

**STILLWATER TOWNSHIP  
SUSSEX COUNTY, NJ**

**RESOLUTION 2026-045**

**A RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF  
STILLWATER, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY,  
RESOLUTION ADOPTING FOURTH ROUND AFFORDABLE HOUSING SPENDING  
PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended various provisions of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. (“Amended FHA”)); and

**WHEREAS**, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 (“Fourth Round” or “Round Four”); and

**WHEREAS**, A municipality may not spend or commit to spend any affordable housing development fees, without first obtaining the approval of the expenditure as part of its compliance certification or by the New Jersey Department of Community Affairs (DCA); and

**WHEREAS**, the Governing Body of the Township of Stillwater, County of Sussex, State of New Jersey, adopted a development fee ordinance on 2005, with later amendments; and

**WHEREAS**, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or any other funds collected for affordable housing purposes; and

**WHEREAS**, the Township has prepared a 2026 Affordable Housing Trust Fund Spending Plan, dated February, 2026; and

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Stillwater, Sussex County, New Jersey, that the Township of Stillwater hereby adopts the 2026 Affordable Housing Trust Fund Spending Plan for the Township of Stillwater, dated February 2026, prepared by J. Caldwell & Associates, LLC, which is attached hereto and incorporated herein.

This Resolution shall take effect immediately.

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township of Stillwater Governing Body at a meeting held on February 17, 2026.

Valerie Ingles  
Valerie Ingles, RMC, Municipal Clerk



**AFFORDABLE HOUSING TRUST  
FUND SPENDING PLAN**

---

**TOWNSHIP OF STILLWATER  
SUSSEX COUNTY, NEW JERSEY**

February 2026

Prepared by: Jessica C. Caldwell, P.P., A.I.C.P.  
NJPP License #5944

## SPENDING PLAN

---

### INTRODUCTION

The Township of Stillwater, Sussex County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the present and prospective affordable housing need in accordance with the Municipal Land Use Law (MLUL), the Fair Housing Act (FHA), the Affordable Housing Dispute Resolution Program, and recent decisions by the Courts.

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines was adopted in December 2004, which was later amended in 2005 and 2015. The ordinance established a fee of 1% of equalized assessed value for new residential construction. The ordinance will be updated to include 1.5% for new residential development and 2.5% for new commercial construction. The ordinance established the need for a Township of Stillwater Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate-interest-bearing affordable housing trust fund account for the purposes of affordable housing. This Spending Plan supersedes the spending plan adopted by the Township of Stillwater in 2016 as part of its Third Round Superior Court approvals.

The Township of Stillwater has prepared this Spending Plan (2026) to guide the allocation of funds within the Township of Stillwater Affordable Housing Trust Fund. As of December 31, 2024, the Township of Stillwater has \$95,984.33 funds in its Affordable Housing Trust Fund. The funds shall be spent in accordance N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

## REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Fourth Round substantive certification, the Township of Stillwater considered the following:

- (a) Development fees:
  - 1. Nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
  - 2. All nonresidential projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
  - 3. Future development that is likely to occur based on historical rates of development.
- (b) Payments in Lieu (PIL): Payments in Lieu of development into the Township's Housing Trust are permitted as pursuant to Section 102.16-1 of Stillwater Code.
- (c) Other funding sources: The Township reserves the option to pursue various public funding options to support its municipal rehabilitation program.
- (d) Projected interest: Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate is 0.5% based on prevailing interest rates for savings accounts.

**Projected Revenue Schedule, 2025-2035**  
**Township of Stillwater Affordable Housing Trust Fund**

Source of Funds	Up to 12/31/2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development Fees	\$95,984												
1. Approved Residential and Nonresidential Development Projects	NA	\$2,500	\$2,500	\$2,500									\$7,500
2. Projected Residential Development Projects Only	NA	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$82,500
3. Projected Non-Residential Development Projects (New construction only)	NA	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$33,000
(b) Other Funds (specify source)	NA												
<b>Subtotal</b>	NA	\$13,000	\$13,000	\$13,000	\$10,500	\$10,500	\$10,500	\$10,500	\$10,500	\$10,500	\$10,500	\$10,500	\$123,000
(c) Interest	NA	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$11,000
<b>Total Revenue from Development Fees</b>	NA	\$14,000	\$14,000	\$14,000	\$11,500	\$11,500	\$11,500	\$11,500	\$11,500	\$11,500	\$11,500	\$11,500	\$130,000

The Township of Stillwater projects a total of **\$130,000** to be collected between January 1, 2025 and December 31, 2035 for residential and non-residential new construction. There is an existing balance of \$95,984.33, resulting in a total of \$226,484.33 for use on affordable housing. Projections are based on projected development as it relates to permits issued within the Township over the last five years and revenues generated by the fund over the last ten years.

## ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

Stillwater will follow the process for the collection and distribution of development fee revenues detailed below.

- (a) Collection of development fee revenues: Stillwater will collect development fee revenues in a manner that is consistent with the Township's development fee ordinance for both residential and nonresidential development and in accordance with applicable regulations.
- (b) Distribution of development fee revenues: Stillwater will distribute funds with the oversight of the Township Committee. The Committee will work with the Township Administration and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

## DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

The Township of Stillwater proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

- (a) **Rehabilitation Projects** (N.J.A.C. 5:97-6.2): the Township of Stillwater will dedicate the following funds to Rehabilitation projects in order to meet its fair share affordable unit obligation:  
**Township Rehabilitation Program: At least \$12,500 per unit for a total of 11 units for a budget of \$137,500.**
- (b) **Administrative Expenses** (N.J.A.C. 5:97-8.9) the Township of Stillwater will dedicate no more than 20 percent of revenue from the affordable housing trust fund to be used for administrative purposes. **The current budget for administrative expenses is \$24,600, with any additional funds subject to the 20 percent cap are as follows:**
  - Administration of affordable housing programs;
  - Legal fees associated with affordable housing administration;
  - Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
  - Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within the Township of Stillwater.
- (c) **Affordability Assistance** (N.J.A.C. 5:97-8.8) Stillwater will dedicate **\$73,179** from the affordable housing trust fund to render units more affordable, including at \$24,393 to render units more affordable to households earning 30% or less of median income by region. This will include the rehabilitation program and providing assistance to existing low-income and very low income homeowners and renters in Stillwater Township.

(d) **Supportive Living and Special Needs** (N.J.A.C. 5:97-6.10): Stillwater will dedicate funds to assist in the development and renovation of supportive and special needs homes as the budget permits.

(e) **Excess Funds**: Any excess funds will be dedicated to emergent projects such as municipally sponsored 100% affordable housing/ market to affordable program, accessory apartments and other permitted affordable housing programs.



**SUMMARY**

Stillwater intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the affordable housing programs outlined in the Township’s Housing Element and Fair Share Plan dated January 2025.

**Spending Plan Summary  
Stillwater Affordable Housing Trust Fund**

<b>Trust fund balance as of 12/31/2025</b>	<b>\$95,984</b>
<b>Projected Revenue (2025-2035)</b>	
Development fees	\$123,000
Other funds	
Interest	\$11,000
<b>Total Revenue (Rounded)</b>	<b>\$134,000</b>
<b>Expenditures</b>	
Rehabilitation	\$137,500
Administration	\$24,000
Affordability Assistance	\$64,500
Other programs	\$*
<b>Total Projected Expenditures</b>	<b>\$226,000</b>

\*WILL BE FUNDED WITH ANY ADDITIONAL FUNDS COLLECTED.