

**AFFORDABLE HOUSING**

**MONROE TOWNSHIP  
MIDDLESEX COUNTY, NEW JERSEY**

**Sept 2022**

# What is Affordable Housing

- Affordable housing for low-and-moderate income persons or families.
- It is based on household size and household income.
- Not Federal Section 8 Program  
4 Person Household (\$40k/\$67k/ 108k)

# How did we get here

- Mount Laurel Decision 1975
- Builders Remedy 1984
- Fair Housing Act 1985
- COAH Rounds 1-2 (1985-1999)
- COAH Failed Round 3 (Court Takes Over 2015)
- Round Three is 1999-2025
- Round 3 Court Ordered Settlement (2015)
- July 2020 Midpoint Review

# Where Do New Jersey Communities Stand Now?

- More than 300 Municipalities, including Monroe Township, settled and are protected from a builder's remedy lawsuit
- Some municipalities are still negotiating or have been assigned obligations by the courts

# Fair Share Obligation for Monroe

Fair Share Housing Coalition (FSHC) hired Dr. David Kinsey to calculate “fair share” housing obligations for all municipalities in New Jersey as part of 2015 Court Case.

# Fair Share Obligation for Monroe

Dr. David Kinsey (Fair Share Housing Coalition) calculated for Monroe's affordable obligation 2,323 dwelling units zoned for period through 2025.

2,323 affordable  
+ 9,292 market rate (4 to 1 court ratio)  
11,615 Total Units

# Fair Share Obligation for Monroe

Monroe Township **vigorously** challenged Dr. David Kinsey's calculations in Court resulting in a settlement of **850 Affordable Units**.

1999-2025 Obligation = 1,133 Units

Rental Bonus Credits (2:1) = 283 Units (Maximum allowed)

Rental Set Aside = 20% (Typical Rental Set Aside is 15%; Higher Set Aside reduces Market-Rate and Total Units)

**Reduced Obligation = 850 Units**

Affordable Age-Restricted = 283 Units (Maximum allowed)

**Affordable Family = 567 Units**

Market-Rate = 3,529 Units

Total = 4,379 Units

# Round Three Obligation for Monroe

3,529 Units Market Rate

850 Affordable Units

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**4,379 Total Units Round Three Court Order**



# Fair Share Obligation for Monroe

11,615 units Fair Share Housing Coalition Calculation

4,379 units Township Vigorously Fought Court Settlement Agreement

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**7,236 62% Fewer Units from contested litigation**

# Actions Required by Court to Comply with Settlement

- Court required Planning Board to adopt Housing Plan Element and Fair Share Plan
- Court Required Monroe to Change Zoning to implement the settlement

# Court Settlement by Project

Monroe Township 3-Mar-16  
 Affordable Housing Obligation 1999 - 2025 1,133 Units

Maximum Age-Restricted Affordable Units 283  
 Minimum Affordable Rental Units 283  
 Maximum Bonus Credits for Affordable Rentals 283

Project	Non-Age Restricted Affordable Units		Age-Restricted Affordable Units		Total Affd Credits	Market-Rate Units		Total MR & Affd Units
	For-Sale Unit	Rental Units	Rental Units	Bonus Credits		Non-Age Restricted	Age-Restricted	
1999-2015								
Toll Bros. Sarlo Convers. Sarlo Conversion		26		26	52	104		130
K. Hov Sarlo Conversion 100% Affd.		37		37	74	132	146	315
Shared Properties I Use Variance		47		47	94	186		233
JSM Mounts Mills Celebrations/Court Settlement				66	66	456		522
JSM Mounts Mill 100% Affd		100		51	151			100
JSM Route 33 North Court Settlement				131	131	618		749
JSM Rt.33 N. 100% Affd		<u>171</u>		<u>51</u>	<u>222</u>	<u>1496</u>	<u>146</u>	<u>171</u>
<b>Total</b>		<b>381</b>		<b>212</b>	<b>790</b>	<b>1496</b>	<b>146</b>	<b>2220</b>

# Court Settlement by Project

Project	Non-Age Restricted Affordable Units			Age-Restricted Affordable Units			Total Affd Credits	Market-Rate Units		Total MR & Affd Units
	For-Sale Unit	Rental Units	Bonus Credits	For-Sale Unit	Rental Units	Bonus Credits		Non-Age Restricted	Age-Restricted	
2015-2025										
Monroe 33 Developers		30					30	120		150
JSM Applegarth					33		33		109	142
JSM Route 33 South		113	71				184	1273		1386
Shared Properites II Use Variance		43					43	172		215
Countryside					53		53	213		266
<b>Total</b>		<u>186</u>	<u>71</u>		<u>86</u>		<u>343</u>	<u>1778</u>	<u>109</u>	<u>2159</u>
<b>Total 1999-2025</b>		<b>567</b>	<b>283</b>		<b>283</b>		<b>1133</b>	<b>3274</b>	<b>255</b>	<b>4379</b>
<b>Total Setaside based on Total Affd. Credits</b>						25.9%		<b>Total MR &amp; Affd Units to be Built</b>		<b>4379</b>
<b>Actual Setaside based on Total Affd. Units to be Built</b>						19.4%		<b>Total MR Units to be Built</b>		<b>3529</b>
								<b>Total Affd Units to be Built</b>		<b>850</b>

The K. Hov Sarlo Conversion 100% Affordable Project sponsored by Monroe Township, all JSM developments and all 2015-2025 inclusionary developments will provide 13% very-low affordable rental units of the total affordable rental units of each respective project/development.

# Consequences from Refusal to Adopt Ordinances

Court will treat Township harshly

Including:

- Strip immunity to building remedy
  - Allows building anywhere
- Apply Dr. David Kinsey's obligation of 2,323 that would result in 11.6k units
- Greater density
- No Commercial Offset

# Affordable Housing

- Builders take a long time to advance market/affordable housing developments because the market cannot absorb all of them at once
  - Some Project take more than 25 years to be complete.
- The settlement only puts in place the zoning to meet the affordable housing Court Settlement.
- **It does not require building.**

# Monroe Housing Growth 2020- 2025

- 98% of Non-Age Restricted housing in Monroe over the 5 years will be from the NJ Supreme Court Affordable Housing Mandate.