SRO	\$550.00 or less	15 or less	\$10,000
SRO	\$550.00 or less	16 to 25	\$ 5,000
1 BR	\$600.00 or less	15 or less	\$12,500
1 BR	\$600.00 or less	16 to 25	\$ 7,500

Rent*	Studio/SRO	1 BR	2 BR	3 BR	4 BR
\$1,025 or more	1,000	1,000	1,000	1,000	1,000
1,000	1,000	1,000	1,000	1,000	2,500

Unit Size	Rent	Number of units in Project*	Add
2 BR	\$650.00 or less	15 or less	\$15,000
2 BR	\$650.00 or less	16 to 25	\$10,000
3 BR	\$700.00 or less	15 or less	\$17,500
3 BR	\$700.00 or less	16 to 25	\$12,500
4 BR	\$750.00 or less	15 or less	\$20,000
4 BR	\$750.00 or less	16 to 25	\$15,000

\* The total number of units in the project, regardless of the number being considered for Balanced Housing funding.

3. Volume Cap Tax Credit Projects:

Subject to the limitations listed below, Balanced Housing rental projects which are also receiving the volume cap tax credit may add the following to the maximum subsidy:

SRO	\$10,000
1 BR	\$12,500
2 BR	\$15,000
3 BR	\$17,500
4 BR	\$20,000

In order to qualify for this added subsidy, applicants must demonstrate that the project would be eligible, in accordance with the QAP, for maximum point totals in the following categories: compliance period; social services; unit amenities; and project amenities. This additional subsidy may not be used in conjunction with a State low income housing tax credit.

New Rule R.1992 d.144, effective April 6, 1992.  
 See: 23 N.J.R. 1075(a), 24 N.J.R. 1385(a).  
 Amended by R.1995 d.339, effective June 19, 1995.  
 See: 27 N.J.R. 1508(a), 27 N.J.R. 2385(a).  
 Amended by R.1996 d.226, effective May 20, 1996.  
 See: 28 N.J.R. 6(a), 28 N.J.R. 2573(a).  
 Amended by R.2002 d.325, effective October 7, 2002.  
 See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).  
 Rewrote the section.

APPENDIX C

Non Distressed Urban Municipalities—  
 Maximum Subsidy Rental Units

8. Corner buildings deserve special treatment. Façade design should wrap around to address both sides. Corner entrances are encouraged in larger buildings. Increased building height should be considered at corners.
9. Projects should incorporate or reflect, to the extent reasonable, the materials used in exterior cladding of adjacent or facing buildings. Materials that are durable, require moderate maintenance, and age gracefully—such as brick, wood and stone—are encouraged.
10. Building exteriors should generally follow the tripartite model, with a base, middle and crown (roof). Modulated roofs are preferred, where appropriate. Façade modulation, and horizontal and vertical subdivisions that help relate a building to the human scale are encouraged.
11. Building facades and entrances should face streets or attractive public spaces, and not parking lots. Features such as stoops, porches and balconies—that encourage indoor-outdoor interaction—are encouraged. Primary entrances shall be clearly marked and framed architecturally.
12. Windows with square or vertical proportions, coordinated with the articulation of bays and balconies are encouraged. Openings framed with reveal and not flush with the exterior finish offer greater expression and are encouraged.
13. Safe, attractive and comfortable pedestrian access to the building(s) and from the buildings to the surrounding neighborhood is encouraged.
14. HVAC equipment, exhaust pipes, elevator housing and other rooftop mechanical equipment should be screened from public view.
15. Utility boxes and other mechanical fixtures placed on the ground, including HVAC, should be adequately screened from the public realm. Screening and landscaping should not compromise service access to this equipment. Loading docks should also be screened. Garbage and recycling facilities in multi-family structures should be screened and preferably enclosed.
16. Parking solutions are encouraged in the rear, to the side or under the buildings and should be well screened from the public realm. Individual garage doors facing the street are not encouraged. Alley access is preferred, where possible and appropriate. In buildings with front-loaded attached garages, garage entrances should be recessed and receive other appropriate architectural treatments, to minimize the negative visual impact on the streetscape.
17. Foundation plantings and general landscaping should complement and accent, without obscuring the building or interfering with pedestrian circulation and the functionality of public space.
18. In inclusionary projects—projects containing both a market rate and an affordable component—the exterior treatment of buildings containing affordable housing units shall not be distinguishable from the exterior treatment of buildings containing only market rate units. Similarly, the streetscape and landscape treatment, as well as the storage and parking arrangements shall be identical for both affordable and market rate units.
19. Public or semi-public open space—such as public plazas, courtyards or mews—are encouraged in larger

projects. These spaces should be designed and landscaped to provide a high-quality, functional and secure environment for the residents and broader community. These spaces should provide one or more focal points for the project. Pedestrian scale lighting, street furniture, shade trees, water features and public art are encouraged.

20. Architectural style is not controlled by these guidelines.
21. Exceptions or variations to the above guidelines will be considered, on a case-by-case basis, based on the merits of each project's specific circumstances.
22. These guidelines shall be preempted, in whole or in part, by relevant local design guidelines or standards pursuant to municipal land development ordinances and/or historic preservation districts, where applicable.

II—Other Projects

1. The above guidelines, when relevant, shall also be applied to projects other than rehabilitation, reconstruction or infill projects.

New Rule, R.2002 d.325, effective October 7, 2002.  
See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).

APPENDIX J

Distressed Urban Municipalities

<u>MUNICIPALITY</u>	<u>COUNTY</u>
Asbury Park City	Monmouth
Bayonne City	Hudson
Bridgeton City	Cumberland
Camden City	Camden
East Orange City	Essex
Elizabeth City	Union
Gloucester City	Camden
Hoboken City	Hudson
Irvington Township	Essex
Jersey City	Hudson
Long Branch City	Monmouth
Millville City	Cumberland
Mount Holly Township	Burlington
New Brunswick City	Middlesex
Newark City	Essex
North Bergen Township	Hudson
Orange City Township	Essex
Passaic City	Passaic
Paterson City	Passaic
Penns Grove Boro	Salem
Perth Amboy City	Middlesex
Phillipsburgh Town	Warren
Plainfield City	Union
Pleasantville City	Salem
Salem City	Salem
Trenton City	Mercer
Union City	Hudson
Vineland City	Cumberland
West New York Town	Hudson

New Rule, R.2002 d.325, effective October 7, 2002.  
See: 33 N.J.R. 3261(a), 34 N.J.R. 3500(a).