

**1999 - 2025
HOUSING ELEMENT AND
FAIR SHARE PLAN**

**TOWNSHIP OF MONROE
MIDDLESEX COUNTY, NEW JERSEY**

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The original document has been signed and sealed.

Foreword

According to the New Jersey Municipal Land Use Law, 40:55D-28b(3), a municipal Master Plan must contain a Housing Element. Dating back to 1999, attempts by the New Jersey Council on Affordable Housing (COAH) to prepare and adopt Third Round Rules that were constitutional failed. Inaction by COAH to adopt constitutionally compliant rules caused the New Jersey Supreme Court to act. On March 10, 2015, the New Jersey Supreme Court ruled that First and Second Round Rules should be used to establish present and prospective affordable housing need for the state, housing regions and municipalities. This document includes the housing obligation that extends from 1999 to 2025 for the Township of Monroe, Middlesex County, New Jersey.

Monroe Township previously submitted a Round III Housing Element and Fair Share Plan in December 2005 in accordance with the November 2004 COAH adopted Third Round Rules (Chapter 5:94). In December 2008, Monroe Township revised its plan and petitioned COAH again because portions of these COAH rules were overturned in 2007. The New Jersey Superior Court Appellate Division found the COAH's second attempt in developing Third Round Rules to be invalid and ordered COAH to prepare rules that utilized methodologies similar to First and Second Round Rules for determining a municipality's regional fair share affordable housing obligation. COAH failed to do so, and the New Jersey Supreme Court established a process for determining regional fair share affordable housing obligations for municipalities and reviewing municipal housing elements and fair share plans to determine whether those plans can be granted approval akin to "COAH substantive certification" by the courts. This Housing Element and Fair Share Plan was prepared to comply with the New Jersey Supreme Court process and requirements.

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Introduction

In 1975 the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate-income housing. In its 1983 Mt. Laurel II decision the Court expanded the Mt. Laurel doctrine and stated that all municipalities share in the obligation. In July 1985 the Fair Housing Act (FHA) was enacted as the legislative response to the Supreme Court rulings. The Act created the Council on Affordable Housing as the administrative alternative to the courts.

The FHA directs the New Jersey Council on Affordable Housing (COAH) to provide regulations that allow municipalities to prepare comprehensive responses which will provide a realistic opportunity for the provision of affordable housing through municipal land use regulation. COAH's primary responsibilities are:

- Establish Housing Regions for the State;
- Estimate regional housing need; and
- Provide guidelines for municipalities to use in addressing their fair share obligations.

Municipal responsibilities under the Fair Housing Act consist of adopting and filing with COAH a Housing Element, prepared according to COAH's criteria and guidelines. According to the New Jersey Municipal Land Use Law, C.52:27D-310, the Housing Element shall contain at least:

1. The inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten years subsequent to the adoption of the Housing Element, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;
6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

This Housing Element meets all of above requirements as specified in the latest addition of the Municipal Land Use Law. This plan meets the guidelines of the COAH Round II rules and recently adopted State legislation.

I. Background Information

The Township of Monroe is located in the southeastern portion of Middlesex County, New Jersey. Along Monroe's northern boundary are East Brunswick Township, Helmetta Borough and Spotswood Borough, all in Middlesex County. To the east are Old Bridge Township in Middlesex County and Manalapan Township in Monmouth County. Millstone Township, Monmouth County shares the southern boundary. Along Monroe's western boundary are East Windsor, Mercer County and Cranbury Township and South Brunswick Township in Middlesex County. Jamesburg Borough is a small municipality surrounded by Monroe Township in the northwestern quadrant of the Township.

When it was founded in 1838, Monroe Township was largely a farming community. During the late 19th century, several more densely developed neighborhoods including Helmetta, Jamesburg and Spotswood seceded. The balance of the Township landscape remained rural consisting of farmland and woodland. Between 1960 and 1968, the Township's largely agrarian landscape started to change when suburban development that consisted of the age-restricted community of Rossmoor was constructed near Exit 8A of the New Jersey Turnpike. A new era for Monroe Township was ushered in transforming the municipality with several new age-restricted communities, new housing developments, shopping centers and other service-based establishments. Since the municipality had excellent access to Exit 8A of the New Jersey Turnpike, Monroe Township experienced significant industrial growth consisting primarily of warehouses and distribution facilities. The southern and southeastern portions of Monroe remain rural with farmland and woodland.

Some general facts about Monroe Township are provided below.

Size: 42.0 square miles

Population: 39,132¹

Density: 931.7 persons per square mile

Monroe Township is determined by COAH to be located within Housing Region 3 that consists of Hunterdon, Middlesex and Somerset Counties.

HOUSING CHARACTERISTICS²

General Housing Data

According to the 2010 U.S. Census, Monroe Township had a total of 18,002 housing units of which 16,497 units or 91.6% were occupied. Of the number of units that were occupied 15,420 or 93.6% were owner-occupied and 1,077 or 6.5% were renter-occupied. Table 1 provides general housing data for Monroe Township.

¹ Population is based on the 2010 U.S. Census.

² Housing characteristics are based on the 2010 U.S. Census and 2006-2010 American Community Survey.

Table 1 – General Housing Data, 2010	Monroe Twp. No. Units/Percent
Total Housing Units	18,002/100.0
Total Occupied Units	16,497/91.6
Tenure of Occupied Units:	16,497/100.0
Owner-occupied	15,420/93.5
Renter-occupied	1,077/6.5

Age of Housing

The 2006-2010 American Community Survey provides data on age of housing for Monroe Township. The bulk of the Township's housing stock (91.4%) was built after 1960. Almost one-quarter (24.0%) of the housing units were built 2000 or later. A little more than one-fifth (20.8%) of the housing stock was built from 1990 to 1999, and a little less than one-fifth (19.8%) was built from 1980 to 1989. Twenty-six and eight tenths percent of the housing stock was built from 1960 to 1979. Eight and six tenths percent was built 1959 and earlier. Table 2 provides more detail about the age of housing in Monroe Township.

Table 2 – Age of Housing, 2006-2010	Monroe Twp. No. Units/Percent
Total Housing Units	15,759/100.0
Built 2000 or later	3,782/24.0
Built 1990 to 1999	3,278/20.8
Built 1980 to 1989	3,120/19.8
Built 1960 to 1979	4,223/26.8
Built 1940 to 1959	1,009/6.4
Built 1939 or earlier	347/2.2

Condition of Housing

With regard to the three housing conditions for defining substandard housing, Table 3 shows that 16 housing units or 0.1% of the total occupied housing units lacked complete plumbing facilities, 96 units or 0.8% lacked complete kitchen facilities and 32 units or 0.1% were crowded in units.

Table 3 – Housing Conditions, 2006-2010	Monroe Twp. No. Units/Percent
Total occupied housing units/% total units	15,759/100.00
Lacking complete plumbing facilities	16
% Lacking complete plumbing facilities	0.1
Lacking complete kitchen facilities	95
% Lacking complete kitchen facilities	0.6
Crowded	32
% Crowded	0.2

Purchase and Rental Value of Housing

In 2010, Monroe Township had 14,807 owner-occupied housing units. The median value of owner-occupied units was \$347,300. Table 4 provides a summary of the purchase value of housing for 2006-2010. A little more than one-quarter (26.2%) of the owner-occupied units were valued \$500,000 or more, and about one-third (33.4%) was valued between \$300,000 and \$499,999. Housing units valued less than \$100,000 comprised 4.5% of all owner-occupied units. Of the units valued between \$100,000 and \$299,999 8.1% had a value of \$100,000 to \$149,999, 11.2% was valued between \$150,000 and \$199,999, and 16.7% had values from \$200,000 to \$299,999.

Table 4 – Purchase Value of Housing, 2006-2010	Monroe Twp. No. Units/Percent
Total Owner-Occupied Units	14,807/100.0
Less than \$50,000	126/0.9
\$50,000-\$99,999	529/3.6
\$100,000-\$149,999	1,204/8.1
\$150,000-\$199,999	1,654/11.2
\$200,000-\$299,999	2,474/16.7
\$300,000-\$499,999	4,941/33.4
\$500,000 or more	3,877/26.2
Median Value	\$347,300

Within Monroe Township there was a total of 952 renter-occupied housing units in 2010, of which 755 paid rent and 197 paid no rent. Table 5 provides a summary of rental value of housing from 2006 to 2010. No rental units had a rent less than \$200. Of the total amount of rental units 6.9% had rents between \$200 and \$499. Fourteen and four-tenths percent of the rental units had rents between \$500 and \$749, and those with rents between \$750 and \$999 consisted of 11.7% of the total renter-occupied units. Units with rents between \$1,000 and \$1,499 comprised 16.7% of all rental units. The largest group of rental units (29.6%) had rents \$1,500 or more. Units for which no rent was paid consisted of 20.7% of all rental units. The median rent was \$1,146.

Table 5 – Rental Value of Housing, 2006-2010	Monroe Twp. No. Units/Percent
Total Renter-Occupied Units	952/100.0
Less than \$200	0/0.0
\$200-\$499	66/6.9
\$500-\$749	137/14.4
\$750-\$999	111/11.7
\$1,000-\$1,499	159/16.7
\$1,500 or more	282/29.6
No Rent Paid	197/20.7
Median Contract Rent	\$1,146

Occupancy Characteristics

According to the 2010 U.S. Census, Monroe Township had a total of 18,002 housing units of which 16,497 or 91.6% were occupied and 1,505 or 8.4% were vacant. Of the housing units within the vacancy status 161 (10.7%) were for rent, 420 (27.9%) were for sale, 114 (7.6%) were rented or sold but not occupied, 506 (33.6%) were for seasonal, recreational or occasional use and 304 (20.2%) were classified as “other vacant.” No vacant units were for migrant workers. Table 6 provides a summary of occupancy characteristics for Monroe Township.

Table 6 – Occupancy Characteristics, 2010	Monroe Twp. No. Units/Percent
Total Housing Units	18,002/100.0
Occupied	16,497/91.6
Vacant	1,505/8.4

The occupancy characteristics for housing units that have vacancy status are provided in Table 7.

Table 7 – Occupancy Characteristics, Vacancy Status, 2010	Monroe Twp. No. Units/Percent
Vacancy Status	1,505/100.0
For rent	161/10.7
For sale only	420/27.9
Rented or sold, not occupied	114/7.6%
For seasonal, recreational, or occasional use	506/33.6
For migrant workers	0/0.0
Other vacant	304/20.2

Housing Type

The majority of the occupied housing stock in Monroe Township is single-family dwelling units. From 2006 to 2010, there were 14,975 attached and detached single-family dwellings (88.1% of the occupied housing stock) of which 10,354 (60.9%) were detached and 4,621 (27.2%) were attached. Other types of housing represent 11.9% (2,025 units) of the occupied housing stock in Monroe Township. Table 8 provides a summary of housing types for dwelling units in Monroe.

Table 8 – Housing Type, 2006-2010	Monroe Twp. No. Units/Percent
Units in Structure	
Total Units	17,000/100.0
1 Unit, Detached	10,354/60.9
1 Unit, Attached	4,621/27.2
2 Units	686/4.0
3 or 4 Units	467/2.7
5 to 9 Units	308/1.8
10 or more	558/3.3
Mobile Home	6/0.0

Table 9 provides a summary of housing sizes for dwelling units in Monroe Township from 2006 to 2010. Housing units with 3 or less rooms made up 11.5% of the housing stock. Almost one-quarter of all units (24.7%) had 5 rooms, and 22.6% had 6 rooms. Units with 9 or more rooms had the third greatest percentage of all units (15.9%). Units with 7 rooms comprised 12.9%, and

those with 8 rooms were at 11.8%. The median number of rooms for all units was 6.1.

Table 9 – Housing Size, 2006-2010	Monroe Twp. No. Units/Percent
Rooms in Structure	
Total Units	17,000/100.0
1 Room	38/0.2
2 Rooms	120/0.7
3 Rooms	562/3.3
4 Rooms	1,353/8.0
5 Rooms	4,199/24.7
6 Rooms	3,834/22.6
7 Rooms	2,193/12.9
8 Rooms	2,004/11.8
9 or More Rooms	2,697/15.9
Median Number of Rooms	6.1

Housing Units Affordable to Low- and Moderate-Income Households

The supply of owner-occupied (for-sale) and rental housing units is analyzed in terms of affordability for low- and moderate-income households in Region 3 (Hunterdon, Middlesex and Somerset Counties). A three-person household, which approximates the average household size in Middlesex County (2.80), and the 2010 median income for a three-person household in Region 3 (\$91,800) is used in the analysis to establish baselines.

The 2010 upper limits for low- and moderate-income households for a three-person household in Region 3 are \$45,900 (50% of the median) and \$73,440 (80% of the median), respectively.³ Accepted general practice within the mortgage lending industry for determining affordable housing purchase price is the ability to pay 28% of gross monthly household income toward monthly housing costs. COAH utilizes the 28% rule for determining housing affordability: for low-income households, \$1,071 = (\$45,900 x 0.28)/12 months, or \$12,852 per annum; and for moderate-income households, \$1,714⁴ = (\$73,440 x 0.28)/12 months, or \$20,563⁴ per annum.

In 2010 maximum affordable housing mortgage for low- and moderate-income households are \$206,742 and \$330,864, respectively. This estimate is based on the Capital Recovery Factor formula with the assumptions of annual returns (28% of gross income) of \$12,852 for low-income household and \$20,563 for moderate-income household, a mortgage interest rate of

³ Source: 2010 Regional Income Limits adopted by NJ COAH.

⁴ Due to rounding.

4.69%⁵, and a 30-year mortgage. This means that in 2010 with a 10% down payment, a low-income household could afford to purchase a house worth \$229,713 (\$206,742/0.90) and a moderate-income household could afford to purchase a house worth \$367,627 (\$330,864/0.90), using the following formula:

$$R = P[i(1+i)^n]/[(1+i)^n-1] \text{ or } P=R/[i(1+i)^n]/[(1+i)^n-1]$$

Where,

P = Principal, or Approximate 90% Purchase Price of House, assuming 10% Down payment

R = Annual Return or Yearly Mortgage Payment (\$12,852 & \$20,563)

i = Interest Rate (4.69%, 2010 Average Rate)

n = Years (30-year Mortgage)

Given the foregoing analysis and the data provided in Table 4 – Purchase Value of Housing, 2006-2010, there are at least 3,513 housing units (23.8% of all owner-occupied housing units) priced at amounts that are affordable to low-income households of three persons and at least 5,987 housing units (40.5% of all owner-occupied housing units) priced at amounts that are affordable to moderate-income households of three persons.

COAH has established the maximum affordable rent as 30% of a household’s monthly gross income. For three-person, low-income households in Region 3, the maximum rent is \$1,148 [(\$45,900 x 0.30)/12 months]. The maximum monthly rent for three-person, moderate-income households is \$1,836 [(\$73,440 x 0.30)/12 months]. Based on this analysis and Table 5 – Rental Value of Housing, 2006-2010, Monroe Township has at least 314 housing units (33.0% of all rental units) that have rents (\$999 or less) that are affordable to low-income households of three persons and at least 473 housing units (49.7% of all rental units) that have rents (\$1,499 or less) that are affordable to moderate-income households of three persons.

The U.S. Census identifies five “selected conditions” for housing affordability of which two pertain to owner and renter costs: (1) selected monthly owner costs as a percentage of household income in 2006-2010 greater than 30%, and (2) gross rent as a percentage of household income in 2006-2010 greater than 30%. Table 10 shows the number of units that have owner and renter costs greater than 30% household incomes: 3,735 owner-occupied units (25.2% of all owner-occupied units) have owner costs in excess of 30% of household incomes; and 420 rental units (44.1% of all rental units) have renter costs in excess of 30% of household incomes.

⁵ Average mortgage rate 30-year mortgage in 2010 as published by Federal Home Loan Mortgage Corporation.

Table 10 – Owner & Renter Costs Greater than 30% of Household Incomes, 2006-2010	Monroe Twp.
Total Occupied Units:	15,759
Owner Occupied:	14,807
% Owner Occupied	94.0
Owner Occupied w/ monthly costs > 30% HH income	3,735
% of Owner Occupied units w/ this selected condition	25.2
Renter Occupied:	952
% Renter Occupied	6.0
Renter with monthly costs > 30% HH income	420
% of Rental Units with this selected condition	44.1

Substandard Housing Units Affordable to Low- and Moderate-Income Households Capable of Being Rehabilitated

Substandard housing has “selected conditions” that are defined by the U.S. Census as units having at least one of the following conditions: (1) lacking complete plumbing facilities, (2) lacking complete kitchen facilities, (3) with 1.01 or more occupants per room. Table 3 – Housing Conditions, 2006-2010 provides a summary of the three selected conditions for housing in Monroe Township. There is a total of 143 units or 0.91% of all occupied units (2006-2010) that have one or more of these selected conditions. According to the report *New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology* prepared by David N. Kinsey and dated April 16, 2015 and revised July 2015 there are 104 housing units with substandard conditions which are occupied by low- and/or moderate-income households in Monroe Township.

Demographic Characteristics⁶

Population Trend

From 1930 to 1940 Monroe Township, Middlesex County and New Jersey experienced little growth. From 1940 to 1950 Monroe Township grew 34.5%, Middlesex County 22.0% and New Jersey 16.2%. For the next two decades Monroe Township, Middlesex County and New Jersey grew at robust rates, with Monroe Township more than doubling its population, Middlesex County growing by about 120% and New Jersey increasing by more than 63%. While the growth rates of Middlesex County (2.0%) and New Jersey (6.5%) slowed significantly from 1970 to 1980, Monroe Township continued to grow at a robust rate of 73.5% reaching a

⁶ Demographic characteristics are based on 1930-2010 U.S. Censuses as related to the years presented in the text and tables.

population of 15,858. Monroe Township’s growth rates from 1980 to 1990 (40.3%) and 1990 to 2000 (25.8%) outpaced the growth rates of Middlesex County (12.7% and 11.6%, respectively) and New Jersey (5.0% and 8.9%, respectively). From 2000 to 2010 Monroe Township grew 39.8% reaching a population of 39,132. During the same time period, Middlesex County continued to grow by 8.0%, and New Jersey grew 4.0%. Table 11 provides the population trends.

Table 11 – Population Trend, 1930-2010									
Year	Monroe Township			Middlesex County			New Jersey		
	Pop.	Change		Pop.	Change		Population	Change	
		No.	%		No.	%		No.	%
1930	2,894	-	-	212,208	-	-	4,041,334	-	-
1940	3,034	140	4.8	217,077	4,869	2.2	4,160,165	118,831	2.9
1950	4,082	1,048	34.5	264,872	47,795	22.0	4,835,329	675,164	16.2
1960	5,831	1,749	42.8	433,856	168,984	63.8	6,066,782	1,231,453	20.3
1970	9,138	3,307	56.7	583,813	104,957	17.9	7,171,112	1,104,330	18.2
1980	15,858	6,720	73.5	595,893	12,080	2.0	7,365,011	463,899	6.5
1990	22,255	6,397	40.3	671,780	75,887	12.7	7,730,188	365,177	5.0
2000	27,999	5,744	25.8	750,162	78,382	11.6	8,414,350	684,162	8.9
2010	39,132	11,133	39.8	809,858	59,696	8.0	8,791,894	377,544	4.5

Household Size and Type

In 2010 Monroe Township had a total of 16,497 households of which 10,877 were family households that represented 65.7% of total households (see Table 12). By comparison Middlesex County had 72.2% of its total households as family households. In Monroe Township 60.2% were husband-wife family households; in the County 55.9% were of the same category. The percentage of husband-wife family households with own children under 18 years of age

differed in the Township and the County: 20.4% in Monroe Township, and 27.1% in Middlesex County. For female householder with no husband and the same household type with own children under 18 years, Monroe Township's percentages were significantly less than the County's: Township – 4.3% and 1.5%, respectively; and County – 11.8% and 5.6%, respectively.

Table 12 – Household Size and Type, Monroe Township & Middlesex County, 2010		
Description	Monroe Township	Middlesex County
Average household size - All Units	2.32	2.80
Average household size - Owner occupied	2.37	2.89
Average household size - Renter occupied	1.70	2.61
Total households	16,497	281,186
Family households	10,877	202,954
% Family households	65.9	72.2
Husband-Wife family	9,925	157,214
% Husband-Wife family	60.2	55.9
Husband-Wife family with children under 18 years	3,361	76,234
% Husband-Wife family with children under 18 years	20.4	27.1
Female householder, no husband present	708	33,102
% Female householder, no husband present	4.3	11.8
Female householder, no husband present with children under 18 years	255	15,614
% Female householder, no husband present children under 18 years	1.5	5.6
Nonfamily households	5,620	78,232
% Nonfamily households	34.1	27.8
Householder living alone	5,127	63,150
% Householder living along	31.1	22.5
Householder 65 years and over	4,214	24,938
% Householder 65 years and over	25.5	8.9

Nonfamily households represented 34.1% of Monroe's total households; such households represented 27.8% in the County. Nonfamily householders living alone represented 31.1% of the total households in Monroe Township and 22.5% in Middlesex County. Nonfamily householders 65 years and over represented 25.5% of the total households in the Township, thus reflecting the preponderance of age-restricted housing developments in the Monroe. In comparison, the same type of householder represented only 8.9% of the total households in the County.

Regarding household size, the average household size in Monroe Township was significantly less than the average household size in Middlesex County: 2.32 in Monroe versus 2.80 in the County. Similarly, the average household size for owner-occupied units in the Township was less than that for the County: 2.37 in Monroe versus 2.89 in the County. Similar data was observed for average household size for rental units: 1.70 in the Township versus 2.61 in the County.

Age Characteristics

Table 13 provides Monroe Township's population by age for 2000 and 2010. Each age cohort in Monroe Township grew from 2000 to 2010 with the age group 55 to 64 years growing the most in absolute terms (+2,316) followed by the group 5 to 14 years (+2,044). The age groups that registered significant growth included 45 to 54 years (+1,771) and 35 to 44 years (+1,748). The age group 65 years and over also grew by a significant amount (+1,441). The age group that grew the least was 25 to 34 years (+330) followed by under 5 years (+531) and 15 to 24 years (+952). The age groups with the greatest absolute growth, except for 65 years and over, also had the greatest percentage change: 5 to 14 years grew 84.9%; 55 to 64 years grew 79.3%; 45 to 54 years grew 66.0%; and 35 to 44 years grew 62.3%. Age group 65 years and over, which was the largest age cohort in 2000 and 2010, grew 11.8%. The age group 25 to 34 years had the second lowest percentage change (+18.8%). Although they represent smaller percentages of the overall township population in 2000, the age groups under 5 years and 15 to 24 years grew 47.9% and 44.6%, respectively.

Table 14 summarizes Middlesex County's population by age from 2000 to 2010. The overall county population grew 8.0% from 2000 to 2010 compared to Monroe's growth of 39.8%. The county's greatest absolute and percentage change occurred for the age group 55 to 64 years (increase of 28,654 and 45.9%), which was Monroe's greatest absolute change and second greatest percentage change. The age group 45 to 54 years was the second greatest absolute and percentage change for the county (increase of 21,601 and 21.5%). This age group represented Monroe's third greatest absolute and percentage changes. Middlesex County had absolute and percentage losses in age groups 25 to 34 years (-5,528 and -4.7%) and 35 to 44 years (-11,324 and -8.8%). Whereas, Monroe had no losses in these age groups. The county had a significant increase in those age 15 to 24 years (16,351 and 16.5%) and small increase in age groups 5 to 14 years (2,454 and 2.5%) and under 5 years (616 and 1.2%).

Table 13 – Population by Age, Monroe Township, 2000 to 2010

Age of Pop. (Years)	2000		2010		Change	
	Number	%	Number	%	Number	%
Under 5	1,109	3.9	1,640	4.2	531	47.9
5 to 14	2,408	8.6	4,452	11.4	2,044	84.9
15 to 24	2,136	7.6	3,088	7.9	952	44.6
25 to 34	1,751	6.2	2,081	5.3	330	18.8
35 to 44	2,805	10.0	4,553	11.6	1,748	62.3
45 to 54	2,685	9.5	4,456	11.4	1,771	66.0
55 to 64	2,920	10.4	5,236	13.4	2,316	79.3
65 and Over	12,185	43.5	13,626	34.8	1,441	11.8
Total	27,999	100.0	39,132	100.0	11,133	39.8

Table 14 – Population by Age, Middlesex County, 2000 – 2010

Age of Pop. (Years)	2000		2010		Change	
	Number	%	Number	%	Number	%
Under 5	49,390	6.6	50,006	6.2	616	1.2
5 to 14	100,140	13.3	102,594	12.7	2,454	2.5
15 to 24	99,392	13.2	115,743	14.3	16,351	16.5
25 to 34	117,105	15.6	111,577	13.8	-5,528	-4.7
35 to 44	128,839	17.1	117,515	14.5	-11,324	-8.8
45 to 54	100,323	13.4	121,924	15.1	21,601	21.5
55 to 64	62,383	8.3	91,037	11.2	28,654	45.9
65 and Over	92,590	12.3	99,462	12.3	6,696	7.4
Total	750,162	100.0	809,858	100.1 ⁷	59,696	8.0

As shown in Table 15 the median age for persons in Monroe Township in 2010 was 53.2 years. In 2010 the median age for Middlesex County’s population was 37.2 years. The median age in Monroe exceeded the median age in the County by 16 years. Another way to look at this age difference is that Monroe’s median age is 143% of the County’s median age.

Table 15 – Median Age, Monroe Township and Middlesex County, 2010

	Monroe Twp.	Middlesex County
Median Age (Years)	53.2	37.2

⁷ Exceeds 100.0% due to rounding.

Income Level

From 2006 to 2010 Monroe had a per capita income of \$41,959, which was higher than the per capita incomes of Middlesex County (\$33,289) and New Jersey (\$34,858). Monroe's median household income was \$74,202, which was greater than the median household income of New Jersey (\$69,811) and slightly less than Middlesex County (\$76,615). Table 16 shows 2006 to 2010 per capita and median household income for Monroe Township, Middlesex County and New Jersey.

Table 16 – Per Capita Income and Median Household Income Monroe Township, Middlesex County and New Jersey, 2006-2010		
	Per Capita Income	Median Household Income
Monroe Township	\$41,959	\$74,202
Middlesex County	\$33,289	\$76,615
New Jersey	\$34,858	\$69,811

Table 17 shows the distribution of 2006 to 2010 household incomes by brackets for Monroe Township and Middlesex County. Monroe and the County had somewhat similar percentages for households with incomes less than \$10,000: 3.3% for Monroe and 3.8% for the County. Monroe had a greater percentage of households earning between \$10,000 and \$39,999 than the County: 21.5% for Monroe and 16.8% for the County. Monroe had 38.5% of its households earning between \$35,000 and \$99,999, and the County had 42.5%. Monroe and the County had similar percentages of households earning \$100,000 and more: 36.8% for Monroe and 37.0% for the County.

**Table 17: Household Income by Brackets
Monroe Township and Middlesex County, 2006 - 2010**

Household Income (\$)	Monroe Township		Middlesex County	
	No. of Households	% of Total	No. of Households	% of Total
Less than 10,000	519	3.3	10,505	3.8
10,000 - 14,999	671	4.3	9,094	3.3
15,000 - 24,999	1,300	8.2	18,427	6.6
25,000 - 34,999	1,420	9.0	19,027	6.9
35,000 - 49,999	1,727	11.0	28,453	10.3
50,000 - 74,999	2,321	14.7	47,977	17.3
75,000 - 99,999	1,987	12.6	41,281	14.9
100,000 - 149,999	3,046	19.3	57,790	20.8
150,000 - 199,999	1,268	8.0	24,949	9.0
\$200,000 or more	1,500	9.5	19,895	7.2
Total	15,759	100.0	277,398	100.0

The COAH regulations define low (those earning up to 50% of the median household income) and moderate-income households (those earning from more than 50% to 80% of the median household income). Very low-income households earn 30% of the median household income. The figures are adjusted for household size and by the municipality's housing region. Monroe Township is part of Region Three, which includes Hunterdon, Middlesex and Somerset Counties. Table 18 provides a breakdown of the maximum 2010 income figures by household size that COAH uses to determine affordability.

Table 18: COAH 2010 Regional Income Limits (Region 3)										
Income	Family Size									
	1	1.5	2	3	4	4.5	5	6	7	8
Median	\$71,400	\$76,500	\$81,600	\$91,800	\$102,000	\$106,080	\$110,160	\$118,320	\$126,480	\$134,640
Moderate	\$57,120	\$61,200	\$65,280	\$73,440	\$81,600	\$84,864	\$88,128	\$94,656	\$101,184	\$107,712
Low	\$35,700	\$38,250	\$40,800	\$45,900	\$51,000	\$53,040	\$55,080	\$59,160	\$63,240	\$67,320
Very Low	\$21,420	\$22,950	\$24,480	\$27,540	\$30,600	\$31,824	\$33,048	\$35,496	\$37,944	\$40,392

Source: COAH, adopted 2010.

Employment Status of Residents⁸

Employment Status

For 2006-2010 there were 31,219 persons aged 16 years and over. Those in the civilian labor force (15,104) represented 48.4% of the population of persons aged 16 years and over; 51.6% (16,115) was not in the civilian labor force. Of those aged 16 years and over 14,198 (45.5%) were employed, and 906 (2.9%) were unemployed. Table 19 summarizes the employment status of residents in Monroe Township.

Table 19: Employment Status, 2006-2010		
Description	Monroe Township	
	Number	Percent
Population 16 years and over	31,219	100.0
In labor force	15,104	48.4
Civilian labor force	15,104	48.4
Employed	14,198	45.5
Unemployed	906	2.9
Percent of civilian labor force	6.0	N/A
Armed Forces	-	-
Not in labor force	16,115	51.6

Occupation

The occupations of Monroe Township residents for 2006-2010 are shown in Table 20. Of those in the employed civilian labor force 43.9% of the residents (6,236) worked in management, professional and related occupations. Sales and office occupations represented 34.7% of the employed civilian labor force followed by service occupations at 9.5%. Natural resource, construction, extraction and maintenance occupations represented 6.1% of the employed civilian labor force. Production, transportation and material moving occupations totaled 815 or 5.7% of the employed civilian labor force.

⁸ Employment characteristics are based on 2006-2010 American Community Survey.

Table 20: Occupation, 2006-2010

Description	Monroe Township	
	Number	Percent
Employed civilian population 16 years and over	14,198	100.0
Management, professional and related occupations	6,236	43.9
Service occupations	1,352	9.5
Sales and office occupations	4,932	34.7
Natural resource, construction, extraction and maintenance occupations	863	6.1
Production, transportation and material moving occupations	815	5.7

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Employment by Industry Sector

Table 21 shows the industries in which the employed civilian labor force of Monroe Township worked during 2006 to 2010. The educational, health and social services industry employed the most at 2,950 or 20.8% of the employed civilian labor force. Finance, insurance, real estate and rental and leasing employed 2,120 or 14.9% of the employed civilian labor force. The next three industries that employed the most workers in Monroe Township were professional, scientific, management, administrative and waste management services (1,572 or 11.1%), retail trade (1,525 or 10.7%) and manufacturing (1,185 or 8.3%). Five industries employ percentages of the civilian labor force ranging from 4.8% to 5.9%: information (4.8%); construction (5.2%); arts, entertainment, recreation, accommodation and food services (5.3%); wholesale trade (5.7%); and transportation and warehousing and utilities (5.9%). The industries employing the least amount of workers were agriculture, forestry, fishing and hunting and mining (47 or 0.3%), public administration (490 or 3.5%) and other services (485 or 3.4%).

**Table 21: Employment by Industry
Monroe Township, 2006 – 2010**

Description	Monroe Township	
	Number	Percent
Employed civilian population 16 years and over	14,198	100.0
Agriculture, forestry, fishing and hunting and mining	47	0.3
Construction	736	5.2
Manufacturing	1,185	8.3
Wholesale trade	810	5.7
Retail trade	1,525	10.7
Transportation and warehousing, and utilities	840	5.9
Information	679	4.8
Finance, insurance, real estate, and rental and leasing	2,120	14.9
Professional, scientific, management, administrative, and waste management services	1,572	11.1
Educational, health and social services	2,950	20.8
Arts, entertainment, recreation, accommodation and food services	759	5.3
Other services (except public administration)	485	3.4
Public administration	490	3.5

Primary Employment by Industrial Sector and Employment Trends

The availability of current information about employment in Monroe Township is limited. The U.S. Census Bureau provides local employment information for primary jobs for all workers by North American Industrial Classification System (NAICS) industrial sectors in 2010 and 2013 (<http://onthemap.ces.census.gov>). The employment information for Monroe Township including the Borough of Jamesburg that is located within the geographical area of Monroe (“OnTheMap” does not allow for the exclusion of areas within a larger area) is provided below.

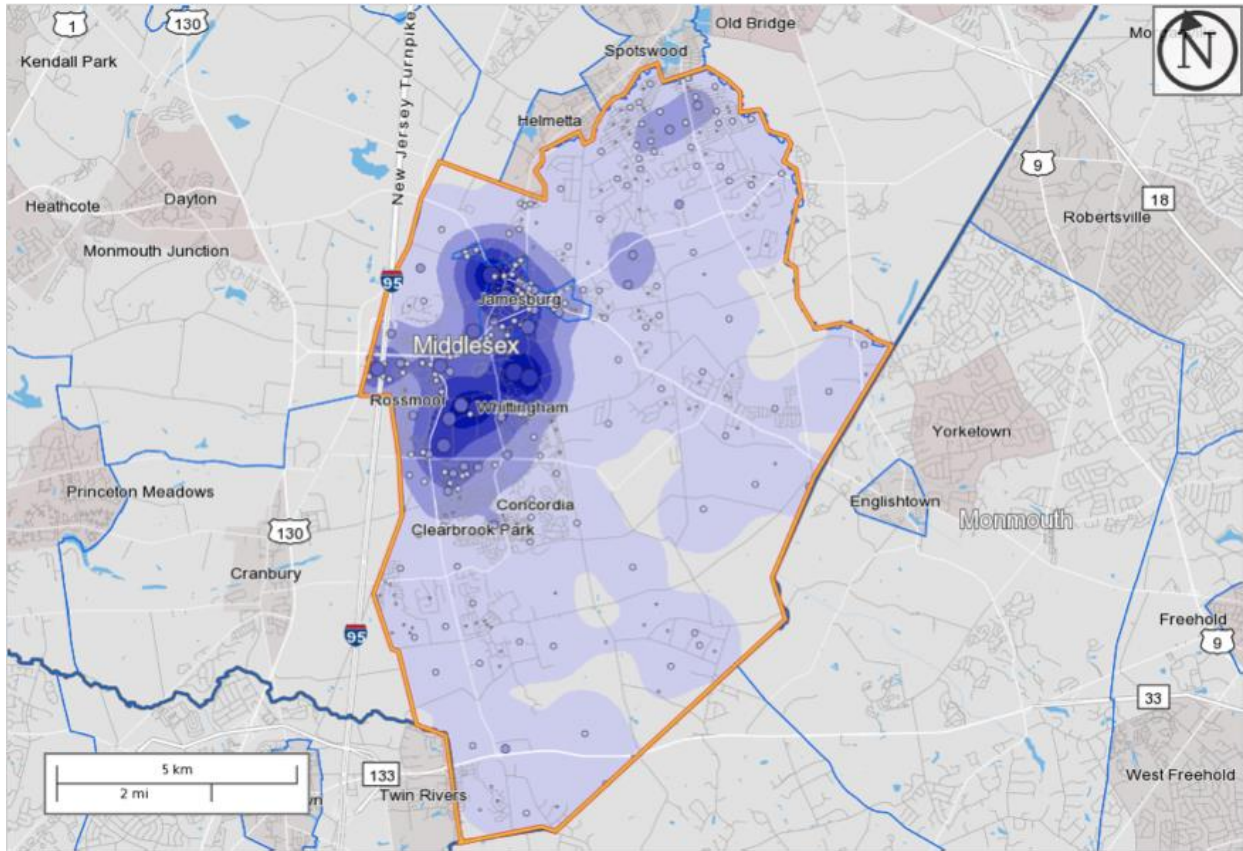
Work Area Profile Report

Primary Jobs for All Workers by NAICS Industry Sector in 2010

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 09/18/2015

Counts and Density of Primary Jobs in Work Selection Area in 2010

All Workers



Map Legend

Job Density [Jobs/Sq. Mile]

- 5 - 186
- 187 - 729
- 730 - 1,636
- 1,637 - 2,904
- 2,905 - 4,536

Job Count [Jobs/Census Block]

- 1 - 3
- 4 - 38
- 39 - 188
- 189 - 593
- 594 - 1,448

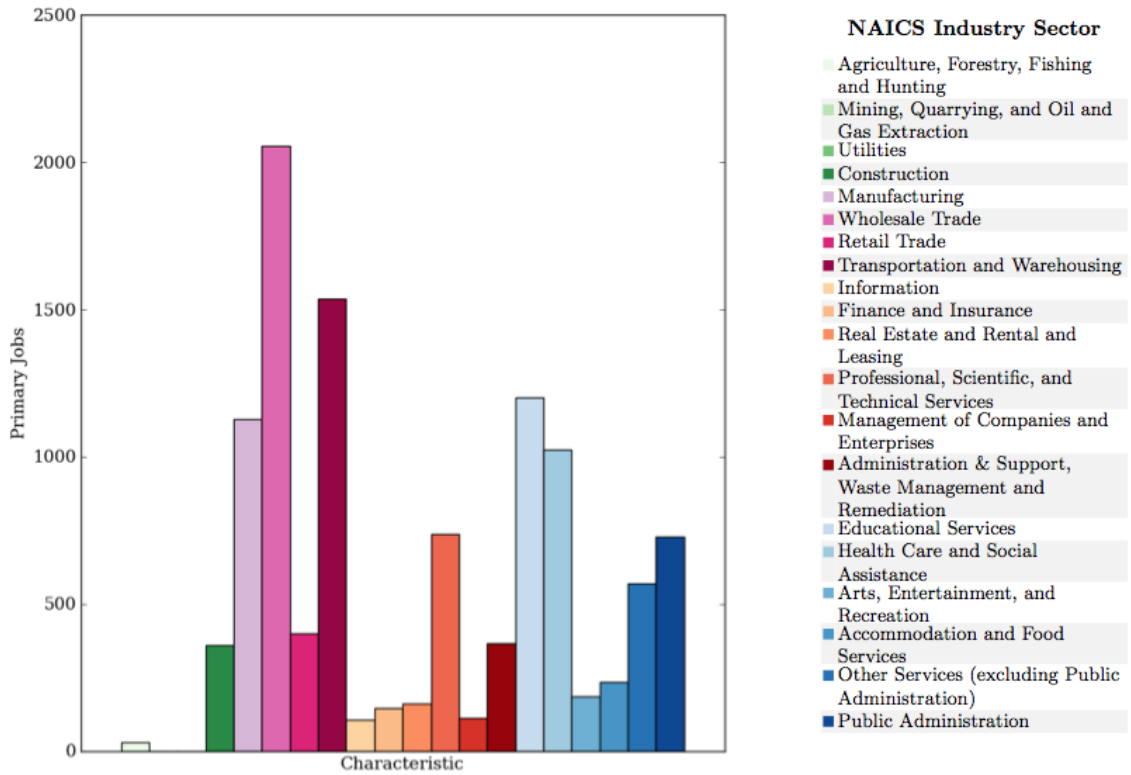
Selection Areas

- Analysis Selection



Primary Jobs for All Workers by NAICS Industry Sector in 2010

Employed in Selection Area



Primary Jobs for All Workers by NAICS Industry Sector in 2010

Employed in Selection Area

NAICS Industry Sector	2010	
	Count	Share
Total Primary Jobs	11,075	100.0
Agriculture, Forestry, Fishing and Hunting	29	0.3
Mining, Quarrying, and Oil and Gas Extraction	0	0.0
Utilities	0	0.0
Construction	360	3.3
Manufacturing	1,128	10.2
Wholesale Trade	2,056	18.6
Retail Trade	399	3.6
Transportation and Warehousing	1,536	13.9
Information	105	0.9
Finance and Insurance	146	1.3
Real Estate and Rental and Leasing	162	1.5

NAICS Industry Sector	2010	
	Count	Share
Professional, Scientific, and Technical Services	736	6.6
Management of Companies and Enterprises	113	1.0
Administration & Support, Waste Management and Remediation	364	3.3
Educational Services	1,201	10.8
Health Care and Social Assistance	1,023	9.2
Arts, Entertainment, and Recreation	186	1.7
Accommodation and Food Services	234	2.1
Other Services (excluding Public Administration)	569	5.1
Public Administration	728	6.6

Additional Information

Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2010
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing
Selected Census Blocks	974
Analysis Generation Date	09/18/2015 15:52 - OnTheMap 6.4.1
Code Revision	bbe25223710645370ea85d0f4dd4978086c95162
LODES Data Version	20150812

Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2011).

Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size are not available before 2011.
4. Firm Age is only available for All Private Jobs and only for Work areas.
5. Firm Size is only available for All Private Jobs and only for Work areas. For firms 1 year and older, firm size is the national size of the firm in March of the previous year.

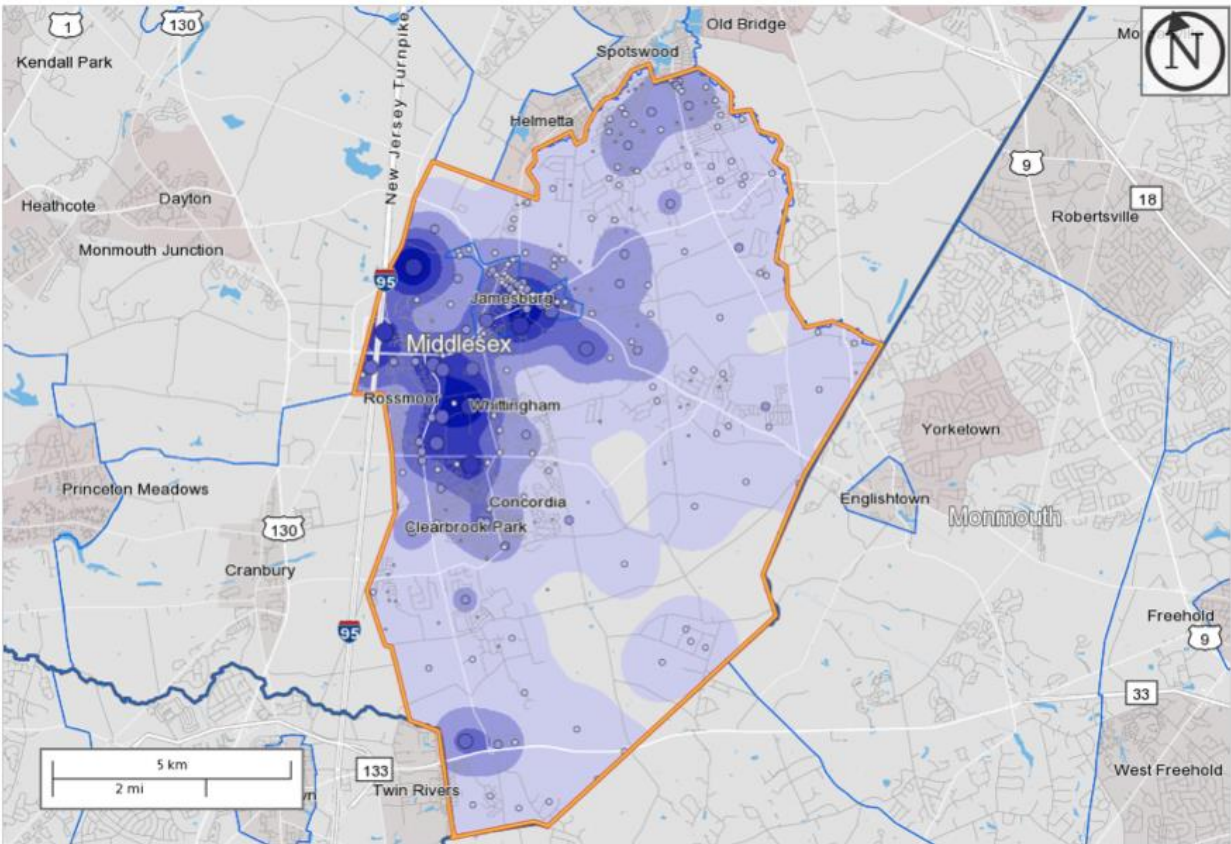
Work Area Profile Report

Primary Jobs for All Workers by NAICS Industry Sector in 2013

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 09/18/2015

Counts and Density of Primary Jobs in Work Selection Area in 2013

All Workers



Map Legend

Job Density [Jobs/Sq. Mile]

- 5 - 154
- 155 - 601
- 602 - 1,348
- 1,349 - 2,392
- 2,393 - 3,736

Job Count [Jobs/Census Block]

- 1 - 3
- 4 - 38
- 39 - 188
- 189 - 594
- 595 - 1,451

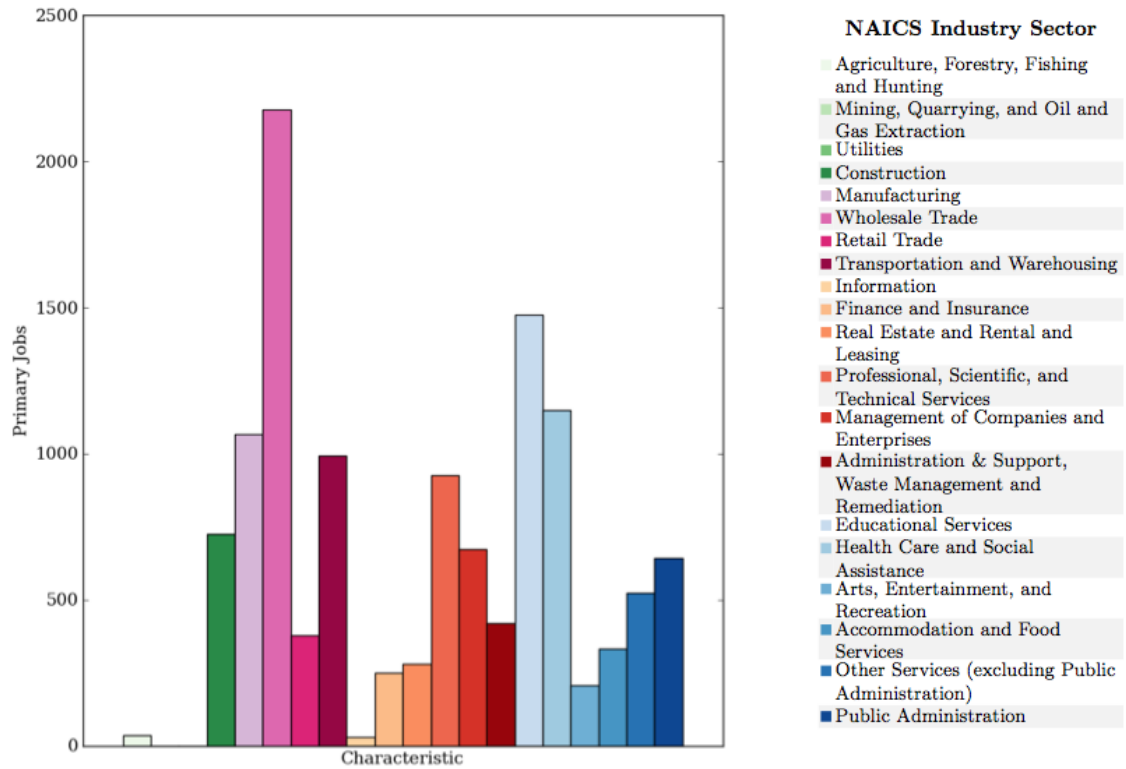
Selection Areas

- Analysis Selection



Primary Jobs for All Workers by NAICS Industry Sector in 2013

Employed in Selection Area



Primary Jobs for All Workers by NAICS Industry Sector in 2013

Employed in Selection Area

NAICS Industry Sector	2013	
	Count	Share
Total Primary Jobs	12,278	100.0
Agriculture, Forestry, Fishing and Hunting	34	0.3
Mining, Quarrying, and Oil and Gas Extraction	0	0.0
Utilities	0	0.0
Construction	726	5.9
Manufacturing	1,066	8.7
Wholesale Trade	2,178	17.7
Retail Trade	376	3.1
Transportation and Warehousing	993	8.1
Information	28	0.2
Finance and Insurance	248	2.0
Real Estate and Rental and Leasing	279	2.3

NAICS Industry Sector	2013	
	Count	Share
Professional, Scientific, and Technical Services	926	7.5
Management of Companies and Enterprises	674	5.5
Administration & Support, Waste Management and Remediation	420	3.4
Educational Services	1,477	12.0
Health Care and Social Assistance	1,148	9.4
Arts, Entertainment, and Recreation	205	1.7
Accommodation and Food Services	332	2.7
Other Services (excluding Public Administration)	524	4.3
Public Administration	644	5.2

Additional Information

Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2013, 2010
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing
Selected Census Blocks	974
Analysis Generation Date	09/18/2015 16:05 - OnTheMap 6.4.1
Code Revision	bbe25223710645370ea85d0f4dd4978086c95162
LODES Data Version	20150812

Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2011).

Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size are not available before 2011.
4. Firm Age is only available for All Private Jobs and only for Work areas.
5. Firm Size is only available for All Private Jobs and only for Work areas. For firms 1 year and older, firm size is the national size of the firm in March of the previous year.

In 2010, there were 11,075 primary jobs in Monroe Township. During that year, the greatest employers were Wholesale Trade (2,056, 18.6%), Transportation and Warehousing (1,536, 13.9%), Manufacturing (1,128, 10.2%), Educational Services (1,201, 9.2%) and Health Care and Social Assistance (1,023, 9.2%). Industries employing between 5% and 9% of the Monroe primary jobs were Professional, Scientific and Technical Services (6.6%, 736), Public Administration (6.6%, 728) and Other Services (excluding Public Administration) (5.1%, 569). The balance of industries each provided less than 5% of the total primary jobs, with Retail Trade leading this group at 3.6% followed by a few others greater than 2% (Administration and Support, Waste Management and Remediation at 3.3%, Construction at 3.3% and Accommodations and Food Services at 2.1%).

**Table 22: Primary Jobs in Monroe Township, 2010 and 2013
Change 2010 - 2013**

Description	2010 Amount / % Total	2013 Amount / % Total	2010-2013 Change Amount / %
Total Primary Jobs	11,075 / 100.0	12,278 / 100.0	1,203 / 10.9
Ag., Forestry, Fish. & Hunt.	29 / 0.3	34 / 0.3	5 / 17.2
Mining, Quarry. & Oil & Gas	0 / 0.0	0 / 0.0	-- / --
Utilities	0 / 0.0	0 / 0.0	-- / --
Construction	360 / 3.3	726 / 5.9	366 / 101.7
Manufacturing	1,128 / 10.2	1,066 / 8.7	-62 / -5.5
Wholesale Trade	2,056 / 18.6	2,178 / 17.7	122 / 5.9
Retail Trade	399 / 3.6	376 / 3.1	-23 / -5.8
Transport. & Warehousing	1,536 / 13.9	993 / 8.1	-543 / -35.4
Information	105 / 0.9	28 / 0.2	-77 / -73.3
Finance & Insurance	146 / 1.3	248 / 2.0	102 / 69.9
Real Estate & Rent. & Leas.	162 / 1.5	279 / 2.3	117 / 72.2
Prof., Scientific & Tech.	736 / 6.6	926 / 7.5	190 / 25.8
Management of Companies	113 / 1.0	674 / 5.5	561 / 496.5
Admin. & Sup, Waste Mng.	364 / 3.3	420 / 3.4	56 / 15.4
Educational Services	1,201 / 9.2	1,477 / 12.0	276 / 23.0
Health Care & Social Asst.	1,023 / 9.2	1,148 / 9.4	125 / 12.2
Arts, Entertain. & Recreat.	186 / 1.7	205 / 1.7	19 / 10.2
Accommod. & Food Serv.	234 / 2.1	332 / 2.7	98 / 41.9
Other Services (ex.P.A.)	569 / 5.1	524 / 4.3	-45 / -7.9
Public Administration	728 / 6.6	664 / 5.2	-64 / -8.8

In 2013, the top employer was still Wholesale Trade employing 2,178 or 17.7% of total primary jobs in the Township. Educational Services rose to the second top employer with 1,477 jobs that was 12.0% of total primary jobs, and Health Care and Social Assistance was the third top employer with 1,148 jobs that was 9.4% of total primary jobs. Manufacturing moved from the third position in 2010 to the fourth spot at 8.7% with 1,066 jobs in 2013. Transportation and Warehousing was the second top employer in 2010 and became the fifth top employer in 2013 providing 8.1% of total primary jobs (993). Employment by Professional, Scientific and Technical Services improved to the sixth spot at 7.5% of total primary jobs (926). For 2013 industries that employed between 5% and 7% included Construction at 5.9% (726), Management of Companies and Enterprises at 5.5% (674) and Public Administration at 5.2% (664). The balance of the industries each provided less than 5% of the total primary jobs in Monroe with Other Services (excluding Public Administration) leading this group at 4.3% (524) followed by Administration and Support, Waste Management and Remediation at 3.4% (420) and Retail Trade at 3.1% (376).

From 2010 to 2013 Management of Companies had the greatest absolute and percentage changes 561 and 496.5%, respectively. These changes caused the industry to employ 1.0% of total primary jobs in 2010 to 5.5% in 2013. Significant positive percentage changes in employment occurred among Construction (101.7%), Real Estate and Rental and Leasing (72.2%) and Finance and Insurance (69.9%), all of which lost significant amounts of jobs due to the Great Recession (2007 to 2009) and benefitted from the recovery. Other industries that recorded strong employment growth were Accommodations and Food Services (41.9%), Professional, Scientific and Technical Services (25.8%) and Educational Services (23.0%). Agriculture, Forestry, Fishing and Hunting, Administration and Support, Waste Management and Remediation, Health Care and Social Assistance, and Arts, Entertainment and Recreation experienced double digit growth 17.2%, 15.4%, 12.2% and 10.2%, respectively. Wholesale Trade grew 5.9%.

During the three-year period analyzed, several industries had significant absolute and percentage losses in employment. Transportation and Warehousing lost the most employees (-543 which was a -35.4% loss). The greatest percentage loss of employment occurred in the Information industry (-73.3% which consisted of losing 77 employees). Losses in employment occurred in Public Administration (=8.8%, -64), Other Services (excluding Public Administration) (-7.9%, -45), Retail Trade (-5.8%, -23) and Manufacturing (-5.5%, -62).

From 2010 to 2013 most of Monroe's employment has grown in service-based industries that require higher levels of educational attainment and skills, such as Management of Companies, Finance and Insurance, and Professional, Scientific and Technical Services. The largest employer is still Wholesale Trade albeit it grew slightly compared to many of the service-based industries. Significant declines in employment occurred in industries that are changing by requiring fewer employees, such as Information (one can equate it to printing on paper that has given way to electronic media) and Public Administration (doing more with less in government). Transportation and Warehousing lost significant amounts and percentages of employees due to many of the companies moving out of Monroe Township and/or automating their operations thereby requiring fewer employees.

Employment Outlook

The New Jersey Department of Labor and Workforce Development (NJDLWD) provides projections for civilian labor force by county in New Jersey. The latest projections are provided from 2012 to 2032. (http://dol.state.nj.us/labor/dmograph/lfproj_ind) Middlesex County's employment is projected to grow from 433,500 in 2012 to 468,600 in 2032, which is an increase of 32,100 or about 74%. Projections for the county are provided to 2022 (440,500) and 2027 (448,500). A projection to 2025 can be interpolated from the 2022 and 2027 projects: 445,300 in 2025, which is an increase of 11,800 or about 27%. Monroe's primary employment in 2012 is about 12,000, which is about 0.28% of Middlesex County's employment. When holding the Monroe's percentage of the county's employment and applying it to the 2025 county projection, Monroe is projected to increase its employment by 350 to 12,350. In essence, jobs in Middlesex County are projected to grow significantly from 2012 to 2032, but job growth in Monroe is not expected to grow in large absolute numbers. Monroe job growth is limited because most areas zoned for employment, i.e., light industrial and commercial, have been developed. Growth is expected in the retail sector where lands are available for this type of development, principally along Route 33 in the southern part of the township. Some growth in light industrial development may occur in the northwestern portion of the township where Monroe is contemplating changing residential zones to light industrial zones to be more compatible with the expansive light industrial development that occurred in neighboring South Brunswick Township.

To illustrate the anticipated low job growth in absolute numbers building permits and certificates of occupancy issued by Monroe Township from 2009 to 2013 are examined. During that five-year period, building permits for 353,795 square feet of non-residential space (office, retail, hotel/motel, education, industrial, institutional and storage) were issued and certificates of occupancy for 821,805 square feet of non-residential space were issued. This information illustrates the fact that much older building permits were finally acted upon to result in actual construction because 468,010 square feet of non-residential space was related to older building permits. A deeper examination of the data reveals the fact that 382,699 square feet of educational space (the Township's high school) comprises about 47% of the total amount of non-residential space built during the five-year period, which means that only about 53% of the non-residential space built contributed toward the creation of private sector jobs. Many of the teaching and administrative jobs for the high school already existed and were transferred to the new high school.

II. ANALYSIS OF IMPACT OF EXISTING CONDITIONS ON AFFORDABLE HOUSING OPPORTUNITIES

DETERMINATION OF PRESENT AND PROSPECTIVE FAIR SHARE

Monroe Township shall rely on the court settled affordable housing obligation of 1,133 for the Gap Period and Prospective Need that extends from 1999 to 2025. Monroe Township's 1999 - 2025 Rehabilitation Share is determined to be 104 units as agreed upon in the settlement.

AVAILABILITY OF EXISTING AND PLANNED INFRASTRUCTURE

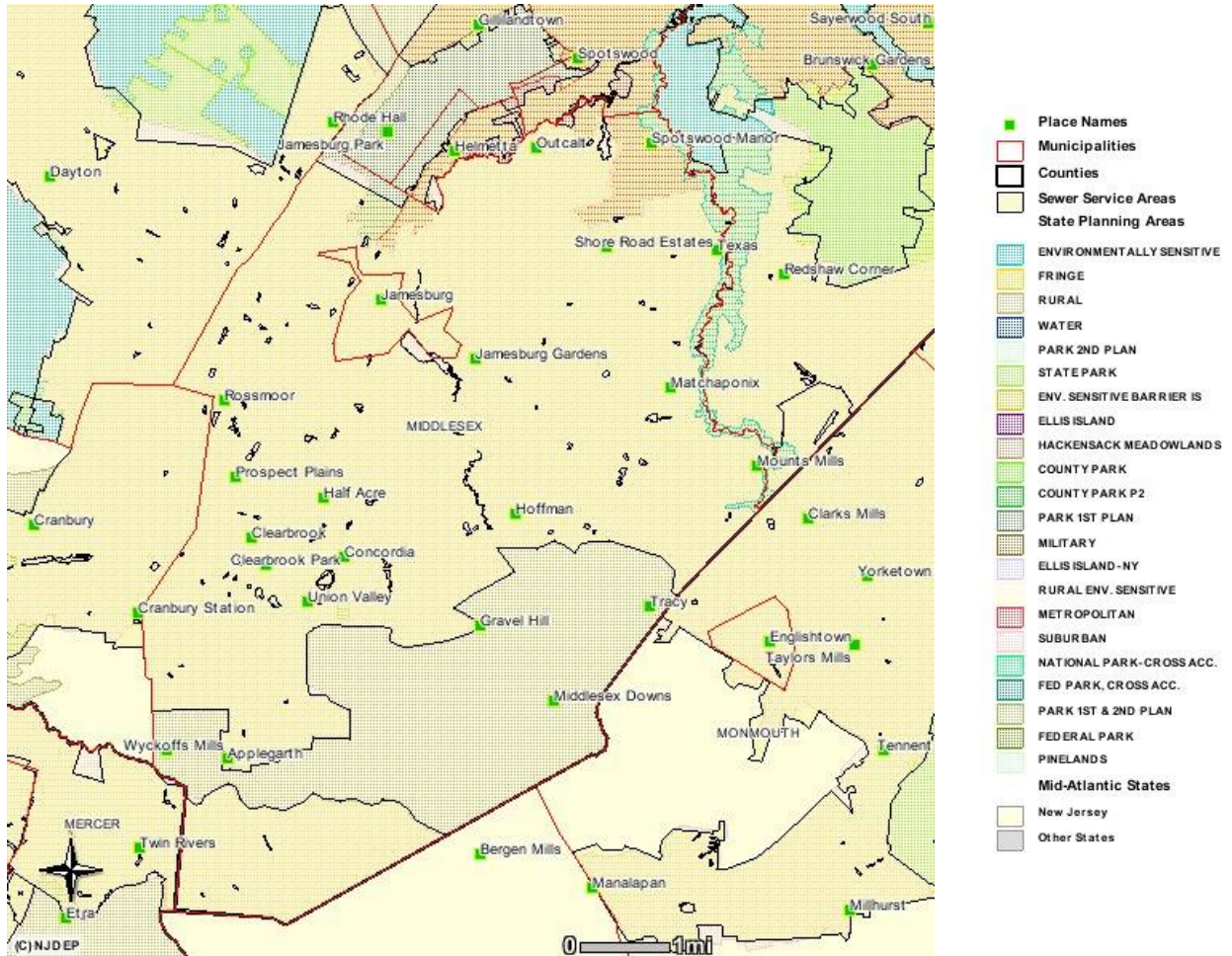
The majority of land in Monroe Township is located within Metropolitan Planning Area (PA1) and Suburban Planning Area 2 (PA2) that are coincident with sewer service areas. Monroe Township has an extensive sanitary sewer and water system. Sanitary sewage is collected and transported to Middlesex County Sewerage Authority's regional treatment plant located in Sayreville, New Jersey. Treated effluent is then discharged into the Raritan Bay. Water service in Monroe Township is provided by the Monroe Township Municipal Utilities Authority (MTMUA). The potable water supply is provided by a combination of groundwater sources and one surface water source. Groundwater is drawn from six potable wells and two irrigation wells owned by MTMUA. The surface supply is purchased in bulk from Elizabethtown Water Company.

All lands located within PA 1 and PA2 are intended to be served by public sanitary sewers and water; however, some of the areas will require extensions of such utilities as well as upgrades to accommodate future development. All areas where affordable housing is proposed are located in PA2 and sewer service areas.

Lands located outside sewer service areas are located in Rural Planning Area 4 (PA4) and Environmentally Sensitive Planning Area 5 (PA5) where individual septic systems and wells will serve future development. No affordable housing is planned in PA4 and PA5.

The following map shows the sewer service areas and State Planning Areas for Monroe Township (I-Map, New Jersey Department of Environmental Protection).

Map Showing Sanitary Sewer and State Planning Areas for Monroe Township



Source:

http://njgin.state.nj.us/OIT_GISTOOLS/mapstream?url=http://gis10.sa.state.nj.us/gisimages/NJ_DEP_gis... 11/21/2008

ANTICIPATED DEMAND OF TYPES OF USES PERMITTED BY ZONING

Monroe Township covers about 42 square miles in area that is a mix of suburban and rural landscapes. The Township provides a variety of zoning districts for different types of residential and non-residential development (see Land Development Regulations and Zoning Map submitted as separate documents).

Residential zoning districts range from rural 6-acre lots (Rural Residential/Farmland Preservation RR/FP in the southern portion of the municipality that lacks sanitary sewers and public water) to higher density developments (Planned Retirement Communities PRC). It is important to highlight the fact that Monroe Township has developed into a number of large retirement communities (about 34.8% of all households consist of persons 65 years and over, which is 2.8 times the percentage for all of Middlesex County). Future demand for retirement and age-restricted housing in the Township is anticipated to be strong. Single-family dwellings for which a significant amount of the zoning provides are also anticipated to have strong demand in the future. As of writing this plan, over 4,800 dwelling units have been either approved and not built or pending approvals. The zoning for the Township is adequate to meet the anticipated demand for residential development in the municipality.

Non-residential development zoning districts provide for commercial development (Neighborhood Commercial NC and Highway Development HD), office development (Office Professional OP and Planned Office Commercial Development POCD), and industrial development (Light Impact Industrial LI). Future demand for various types of non-residential development is anticipated to grow modestly. Demand for warehouse-type development is anticipated to be modest in the future, occurring as in-fill on smaller lots in industrial zones. Weak to modest demand for office space is anticipated in the future, occurring mostly as health care related uses. Over the past 15 years, Monroe experienced an increase in health care related office construction, which is now slowing. Some office development has occurred in the form of rehabilitating vacant office buildings, which are located in the western portion of the Township where old office parks exist. Monroe expects this rehabilitation of older office parks to occur over the next 5 to 10 years until all buildings are occupied. Commercial space, particularly retail space, is anticipated to have relatively strong demand in the future. Recent residential growth in Monroe Township (39.8% from 2000 to 2010) and Middlesex County (8.0% during same period) and anticipated residential growth (the 4,800 dwelling units that have received approvals but are not built or are pending approvals in Monroe Township) will increase demand for future retail development, particularly along Route 33 in the southern portion of the Township which still has a significant amount of undeveloped land in PA2 and sewer service areas. Zoning in Monroe Township can accommodate future demand for non-residential development.

ANTICIPATED LAND USE PATTERNS

Future land use patterns in Monroe Township are anticipated to reflect the Land Use Element of the Township's master plan (see Master Plan submitted as a separate document) and the zoning map (see Zoning Map submitted as a separate document). In general, more compact housing with neighborhood commercial development has formed in the northern and northeastern portions of the Township next to Helmetta and Spotswood Boroughs and around Jamesburg Borough. Industrial development patterns have formed around Interchange 8A of the New Jersey Turnpike in the northwestern portions of the Township. Retirement communities have developed in the central and west-central portions of the Township. The center portion of the Township has formed into a "public" services area that consists of the municipal complex, the town library, the Township's high school and middle school, county parkland, and post office. The east-central portion of the Township has developed with moderate densities of single-family dwellings. Farther east the Township is rural and is anticipated to be developed with a mix of lower-density single-family residential development and higher density planned retirement communities and affordable housing. The south-central portion of the Township is anticipated to remain rural with low-density single-family residential development. The southern portion of the Township is anticipated to be a mix of higher density residential development and highway commercial development, with the latter being located along Route 33. Affordable housing in the form of mostly mixed-use developments is anticipated to be located mostly in the southern portion of the Township and some in the eastern portion.

MUNICIPAL ECONOMIC DEVELOPMENT POLICIES

Monroe Township has a diversified economic base that provides a variety of job opportunities. The Township maintains economic development policies that promote a balance of housing, housing types and non-residential development, welcome further development of retirement communities that have made Monroe Township a unique, rich and rewarding place in which to live, encourage the provision of diverse types of housing stock that is available and affordable to a wide range of persons and households and require development to be environmentally sensitive and aesthetically pleasing. With respect to housing Monroe Township encourages providing opportunities for children to purchase homes in the Township in which they were born and raised, members of the workforce to live and work in the Township, and residents to remain in the Township as they grow older. With such economic development policies in place, Monroe Township is positioned to experience economic growth of high quality that will transform the underutilized lands located along Route 33 in the southern portion of the municipality as well as additional infill development throughout the municipality.

CONSTRAINTS ON DEVELOPMENT

Monroe Township has a number of areas that are environmentally constrained and important in terms of conservation and preservation. Such areas include: wetlands, woodlands, watershed areas, aquifer recharge, wellhead areas, surface and sub-surface water resources, flood-prone areas and steep-slope areas. The Township's ordinances provide for protection and conservation

of these environmentally sensitive areas and flexible zoning to avoid such areas while allowing for development, i.e., clustering.

About one-third (8,600 acres) of the Township's land mass is covered by freshwater wetlands. Wetlands are important for providing critical habitat for flora and fauna (see following map showing wetlands). The majority wetlands in Monroe Township are associated with major streams (Millstone River, Manalapan Brook and Matchaponix Brook), tributaries to these streams, and stream corridor most of which are wooded. The wetlands are important flood control areas and groundwater recharge areas. They constitute the majority of Monroe's open spaces.

Since the wetlands are an important environmental resource, they present major constraints on future development because of the federal, state and local environmental regulations that restrict and limit development in and near them.

As indicated above many of the wetland areas are integrally connected to the hydrologic and hydraulic systems of Monroe Township (see following map showing water bodies, watersheds and wellhead protection areas in the Township). The Federal Emergency Management Administration has delineated 100-year floodplains throughout Monroe Township. These delineated areas are highly restricted prohibiting and greatly limiting development in order to avoid loss of life and property during flooding. Monroe Township has incorporated the floodplains into its development regulations by designating them as Flood Hazard Conservation FHC zone. Development is highly constrained in these areas.

Wellhead protection areas are shown on the previously mentioned map. Wells within these areas are part of the potable water supply in Monroe Township and Jamesburg Borough. Development (setbacks and impervious coverage) in these areas is constrained in order to protect the water supply. Wellhead protection areas in the Township are shown on the following wetlands map.

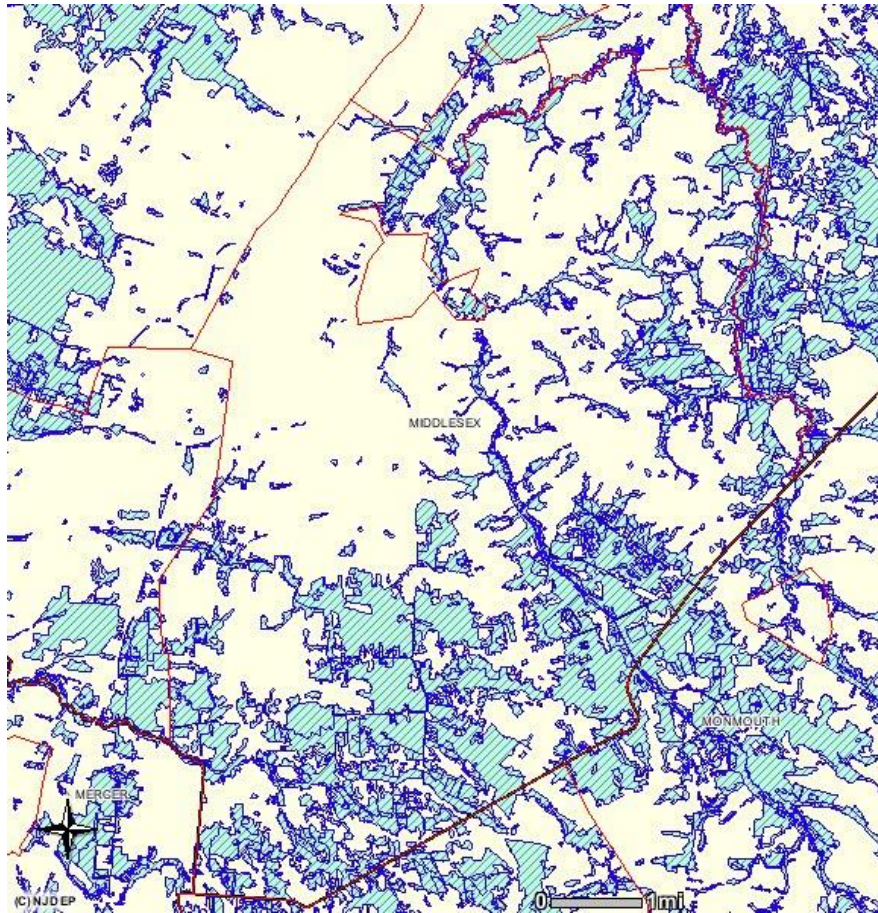
In addition to being associated with wetlands, aquifer recharge outcrop areas exist within the Township, the best of which are located in the northern portion of the municipality. Lower density residential development is planned in these areas. Development in aquifer recharge areas is limited to lower density residential development.

Known contaminated sites and areas in Monroe Township are shown on the third following map. Contaminated sites present obstacles for development, depending on the type and extent of contamination. Such constraints may include, but not be limited to, costs for cleanup outstripping the economic feasibility of a project, types of contamination that prohibit residential development, and others.

Other constraints include the cost to extend sanitary sewers and water lines to sites within PA2 and sewer service areas. Such constraints are monetary, meaning that they add cost to projects.

Map Showing Wetlands in Monroe Township

Source: http://njgin.state.nj.us/OIT_GISTOOLS/mapstream?url=http://cedar20.sa.state.nj.us/gisimages/NJDEP ... 11/23/2008

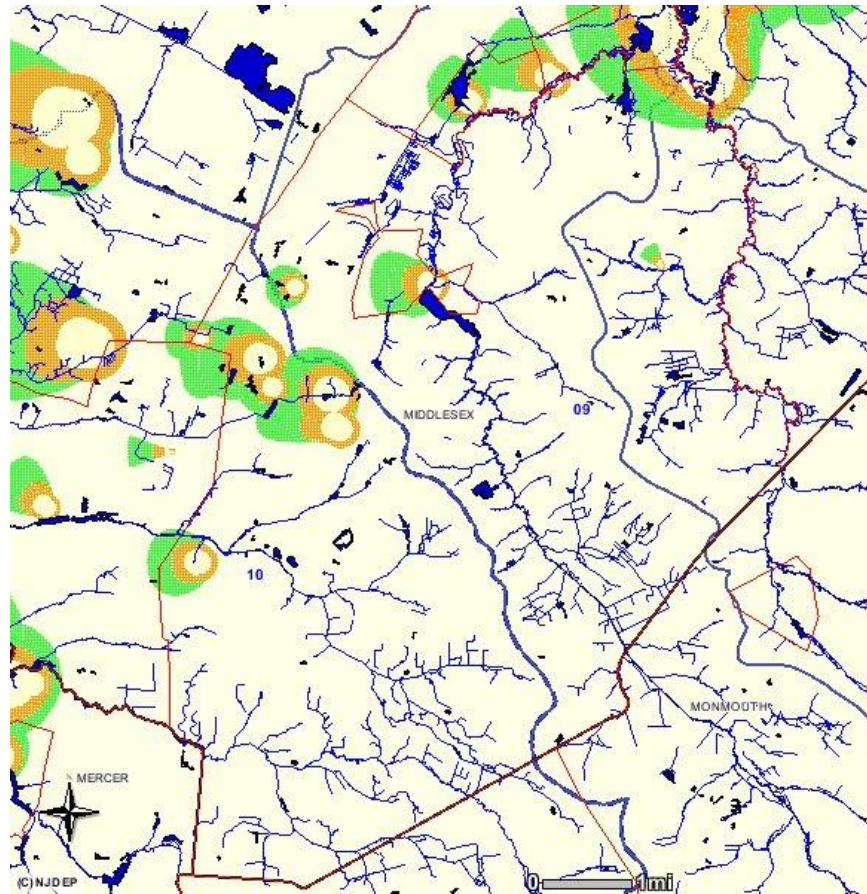


Legend

-  Municipalities
-  Counties
-  Wetlands (2002)
-  WETLANDS
-  Mid-Atlantic States
-  New Jersey
-  Other States

Map Showing Water Bodies, Watersheds & Wellhead Protection Areas in Monroe Twp.

Source: http://njgin.state.nj.us/OIT_GISTOOLS/mapstream?url=http://cedar20.sa.state.nj.us/gisimpages/NJDEP ... 11/23/2008

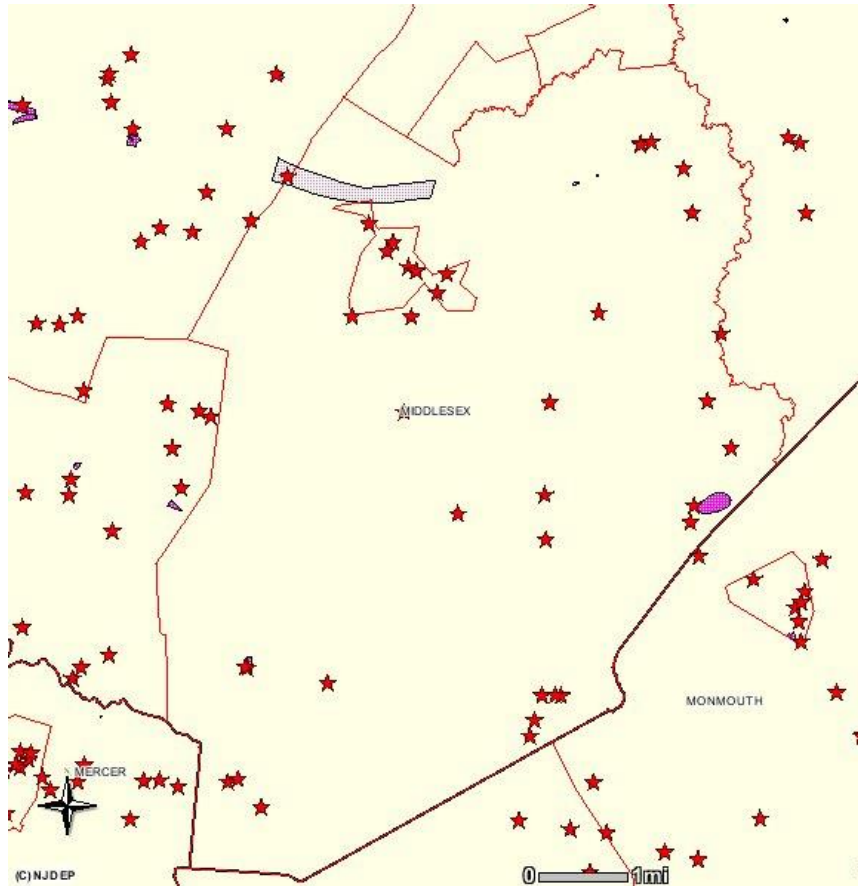


Legend

-  Municipalities
-  Counties
-  Streams
-  Water Bodies
-  Well Head Protection Areas (Community)
-  Tier 1: 2-Year
-  Tier 2: 5-Year
-  Tier 3: 12-Year
-  Watersheds by Name (HUC11)
-  Watershed Management Areas
- Mid-Atlantic States**
-  New Jersey
-  Other States

Map Showing Contaminated Sites and Areas in Monroe Township

Source: http://njgin.state.nj.us/OIT_GISTOOLS/mapstream?url=http://cedar20.sa.state.nj.us/gisimpages/NJDEP ... 11/23/2008



Legend

- ★ Known Contaminated Sites List
- Municipalities
- Counties
- Groundwater Contamination Areas (CEA)
- ▨ Groundwater Contamination Areas (CKE)
- Mid-Atlantic States
 - New Jersey
 - Other States

EXISTING OR PLANNED MEASURES TO ADDRESS THESE CONSTRAINTS

The majority of the constraints for development in Monroe Township center on protecting and conserving the environment. Monroe Township's development policies focus on balancing development with protecting the environment. The Township welcomes innovative techniques and approaches for achieving this balance. Notwithstanding, the Township will not compromise the environment for the sake of development. To that end, the Township recognizes the fact that state and federal regulations will take precedence over many of the environmental issues facing development in the municipality.

With regard to cost constraints for extending sewer and water infrastructure to development, the Township regards these matters as costs for doing business in the municipality. Monroe Township gives consideration for assisting developers of affordable housing to reduce such costs.

III. Compliance Plan

The Compliance Plan is the implementation plan for meeting Monroe Township's 1999 - 2025 affordable housing obligation. The Township's plan for meeting its anticipated affordable housing obligation is described in detail in the following sections.

CONSIDERATION OF LANDS APPROPRIATE FOR AFFORDABLE HOUSING

Monroe Township has developable lands that are principally located within PA2 and sewer service areas. Inclusionary housing projects that were approved to address prior round obligations in the Township and now under construction are located within PA2 and sewer service areas in the southern portions of the municipality. The lands under consideration for addressing Monroe's 1999 - 2025 obligation are also situated in PA2 and sewer service areas where utilities, including sanitary sewers and water lines, could be extended to serve future inclusionary housing developments. They are also located along or in close proximity to major roads, i.e., state and county highways.

Although there are developable lands in the areas designated PA4 and PA5, these areas are unsuitable for affordable housing because they are located where sewers are not planned and development must rely on individual septic systems and wells. The rural areas have narrow two-lane roads that are unsuitable for major development.

AFFORDABLE HOUSING OBLIGATION

1999 – 2025 Gap Period and Prospective Need

As a result of extensive negotiations undertaken by Monroe Township with several intervenors, the Court and its master, the agreed-upon obligation for the combined Gap Period (1999 - 2015) and Prospective Need (2015 - 2025) that must be addressed by this Compliance Plan is 1,133. The Fair Share Housing Center (FSHC) supplied the Court with its estimate of Monroe's 1999 – 2025 obligation: 2,323 which were in dispute. The 1999 – 2025 obligation of 1,133 was determined by applying the 1,000-unit cap and adding 133, which is one-third of the Court-estimated Gap Period obligation of 399. The balance of 266, which represents two-thirds of the Gap Period, will be added to future obligations in the following manner: the second one-third consisting of 133 will be added to the 2025 – 2035 Prospective Need, and the third one-third consisting of 133 will be added to the 2035 – 2045 Prospective Need.

Rehabilitation Share

Monroe Township's rehabilitation share, which was estimated by FSHC and to which Monroe agrees, is 104 units.

Prior Round Obligation

Monroe Township's prior round obligation is 554.

REHABILITATION PROGRAM

Monroe Township has a long-standing, experienced and successful rehabilitation program which dates back to 1988 when it first received its first-round substantive certification from COAH. For its 1999 - 2025 obligation Monroe Township has a rehabilitation share of 104 units, which is based on estimates from the 2010 United States Census.

Table 22 summarizes Monroe Township's program to address its rehabilitation share of 104 units. Monroe plans to rehabilitate 10 to 11 units per year for the following 10 years (2016-2025).

According to COAH's rules, Monroe Township will expend at least \$10,000 per unit for hard costs on average. The total rehabilitation cost is at least \$1,040,000.

Monroe Township's funding source is its affordable housing trust fund, which had a balance in the amount of \$13,070,775.48 through December 31, 2015

In the event of a shortfall of revenues for implementing the rehabilitation program, Monroe Township will bond to cover the shortfall. Monroe Township Council has adopted a resolution of intent to bond in the event of a shortfall of funds (Appendix C).

A copy of the Township's Operating Manual for the Administration of Rehabilitating Units is provided in Appendix D.

Table 22: Rehabilitation Program 2016 – 2025	
Year	No. Units
2016	10
2017	10
2018	10
2019	10
2020	10
2021	10
2022	11
2023	11
2024	11
2025	11
Total	104

SATISFACTION OF PRIOR ROUND OBLIGATION

Monroe Township’s prior round obligation is 554 units. Monroe Township has satisfied its prior round obligation as indicated in Table 23. The result of Monroe’s efforts in addressing its prior round obligation is a total of credits in the amount of 556 affordable units, which provides a surplus of 2 units.

Monroe’s rental obligation is 139 units. Monroe provided 203 affordable rental units, which yielded 98 bonus credits (see Table 24). According to COAH’s third-round rules, Monroe’s ability to obtain rental bonuses for rental units and age-restricted rental units is limited: no rental bonuses for rental units in excess of prior round obligation (139), and no rental bonuses for age-restricted rental units in excess of 50% of the prior round obligation (70). Monroe’s rental units did not exceed the rental obligation and therefore will not be limited for rental bonuses (75 rentals x 1.00 = 75 bonus credits); however, its age-restricted rental bonus is limited to 70 age-restricted rental units because it exceeded the restriction with 122 age-restricted rentals (70 rentals x 0.33 = 23 bonus credits).

It is important to note that the two other Association for Retarded Citizens (A.R.C.) alternative living arrangements received no bonus credits because the term of the deed restrictions for the facilities is less than 30 years, which is required by COAH's third-round rules (each has 20-year deed restrictions). The one that received bonus credits has 40-year term deed restrictions.

Table 23: Prior Round Compliance			
Project/Program Name	Units	Rental Bonus	Total Credits
ARC Prospect Plains-Cranbury Rd. Alt. Living	5	5	10
ARC Monmouth Road Alternative Living	3	--	3
ARC Schoolhouse Road Alternative Living	3	--	3
Monroe Manor Inclusionary Development	127	25	152
Stratford at Monroe Inclusionary Develop.	205	68	273
RCA with New Brunswick	115	--	115
Total	458	98	556

Table 24: Prior Round Rental Bonuses				
Project	Rental Units	Subject to 2:1 Bonus	Subject to Age-Rest. 1.33:1 Bonus	Total Bonus Credits
ARC Prospect Plains Alt. Living	5	5	--	5
Monroe Manor Family Rentals	25	25	--	25
Stratford at Monroe Fam. Rentals	45	45	--	45
Stratford at Monroe Age-R. Rentals	70 ⁹	--	23	23
Total	**	75	23	98

⁹ Actually, 122 age-restricted rentals are provided; however, COAH's rules limit the amount of bonus credits for age-restricted rentals to 50% of the rental obligation (139 x .50 = 70).

Monroe Township’s limit for age-restricted units for all affordable housing is 139 units, which is 25% of the prior round obligation (554 x 0.25 = 139). The total number of age-restricted units provided for the prior round is 122, which is less than the limit.

Appendix E contains the Summary of Built Project Prior Round, which provides information about satisfying the Township’s prior round obligation.

Furthermore, it is important to note that the two inclusionary housing developments that were identified in prior round fair share plans are now under construction – the realistic opportunity for affordable units to be produced is now coming to fruition. Those developments are Monroe Manor and Stratford at Monroe. Information about these developments is on file with COAH.

SATISFACTION OF 1999 - 2025 OBLIGATION

As indicated above Monroe Township’s total 1999 - 2025 obligation is 1,133 affordable units. The various affordable housing requirements are:

1999 – 2025 Obligation	1,133 units
Low Income Requirement (50% of Obligation)	567 units
Rental Obligation (25% of Obligation)	283 units
Family Rental Requirement (50% of Rental Obligation)	142 units
Age-Restricted Unit Limitation (25% of Obligation)	283 units
Very Low Income Requirement (13% of Affordable Units Built)	111 units

850 Affordable Units to be Built X 13% = 111 Very Low Units

Table 25 summarizes Monroe Township’s proposed approach for addressing the foregoing affordable housing requirements.

In order to address its obligation, Monroe Township intends to employ the following mechanisms: (1) zoning for inclusionary development, (2) inclusionary development resulting from the conversion of age-restricted development as provided under the Sarlo Act and (3) municipally sponsored/100% affordable housing. For addressing this obligation three zones for inclusionary development exist: AFMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone in the HD Highway Development Zone, VC-1 Village Center 1 Overlay Zone in the R3A Residential Zone and VC-2 Village Center Overlay Zone in the HD Highway Development Zone. Another existing zone inclusionary development, PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District, must be modified to satisfy settlement with an intervenor. Three new zones must be created to satisfy settlement with an intervenor and to address the balance of the obligation. Table 26 summarizes the Township’s compliance in addressing its 1999 - 2025 obligation by providing affordable units and rental bonuses.

In addition to the aforementioned zoning for inclusionary development that exists, must be

changed and must be created, a special needs/group home for 5 very low-income affordable units (bedrooms) was developed by SERV during the 1999 – 2015 period. This facility, which is located in Block 26, Lot 21.1, is operational. These 5 units will be credited toward Monroe’s 2025-2035 obligation.

A map provided in Appendix F shows the locations of the inclusionary housing development zones, Sarlo conversion inclusionary developments, municipally sponsored/100% affordable site, 100% affordable sites that are part of inclusionary housing development zones and special needs/group home. Appendix G contains the Summary of Plan for 1999-2025 Fair Share Obligation.

Table 25: Obligation Requirements vs. Proposal		
Description	Required	Proposed
1999 – 2025 Obligation	1,133	1,133
Low Income Requirement	567	567
Rental Obligation	295	850
Family Rental Requirement	142	567
Very Low Income Requirement	147	147
Age-Restricted Unit Limitation	283	283

Table 26: Obligation Compliance – 1,133 Affordable Units					
Mechanism	Affd. Fam. Rental	Affd. Age-Restricted Rental	Rental Bonus	Total Credits	Affd. Very Low Inc. Rental
Toll Brothers/Monroe Chase Sarlo Conversion Inclusionary Development	26	--	26	52	3
K. Hovnanian Sarlo Conversion Municipally Sponsored/100% Affordable Housing (15% Very Low)	37	--	37	74	6
VC-2 Overlay Zone: Shared Properties I Inclusionary Development	47	--	47	94	6

VC-1 Overlay Zone: JSM Mounts Mills Celebrations Court Settlement Inclusionary Development	--	66	--	66	9
VC-1 Overlay Zone: JSM Mounts Mills Celebrations Court Settlement 100% Affordable (15% Very Low)	100	--	51	151	15
AFMUD/HD Overlay Zone: JSM Route 33 North Court Settlement Inclusionary Development	--	131	--	131	17
AFMUD/HD Overlay Zone: JSM Route 33 North Court Settlement 100% Affordable (15% Very Low)	171	--	51	222	26
PRD-AH-AR Zone to be changed to R-ARAF Zone: Countryside Inclusionary Development	--	53	--	53	7
New HD-R-AH Zone to be created: Monroe 33 Developers Inclusionary Development	30	--	--	30	4
New POCD-AR-AH Zone to be created: JSM Applegarth Inclusionary Development	--	33	--	33	4
New MU-HD-R-AH Zone to be created: JSM Route 33 South Inclusionary Development	113	--	71	184	15
VC-2 Overlay Zone: SP II Inclusionary Development	43	--	--	43	6
Total	567	283	283	1,133	118

An evaluation of these sites for suitability for affordable housing production including maps is provided in Appendix H. Proposed zoning changes to permit inclusionary housing as identified in Table 26 are provided in Appendices I (zoning map) through M (draft ordinances). The zoning changes reflect the court settlement reached with the intervenors and interested party. The court settlement agreement, which is the basis for the proposed zoning, is provided in Appendix N. The proposed “Global” Developer’s Agreement with JSM is provided in Appendix O. Brief descriptions of the sites and their affordable housing mechanisms as identified in Table 26 are provided below.

Toll Brothers/Monroe Chase Sarlo Conversion Inclusionary Development

The Toll Brother/Monroe Chase project is the result of the Sarlo Act that permitted the conversion of an approved, but not built, age-restricted housing developments. In this case the project was originally known as Southfield Grand. This original project that was converted was the result of a use variance for permitting 130 age-restricted units in the R60 Residential zone. The parcel for this project is Block 14, Lots 12.01 and 13. The conversion development consists of a total of 130 dwelling units of which 26 are affordable family rental units and 104 are market-rate non-age-restricted units. As of writing this report the project is under construction and all affordable units are about to be completed.

K. Hovnanian Sarlo Conversion Municipally Sponsored/100% Affordable Housing Development

The K. Hovnanian at Monroe NJ project was originally a housing development approved for 348 age-restricted dwelling units. The tract of land consisted of Block 25, Lots 1 and 25, Block 41, Lot 14 and Block 40, Lots 2.02, 3, 4.01 and 5.01. The project was approved for a Sarlo conversion to yield 278 non-age-restricted units (146 units restricted to no more than two-bedrooms per unit and 132 unrestricted units) and the dedication of about 25 acres of land for a municipally sponsored 100% affordable housing development and a park. K. Hovnanian agreed to extend public water and sanitary sewers to the affordable housing site, make earthwork improvements to ready the site for future affordable housing development and make certain improvements to create a park. Monroe will obtain ownership of the affordable housing and park site after K. Hovnanian makes these improvements. As of writing this report K. Hovnanian is improving the affordable housing/park site. Once Monroe acquires the site, it will undertake a municipally sponsored/100% affordable housing development consisting of 37 rental units for veterans and veteran families, of which 6 units (15%) will be for very low-income households. Monroe will utilize as much as it can of its Affordable Housing Trust Fund, which had a cash balance in the amount of \$13,070,775.48 on December 31, 2015, for this project.

Existing VC-2 Village Center 2 Overlay Zone Shared Properties I Inclusionary Development

The VC-2 Overlay Zone was created for a portion of the HD Highway Development Zone that is located along the eastern side of Applegarth Road and the northern side of Route 33 to the Millstone River to the north. This area is largely underdeveloped with an office building, a self-storage facility, farm fields, a single-family dwelling, a former bus garage that is vacant and a farm equipment business that has since been razed. A use variance and preliminary and final site plan and subdivision approval was granted for a total of 186 dwelling units of which 47 are affordable family rental units and 186 market-rate units. A use variance was required because the tract of land did not meet the minimum requirement of 75 acres for the overlay zone. The tract of land is identified as Block 4, Lots 9, 13.08, 13.09 and 13.10.

Existing VC-1 Village Center 1 Overlay Zone JSM Mounts Mills Celebrations Court Settlement Inclusionary Development

The VC-1 Overlay Zone was created to provide for mixed-use residential and commercial development with affordable housing. The JSM Mounts Mills Celebrations project received preliminary and final approval following a court settlement to provide for a total of 522 dwelling units of which 66 are affordable age-restricted rental units and 456 are non-age-restricted market-rate units. The tracts of land are identified as Block 35, Lot 1, Block 53, Lot 24 and Block 54, Lots 3 and 4. As the result of further negotiations with JSM, this inclusionary development will become part of a “global” inclusionary development that includes all JSM projects. For more detail see Summary of Plan for JSM component in Appendix G.

Existing VC-1 Village Center 1 Overlay Zone JSM Mounts Mills Celebrations Court Settlement 100% Affordable Housing

As part of the court settlement for the JSM project as described above, JSM is required to transfer to Monroe Township 5 acres of buildable land for the development of a 100% affordable housing development consisting of 100 affordable family rental units of which 15 units (15%) will be for very low-income households. Subsequent negotiations between Monroe Township and JSM have resulted in an agreement for JSM to construct, rather than Monroe Township, the 100% affordable family rental units as part of a “global” development that includes all JSM projects in Monroe. Appendix G summarizes all JSM developments and contains the sequencing of all JSM projects that includes this VC-1 Overlay Zone 100% Affordable Housing project. In essence, this 100% affordable housing project becomes part of a large inclusionary housing development consisting of all JSM projects.

Existing AFMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone: JSM Route 33 North Court Settlement Inclusionary Development

Monroe Township created the AFMUD/HD Overlay Zone to provide for mixed-use development that includes affordable housing in the southern portion of the municipality along Route 33. As part of a court settlement with JSM a total of 749 dwelling units of which 131 are affordable age-restricted rental units and 618 are non-age-restricted market-rate units. The tract of land is identified as Block 6, Lots 12.06, 13.01, 14.01, 15.01, 16.01, 23.01 and 27.01. As indicated above all JSM projects will become part of a “global” inclusionary development including this one. See Appendix G for this project’s sequencing.

Existing AFMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone: JSM Route 33 North Court Settlement 100% Affordable Housing

As part of the court settlement for the JSM project described above, JSM is required to transfer to Monroe Township 10 acres of buildable land for a 100% affordable housing development. Through negotiations JSM has agreed to construct 171 affordable family rental units, of which

26 units (15%) will be for very low-income households, as part of a “global” inclusionary development that includes all JSM projects as well as this one. See Appendix G for this project’s sequencing.

Portion of Existing PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District to be changed to R-ARAF Residential-Age-Restricted Affordable Housing Zone: Countryside Inclusionary Development

Monroe Township created a new zoning district from the former R3A Residential-Agricultural District to provide for market-rate age-restricted for-sale residential units and affordable age-restricted for-sale residential units as well as require deeding at least five (5) acres of developable land to Monroe Township for the purpose of constructing municipally sponsored, 100% affordable housing that would provide for affordable family rental units. Countryside intervened in the declaratory judgment action regarding Monroe Township. As a result of negotiating with Countryside, Monroe will change a portion of the PRD-AH-AR zone that consists of Block 36, Lots 1.09, 3, 6, 9.01, 9.02 and 11.01 to eliminate the five (5) acres of land to be deeded to Monroe for 100% affordable housing and to provide for the following types and amounts of housing units:

<u>Description</u>	<u>No. Dwelling Units</u>	<u>Percentage (%)</u>
Market Rate Multi-Family Units	213	80
Affordable Multi-Family Age-Restr. Rental Units	<u>53</u>	<u>20</u>
Total	266	100

Of the 53 affordable age-restricted multi-family rental units, 7 (13%) will be provided to very low-income households. The market-rate units will be restricted to no more than two bedrooms per unit with recreational amenities such a bocce ball and “pickle ball.” Appendix J contains the proposed R-ARAF zone. The balance of the PRD-AH-AR zone will be changed back to its original zone R3A.

New HD-R-AH Highway Commercial-Residential-Affordable Housing Zone to be created: Monroe 33 Developers Inclusionary Development

Monroe 33 Developers, LLC intervened in Monroe’s declaratory judgment action requesting to change the zoning of its property known as Block 1.14, Lot 13.02, which contains about 32.9 acres, from HD Highway Development to one that permits an inclusionary multi-family development. As a result of negotiating with Monroe 33 Developers, LLC, Monroe will change the HD zone to the new HC-R-AH Highway Commercial-Residential-Affordable Housing District. Since a portion of the subject site adjacent to Route 33 is already developed with a convenience store/gasoline station, the HC-R-AH zone will require the zone to be developed with commercial uses as permitted in the HD zone and in accordance with HD zone and design standards in an area set back 500 feet from Route 33. The balance of the zone will permit the following housing types and amounts:

<u>Description</u>	<u>No. Dwelling Units</u>	<u>Percentage (%)</u>
Market Rate Multi-Family Units	120	80
Affordable Multi-Family Rental Units	<u>30</u>	<u>20</u>
Total	150	100

Of the 30 affordable age-restricted multi-family rental units, 4 (13%) will be provided to very low-income households. Appendix K contains the proposed HD-R-AH zone.

New POCD-AR-AH Planned Office Commercial District-Age-Restricted-Affordable Housing Zone to be created: JSM Applegarth Inclusionary Development

JSM Applegarth has expressed an interest in assisting Monroe Township to address its affordable housing obligation. In doing so, JSM Applegarth requested a change in zoning from POCD Planned Office Commercial District to one that permitted age-restricted market-rate and affordable housing units in multi-family dwellings on its parcel of land, Block 25, Lots 2.10, 2.11, 2.12, 2.13 and 2.14, which is partially developed with medical offices and commercial uses. Monroe will change the POCD zone to POCD-AR-AH zone for the JSM Applegarth property. The new zone (Appendix L) will require office and commercial uses to comply with POCD zone requirements and standards. The zone will permit the following housing types and amounts:

<u>Description</u>	<u>No. Dwelling Units</u>	<u>Percentage (%)</u>
Market Rate Multi-Family Units	109	76.8
Affordable Multi-Family Age-Restr. Rental Units	<u>33</u>	<u>23.2</u>
Total	142	100.0

Of the 33 affordable age-restricted multi-family rental units, 4 (13%) will be provided to very low-income households. Appendix I contains the proposed POCD-AR-AH zone.

As indicated in other sub-sections describing JSM participation in providing affordable housing, all JSM projects will become part of a “global” inclusionary development including this one. See Appendix G for this project’s sequencing.

New MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing Zone to be created: JSM Route 33 South Inclusionary Development

JSM has expressed an interest in assisting Monroe Township to address its affordable housing obligation. JSM has agreed to construct the two 100% affordable housing developments associated with VC-1 Village Center 1 Overlay Zone JSM Mounts Mills Celebrations Court Settlement and AFMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone: JSM Route 33 North Court Settlement and provide additional affordable family rental units on its Route 33 South property (Block 3, Lots 12.01, 13, 14, 26 and 27) in exchange for Monroe Township rezoning the Route 33 South property from LI Light

Industrial to MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing Zone (Appendix M). Monroe has agreed to make the zone change. The new zone will permit commercial uses as regulated by the HD zone and standards and will permit the following housing types and amounts:

<u>Description</u>	<u>No. Dwelling Units</u>	<u>Percentage (%)</u>
Market Rate Multi-Family Units	1,273	91.8
Affordable Multi-Family Rental Units	<u>113</u>	<u>8.2</u>
Total	1,386	100.0

Of the 113 affordable multi-family rental units, 15 will be provided to very low-income households. Appendix m contains the proposed MU-HD-R-AH zone.

As indicated above all JSM projects will become part of a “global” inclusionary development including this one. The JSM Route 33 South development sequencing will be linked to the development of the 100% affordable housing development in the AFMUD/HD JSM Route 33 North property. For the sequencing of MU-HD-R-AH project see Appendix G.

Existing VC-2 Village Center 2 Overlay Zone P II Inclusionary Development

The VC-2 Overlay Zone was created for a portion of the HD Highway Development Zone that is located along the eastern side of Applegarth Road and the northern side of Route 33 to the Millstone River to the north. This area is largely underdeveloped with an office building, a self-storage facility, farm fields, a single-family dwelling, a former bus garage that is vacant and a farm equipment business that has since been razed. A use variance was granted in March 2016 for a total of 215 dwelling units of which 43 are affordable family rental units and 172 market-rate units. A use variance was required because the tract of land did not meet the minimum requirement of 75 acres for the overlay zone. The tract of land is identified as Block 4, Lots 7, 8 and 14.01 and part of Lot 9.

“Global” JSM Affordable Housing Developments

All JSM affordable housing developments, which include inclusionary housing developments and two 100% affordable housing developments, will be treated as one “global” inclusionary housing project. The various developments are considered to be components of the “global” project and will be sequenced to ensure affordable housing is developed in a timely manner as market-rate units are developed. See Appendix G for a summary and sequencing of all JSM developments Affordable and market-rate housing will be phased in accordance with COAH and UHAC requirements. Certificates of occupancy must be issued for affordable housing before building permits for market-rate units are issued in accordance with required sequencing of developments and required phasing of affordable and market-rate units. Given the market for different types of housing varies, flexibility in sequencing of developments may be considered provided the same ratio of affordable to market-rate units as set forth in Appendix G is

accomplished. Appendix O contains the “global” developer’s agreement.

Affordability Controls

All inclusionary developments, including “Global” JSM Affordable Housing Developments, and municipally sponsored/100% affordable housing development will have 50-year restrictions for affordability.

Affirmative Marketing Plan

The Monroe Township affirmative marketing plan for each affordable housing development, regardless of whether the development is inclusionary or 100% affordable, is provided in Appendix P. This model plan shall be prepared and administered for each affordable housing development. An administrative agent shall be identified and employed for each affordable housing development to carry out the affirmative marketing plan. The administrative agent for each affordable housing development shall submit the affirmative marketing plan for each affordable housing development to the Monroe Township Affordable Housing Liaison to ensure compliance and Municipal Clerk for public view. That administrative agent shall submit to the Monroe Township Affordable Housing Liaison information about implementation of the affordable housing marketing plan sufficient to comply with State monitoring and reporting requirements on a continuing basis. Appendix Q contains the Monroe Township Council resolution adopting the affirmative marketing plan.

Affordable Housing Ordinance

The Monroe Township Affordable Housing Ordinance, which addresses the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls regarding compliance with the Township’s affordable housing obligations, is contained in Appendix R.

IV. Summary of 1987-2025 Fair Share Obligation Compliance

For its 1987-2025 affordable housing obligation Monroe Township will have a surplus of seven (7) credits for affordable housing units as demonstrated in Table 28.

Table 28: 1987-2025 Fair Share Obligation Compliance		
Obligation, Satisfaction, Surplus/Deficit	No. Units	No. Units
Prior Round Obligation	554	
Prior Round Obligation Satisfaction	556	
Prior Round Surplus/Deficit		+2
2015-2025 Rehabilitation Share	104	
2015-2025 Rehabilitation Satisfaction	104	
2015-2025 Rehabilitation Surplus/Deficit		0
1999-2025 Obligation	1,133	
1999-2025 Obligation Satisfaction ¹⁰	1,138	
1999-2025 Surplus/Deficit		+5
1987-2025 Obligation Surplus/Deficit		+7 ¹¹

¹⁰ 1999-2025 Obligation Satisfaction includes the Sarlo Conversions, Existing Zoning to provide Inclusionary Housing, Changes to Existing Zoning to provide Inclusionary Housing and New Zones to provide Inclusionary Housing which total 1,133 affordable housing credits plus the 5 affordable housing credits from the SERV Special Needs/Group Home that was created, thereby equaling 1,138 affordable housing credits.

¹¹ The Surplus of 7 affordable housing credits will be credited toward Monroe Township's 2025-2035 Affordable Housing Obligation.

APPENDICES

APPENDIX A
PLANNING BOARD RESOLUTION

DRAFT
TOWNSHIP OF MONROE PLANNING BOARD

RESOLUTION

**ADOPTION OF HOUSING ELEMENT AND FAIR SHARE PLAN
OF THE MONROE TOWNSHIP MASTER PLAN**

WHEREAS, on or about July 28, 2011 the Monroe Township Planning Board adopted the Master Plan prepared by Mark A. Remsa, P.P. for the comprehensive development of the Township of Monroe and in compliance with the requirements of the Municipal Land Use Law NJSA 40:55D-28; and

WHEREAS, at the time of adoption of said Master Plan, it was noted that the Master Plan must be subject to constant review and updating in light of changing needs, and further that the Planning Board should review each year the concepts and ideals as related to development that have actually occurred during the year; and

WHEREAS, Mark A. Remsa, P.P., Planning Consultant to the Monroe Township Planning Board prepared the Monroe Township Housing Element and Fair Share Plan to provide its fair share of affordable housing to low and moderate income persons within Monroe Township, consistent with constitutional requirements of the Mount Laurel Doctrine; and

WHEREAS, the Monroe Township Planning Board finds that Board Planner Remsa has prepared a Fair Share Plan in which Monroe has actually met its entire Prior Round obligation and significant portions of its Third round obligation, and has identified specific sites and mechanisms for the remainder of its Third Round obligation that present a realistic opportunity for the development of housing affordable to lower-income households, including families, people with special needs, very-low-income households including very-low-income families, and seniors; and

WHEREAS, the Monroe Township Planning Board has thoroughly reviewed the 1999-2025 Housing Element and Fair Share Plan dated June 2016 prepared by Mark Remsa, P.P, L.L.A, A.I.C.P, A.S.L.A, and wishes to adopt same as an element of the Monroe Township Master Plan; and

WHEREAS, the Monroe Township Planning Board in consultation with its legal counsel and planning consultant has reviewed the above referenced plan and believes that said Housing Element and Fair Share Plan is in the best interest of the Township of Monroe and consistent with the goal of meeting its constitutional obligation to provide its fair share of affordable housing for low and moderate income persons for the period 1999-2015; and

WHEREAS, Public Notice, by publication in the official newspaper of Monroe Township and notice to the County Planning Board has been given pursuant to NJSA 40:55D-13, and in compliance thereof.

NOW THEREFORE BE IT RESOLVED by the Monroe Township Planning Board that, based upon the presentation of Board Planner Mark A. Remsa and a thorough review of the plan, the 1999-2025 Housing Element and Fair Share Plan dated June 2016, which is attached hereto and incorporated herein by reference is hereby adopted as an element of the Monroe Township Master Plan; and

BE IT FURTHER RESOLVED by the Monroe Township Planning Board that the 1999-2025 Housing Element and Fair Share Plan be forward forthwith to the Township Council for its consideration whether to endorse this 1999-2025 Housing Element and Fair Share Plan in accordance with the Settlement Agreement entered into **In the Matter of the Application of the Township of Monroe for Substantive Certification of its Obligations Under the Fair Housing Act, Docket No. MID-L-3365-15**; and

BE IT FURTHER RESOLVED that the Monroe Township Master Plan Map be revised to reflect the above referenced adoption of the 1999-2025 Housing Element and Fair Share Plan.

BE IT FURTHER RESOLVED that this Resolution be delivered to the Mayor, Township Clerk, Monroe Township Affordable Housing Board and the Monroe Township Council forthwith.

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Monroe Township Planning Board on June 23, 2016, and memorialized on said date.

LAURA ZALEWSKI
Board Secretary

APPENDIX B

**RESOLUTION OF THE COUNCIL REQUESTING THE COURT TO
APPROVE MONROE TOWNSHIP'S ADOPTED HOUSING ELEMENT
AND FAIR SHARE PLAN**

DRAFT
RESOLUTION NO.

RESOLUTION OF THE MONROE TOWNSHIP COUNCIL
APPROVING THE HOUSING ELEMENT AND FAIR SHARE
PLAN OF THE MONROE TOWNSHIP MASTER PLAN

WHEREAS, on or about July 28, 2011, the Monroe Township Planning Board adopted the Master Plan prepared by Mark Remsa, P.P. for the comprehensive development of the Township of Monroe and in compliance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-28, and approved by the Township Council on _____; and

WHEREAS, the Monroe Township Planning Board, after thorough review of the 1999-2025 Housing Element and Fair Share Plan dated June 2016 prepared by Mark Remsa, P.P., L.L.A., A.I.C.P. A.S.L.A., wishes to adopt it as an element of the Monroe Township Master Plan; and

WHEREAS, the Monroe Township Council, in consultation with its legal counsel and planning consultant has reviewed the above-referenced plan and believes that said Housing Element and Fair Share Plan is in the best interest of the Township of Monroe and consistent with the goal of meeting its constitutional obligation to provide its fair share of affordable housing for low and moderate income persons;

NOW, THEREFORE BE IT RESOLVED by the Monroe Township Council that, based upon the presentation of Board Planner Mark A. Remsa, the recommendation of the Planning Board and a

thorough review of the plan, the 1999-2025 Housing Element and Fair Share Plan dated June 2016, which is attached hereto and incorporated herein by reference, is hereby approved as an element of the Monroe Township Master Plan; and

BE IT FURTHER RESOLVED that the Monroe Township Master Plan Map be revised to reflect the above adoption of the 1999-2025 Housing Element and Fair Share Plan.

SO RESOLVED, as aforesaid.

Leslie Koppel, Council President

CERTIFICATION

I hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Monroe Township Council at its meeting held on _____, 2016.

Sharon Doerfler, Township Clerk

APPENDIX C

**COUNCIL RESOLUTION OF INTENT TO BOND IN THE EVENT OF A
SHORTFALL OF FUNDS FOR REHABILITATION PROGRAM**

DRAFT
MONROE TOWNSHIP, MIDDLESEX COUNTY

RESOLUTION NO.

**RESOLUTION OF THE MONROE TOWNSHIP COUNCIL
INDICATING ITS INTENT TO COMMIT TO FUND
THE REMAINING 104-UNIT 1999 – 2025
AFFORDABLE HOUSING REHABILITATION OBLIGATION
IF OTHER FUNDS ARE NOT AVAILABLE**

WHEREAS, the Township of Monroe, in the County of Middlesex, State of New Jersey, has filed a declaratory judgment action in the Superior Court seeking substantive certification of its Municipal Housing and Fair Share Plan; and

WHEREAS, the Superior Court has determined that to obtain such certification the municipality must provide a Resolution of Intent to commit to fund the remaining 104 unit Affordable Housing Rehabilitation Obligation if other funds are not available; and

WHEREAS, the Township of Monroe anticipates that funding will come from the following source(s) to satisfy said obligation:

**AFFORDABLE HOUSING TRUST FUND OF THE TOWNSHIP OF MONROE
IN THE AMOUNT OF \$3,640,000.00; and**

WHEREAS, in the event that the above funding source proves to be inadequate to meet the Township of Monroe's funding obligation, the Township shall provide sufficient funding to make up any shortfall;

NOW, THEREFORE BE IT RESOLVED by the Monroe Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the Township Council does hereby agree to fund any shortfall in its affordable housing program that may arise, either due to

inadequate funding from other sources, or for any other reason; and

BE IT FURTHER RESOLVED that any said shortfall shall be funded by bonding or any other financial vehicle which the Township Council deems reasonable and appropriate to meet said need; and

SO RESOLVED, as aforesaid.

Leslie Koppel, Council President

CERTIFICATION

I hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Monroe Township Council at its meeting held on _____, 2016.

Sharon Doerfler, Township Cler

APPENDIX D
MONROE TOWNSHIP OPERATING MANUAL FOR THE
ADMINISTRATION OF REHABILITATION UNITS

Monroe Township Operating Manual



For the Administration of
Rehabilitation Units



Prepared by Center State Engineering

CENTER  STATE
ENGINEERING

481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831
T 732.605.9440 F 732.605.9444



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INTRODUCTION

This Rehabilitation Program Operating Manual has been prepared to assist in the administration of the Monroe Township Rehabilitation Program. It will serve as a guide to the program staff and applicants.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rehabilitation process. It describes the eligibility requirements for participation in the program, program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall program administration.

The following represents the procedures developed to offer an applicant the opportunity to apply to the program.

A. Fair Housing and Equal Housing Opportunities



It is unlawful to discriminate against any person making application to participate in the rehabilitation program or rent a unit with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or <http://www.state.nj.us/lps/dcr/index.html>.

SECTION I. ELIGIBLE PARTICIPANTS

A. Categories of Participants

Both owner-occupied and renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard. Owners of rental properties do not have to be low- or moderate-income households. If a structure contains two or more units and an owner, who is not income eligible, occupies one unit funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Rents must be affordable to low- or moderate-income households.



B. Income Limits for Participation

The occupants of the units must have incomes that fall within the income guidelines established for Middlesex County by the Council on Affordable Housing (COAH). These limits are revised annually as COAH figures become available and can be found in Appendix A.

For owner-occupied units, the carrying costs of the unit (taxes, mortgage, insurance, *[including the rehabilitation repayment mortgage]*) should meet COAH criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

C. Program Area

This is a municipal-wide program. The rehabilitation property must be located in Monroe Township.

D. Certification of Substandard

The purpose of the program is to bring substandard housing up to code. Substandard units are those units requiring repair or replacement of at least one major system. A major system is any one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating
4. Electrical
5. Sanitary plumbing (including septic systems)
6. Load bearing structural systems
7. Lead paint abatement
8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

Code violations will be determined by an inspection conducted by a licensed inspector.

SECTION II. AVAILABLE BENEFITS

A. Program Financing

Up to \$100,000.00 per unit may be available for improvements to eligible owner-occupied and renter-occupied units.

B. Program Affordability Controls

Ten-year controls on affordability on both owner-occupied units and rental units are required.



C. Owner-occupied Affordability Controls

On owner-occupied units, the controls on affordability may be in the form of a lien.

D. Renter-occupied Affordability Controls

For rental units, the controls on affordability shall be in the form of a deed restriction and may also include a lien. If a unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate- income household at an affordable price and affirmatively marketed pursuant to the N.J.A.C. 5:94-7. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:94-7.

SECTION III. ELIGIBLE PROPERTY IMPROVEMENTS

A. Eligible Improvements

Housing rehabilitation funds may be used only for repairs or system replacements necessary to bring a substandard unit into compliance with municipal health, safety and building codes, applicable code violations, as well as any other cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

At least one major system must be replaced or included in the repairs, which include one of the following:

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Lead paint abatement
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

The related work may include, but not be limited to the following:

- Interior trim work,
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair





- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

B. Ineligible Improvements

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are strictly cosmetic), additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners shall not be funded under this program.

C. Rehabilitation Standards

Upon rehabilitation, housing deficiencies shall be corrected and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

D. Certification of Standard

All code deficiencies noted in the inspection report must be corrected and rehabilitated units must be in compliance with the standards proscribed in sub-section C above upon issuance of a certificate of completion or occupancy. The licensed inspector must certify any structure repaired in whole or in part with rehabilitation funds to be free of any code violations.

E. Emergency Repairs

A situation relating to a safety and/or health hazard for the occupants would constitute an emergency. A municipal inspector will confirm the need for such work. In emergency cases, the formal solicitation process will not be followed. A minimum of three (3) estimates will be obtained when possible for the "emergency" work. However, eligibility, as stated in Section I, subsection B, must be determined prior to soliciting estimates. Application for additional non-emergency work may be made in accordance with the procedures outlined in this Operating Manual. The funding for the emergency work and any additional rehabilitation may not exceed the program financing provisions in Section II, sub-section A.



SECTION IV. OVERVIEW OF ADMINISTRATIVE PROCEDURES

A. Application/Interview

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the program staff. Preliminary applications are available at the following locations:

*Monroe Township Municipal Building
1 Municipal Plaza
Monroe Township, NJ 08831
732-521-4400
Attn: Helga Stoessler*

Upon request, the program staff will mail a preliminary application to an interested property owner.

If after the program staff reviews a preliminary application an owner-occupant appears to be income eligible, an interview will be arranged with the applicant for a formal application to the program. At the time of the interview, the applicant must present required documentation. Applicants for rental rehabilitation funding must provide a list of tenants and the rents paid by each. The program staff will contact the tenants to provide evidence of income eligibility of the occupants of the units.

Applications will be processed in the order of receipt. Only emergency situations shall be handled out of the order of receipt.

B. Income Eligibility and Program Certification

For the households seeking a determination of income eligibility, both owner-occupants and renter-occupants, all wage earners 18 years of age or older in the household must submit appropriate documentation to document the household income, as further described below.

Property owners of both owner-occupied and renter-occupied units must submit the following documentation:

- Copy of the deed to the property.
- Proof that property taxes and water and sewer bills are current.
- Proof of property insurance, including liability, fire and flood insurance where necessary.

If after review of the income documentation submitted an applicant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if the applicant's or each tenants' income exceeds COAH income limits or, for owner occupied units, if the



carrying costs of the unit (taxes, mortgage, insurance [*including the rehabilitation repayment mortgage*]) exceed COAH's criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

The program staff will arrange for a title search of all properties entering the program.

After the initial interview and the program staff has substantiated that the occupant is income-eligible, and the title search is favorable, the Eligible Certification Form will be completed and signed.

Upon confirmation of income eligibility of the applicant or the applicant's tenants, the program staff will send a letter, including the Eligible Certification Form, to the applicant certifying the applicant's and or tenant's eligibility. Eligibility will remain valid for six months. If the applicant has not signed a contract for rehabilitation within six months of the date of the letter of certifying eligibility, the applicant will be required to reapply for certification.

C. Housing Inspection/Substandard Certification

Once determined eligible, the program staff will arrange for a qualified, licensed, housing/building code inspector to inspect the entire residential property.

The licensed inspector will inspect the house, take photographs, and certify that at least one major system is substandard. All required repairs would be identified.

D. Ineligible Properties

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be ineligible, the program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined ineligible for any one of the following reasons:

- Title search is unfavorable.
- Property does not need sufficient repairs to meet eligibility requirements.
- Real estate taxes are in arrears.
- Proof of property insurance not submitted.
- Property is listed for sale.
- Property is in foreclosure.
- Total debt on the property will exceed the value of the property.

The municipality may disqualify properties requiring excessive repairs to meet municipal housing standards. The estimated or bid cost of repairs must exceed [*insert amount, at least 50*] percent of the estimated after-rehabilitation value of the property for the municipality to exclude the property

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be eligible, the inspector will then



certify that the dwelling is substandard by completing and signing the Certificate of Substandard Form and submitting this to the program staff.

E. Cost Estimate

The program staff will prepare or cause to be prepared a Work Write-up and Cost Estimate. This estimate will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specifics on the materials to be used. A Cost Estimate will be computed and included within the program documentation. The program staff will review the Preliminary Work Write-up with the property owner.

Only required repairs to units occupied by income eligible households will be funded through the housing rehabilitation program. If the property owner desires work not fundable through the program, including work on an owner-occupied unit of a rental rehabilitation project, work on a non-eligible rental unit in a multi-unit building or improvements not covered by the program, such work may be added to the work write-up if the property owner provides funds to be deposited in the municipality's Housing Trust Fund prior to the commencement of the rehabilitation of the property equivalent to *(110 percent or a higher percentage)* of the estimated cost of the elective work. Such deposited funds not expended at the time of the issuance of a certificate of completion/occupancy will be returned to the property owner with accrued interest.

F. Contractor Bidding Negotiations

After the unit and the unit occupant have been certified as eligible, the program staff will provide a list of approved, pre-qualified trade contractors for bidding. The property owner reviews this list and selects a minimum of three and a maximum of five contractors from whom to obtain bids. The program staff and property owner will then review these bids. The lowest responsible trade contractor shall then be selected. If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

G. Contract Signing/Pre-Construction Conference

Program staff will meet with the property owner to review all bids by the various trades. This review will include a Final Work Write-up and Cost Estimate. The Contractor Agreement will be prepared by the program staff, as well as the Property Rehabilitation Agreement covering all the required terms and conditions.

The program staff will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include: Contractors Agreement(s), Right of Entry Document, a Restricted Covenant, Mortgage and Mortgage Note. The property owner, program staff representative, contractor and bank representative will execute the appropriate documents and copies will be provided as appropriate. A staff member will outline project procedures to which property owner must adhere. A Proceed to Work



Order, guaranteeing that the work will commence within fifteen (15) calendar days of the date of the conference and be totally completed within ninety (90) days from the start of work, will be issued to each contractor at this Conference.

H. Progress Inspections

The program staff will make periodic inspections to monitor the progress of property improvements. This is necessary to ensure that the ongoing improvements are in accordance with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Building Inspector before closing up walls on plumbing and electrical improvements.

I. Change Orders

If it becomes apparent during the course of construction that additional repairs are necessary or the described repair needs to be amended, the program staff will have the qualified professional(s) inspect the areas in need of repair and prepare a change order describing the work to be done. The applicant and the contractor will review the change order with the program staff and agree on a price. Once all parties approve of the change order and agree on the price, they will sign documents amending the contract agreement to include the change order. Additionally, if the applicant is not funding the additional cost, new financing documents will be executed reflecting the increase.

J. Payment Schedule

The contract will permit three progress payments if the project costs less than \$20,000 or four progress payments if the project costs more than \$20,000. For example: \$24,000 project has four payments, with the first payment of \$10,000 and the remaining payments are divided equally. First payment is made when the project is one-quarter completed. Second payment is made when the project is one-half completed. Third at three quarters completed. Fourth and final payment upon completion.

The contractor will submit a payment request. The applicant will sign a payment approval if both the applicant and housing/building inspector are satisfied with the work performed. The municipality will then release the payment.

Final payment will be released once all final inspections are made, a Certificate of Occupancy is issued (if applicable) and the program staff receives a Property Owner Sign-off letter.

The contractor's performance bond will be released within three (3) months after the final payment is made to the contractor.

K. Appeal Process

If an applicant does not approve a payment that the housing/building inspector has approved, the disputed payment will be appealed to the municipality's Affordable





Housing Board for a hearing. The municipality's Affordable Housing Board will decide if the payment shall be released to the contractor or the contractor must complete additional work or correct work completed before the release of the payment. The municipality's Affordable Housing Board decision will be binding on both the applicant and the contractor

L. Final Inspection

Upon notification by the contractor that all work is complete and where required a Certificate of Occupancy has been issued, a final inspection shall be conducted and photographs taken. The program staff (or a representative), the property owner, and the necessary contractors shall be present at the final inspection to respond to any final punch list items.

M. Record Restricted Covenant and Mortgage Documentation

Program staff will file the executed Restricted Covenant and Mortgage with the County Clerk.

N. File Closing

After the final payment is made, the applicant's file will be closed by the program staff *[Insert if applicable: and submitted to the municipality upon termination of the program].*

SECTION V. PROCEDURE FOR INCOME-ELIGIBILITY CERTIFICATION

A. Complete a Household Eligibility Determination Form

The program staff shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income, pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq. (except for the asset test).¹ Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs [including both the check and the stub], including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be

¹ Asset Test – N.J.A.C. 5:80-26.16(b)3 which provides that if an applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by COAH, a certificate of eligibility shall be denied by the administrative agent, unless the applicant's existing monthly housing costs ...exceed 38 percent of the household's eligible monthly income.



requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.

- A letter or appropriate reporting form verifying monthly benefits such as
 - Social Security or SSI – Current award letter or computer print out letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF² current award letter
 - Disability - Worker’s compensation letter or
 - Pension income (monthly or annually) – a pension letter
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court or education scholarship/stipends – current award letter.
- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household’s income are listed under Income. Those that are not considered as part of the household’s income are listed under Not Income.

Income

1. Wages, salaries, tips, commissions

² TANF – Temporary Assistance for Needy Families



2. Alimony
3. Regularly scheduled overtime
4. Pensions
5. Social security
6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
13. Rent from real estate is considered income
14. Any other forms of regular income reported to the Internal Revenue Service

Not Income

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements





10. Part-time income of dependents enrolled as full-time students
11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current money market rates, interest will be imputed on the determined value of the real estate.

B. Records Documenting Household Composition and Circumstances

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income tax return
- Birth Certificate or Passport
- Alien Registration Card



C. Certify the income eligibility of low- and moderate-income households by completing the application form. Provide the household with the original and keep a copy in the project files.

D. Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Executive Director of the Council on Affordable Housing (COAH), 101 South Broad Street, P.O. Box 813, Trenton, New Jersey 08615. The Executive Director's written decision, which shall be made within 15 days of receipt of an appeal, shall be a final administrative action of COAH.

SECTION VI. CONTRACTOR RELATED PROCEDURES

A. Contractor Selection

Contractors must apply to the program staff to be placed on the pre-approved contractors list. Contractors seeking inclusion on the list must submit references from at least three recent general contracting jobs. Contractors also must submit documentation proving financial stability and the ability to obtain performance bonds, as performance bonds will be required on every rehabilitation project. If it is ever necessary for the municipality or *[insert name of administrative agent]* to access the performance bond in order to complete a project, the contractor will be removed from the pre-approved contractors list. Contractors must carry workmen's compensation coverage and liability insurance of at least \$100,000/\$300,000 for bodily injury or death and \$50,000 for property damage. Only licensed tradesmen will be permitted to perform specialty work such as plumbing, heating and electrical.

B. Number of Proposals Required

The property owner will select a minimum of three general contractors from a list of pre-approved contractors. Property owners may not select contractors who do not appear on the list.³ The approved work write-up will be submitted to the selected contractors by the program staff. Contractors must visit the property and submit bids within *[insert number of days, minimum 14]* days. The contract will be awarded to the lowest bidder⁴, provided that the housing/building inspector or the professional who drafted the work write-up certify that the work can be completed at the price bid and that the bid is reasonably close to the cost estimate. Bids must fall within *[insert percent, maximum of 10]* percent of the cost estimate.

³ The program may permit a property owner to seek proposals from non-program participating contractors. However, the municipality must pre-approve the contractor prior to submitting a bid.

⁴ If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.



C. Contractor Requirements

Upon notification of selection, the contractor shall submit all required insurance certification to the program staff. A contract signing conference will be called by the program staff to be attended by the property owner and contractor. At the time of Agreement execution, the contractor shall sign a Certification of Work Schedule prepared by the program staff.

SECTION VII. MAINTENANCE OF RECORDS

A. Files To Be Maintained on Every Applicant

The program staff will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form
- Tenant Information Form (Rental Units Only)
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

B. Files of applicants approved for the program will also contain the following additional documentation:

- Housing Inspection Report
- Photographs - Before
- Certification of Property Eligibility or Determination of Ineligibility
- Proof of Homeowners Insurance
- Copy of Deed to Property

C. For properties determined eligible for the program where the applicants choose to continue in the program, the files shall contain the following:

- Work Write-Up/Cost Estimate
- Copies of Bids
- Applicant/Contractor Contract Agreement
- Recorded Mortgage/Lien Documents
- Copies of All Required Permits
- Contractor Requests for Progress Payments
- Progress Payment Inspection Reports
- Progress Payment Vouchers
- Change Orders (If needed)
- Final Inspection Report
- Photographs - After
- Certification of Completion
- Certification of Release of Contractor's Bond



Individual files will be maintained throughout the process [*insert if applicable: and submitted to the municipality upon termination of the program*].

D. Rehabilitation Log

A rehabilitation log will be maintained by the program staff that depicts the status of all applications in progress.

E. Monitoring

For each unit the following information must be retained to be reported annually:

- Street Address
- Block/Lot/Unit Number
- Owner/Renter
- Income: Very Low/Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Development Fees expended
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of Affordability Controls (yrs)
- Date Affordability Controls removed
- Reason for removal of Affordability Controls

SECTION VIII. PROGRAM MARKETING

The municipality will conduct a public meeting announcing the implementation of the housing rehabilitation program. For the term of the program, the municipality will include flyers once a year with the *Township Newsletter and on the Township Web Site*. Program information will be available at the municipal building, library, and senior center and on the municipal website. Posters regarding the program will be placed in retail businesses throughout the municipality.

Prior to commencement of the program and periodically thereafter, the municipality will hold informational meetings on the program to all interested contractors. Each contractor will have the opportunity to apply for inclusion of the municipal contractor list.

APPENDIX E
SUMMARY OF BUILT PROJECTS PRIOR ROUND

**Inclusionary/Redevelopment
Summary of Built Projects
Prior Round**

MUNICIPALITY: Monroe Township

Total Affordable Units: 458

COUNTY: Middlesex County

Total Affordable Credits: 556

(Provide a narrative description on a separate sheet and specify the number of completed units by affordability on the form below)

Project or Site Name (1)	Block/Lot(s)	Affordable Units Constructed						Tenure (R-Rental or S-Sale)	Rental Bonuses	
		Low (#/%)		Moderate (#/%)		Very Low (#/%)			AR (2)	NAR (3)
		AR (2)	NAR (3)	AR (2)	NAR (3)	AR (2)	NAR (3)			
ARC Prospect Plain-Cranbury Road, Alternative Living	To be provided						5	R		5
ARC Monmouth Road, Alternative Living	Block 159.2, Lot 15						3	R		
ARC Schoolhouse Road, Alternative Living	Block 59, Lot 16						3	R		
Monroe Manor Inclusionary Development	Block 1, multiple lots		13		12			R		25
Monroe Manor Inclusionary Development	Block 2, multiple lots		51		51			S		
Stratford at Monroe Inclusionary Development	Block 13, Lots 4.03, 8.01 & 8.02; Block 14, Lots 1, 2, 8 & 14		23		22			R		45
TOTALS			87		85		11			75

(1) Attach narrative for each site.

(2) Age-Restricted

(3) Not Age-Restricted

November 6, 2015

Project Descriptions:

ARC Group Homes: All ARC Group Homes are operational.

Monroe Manor: This project has been completed.

Stratford at Monroe: This project is just about completed with the few remaining affordable units under construction.

Project or Site Name (1)	Block/ Lot(s)	Affordable Units Constructed						Tenure (R-Rental or S-Sale)	Rental Bonuses	
		Low (#/%)		Moderate (#/%)		Very Low (#/%)			AR (2)	NAR (3)
		AR (2)	NAR (3)	AR (2)	NAR (3)	AR (2)	NAR (3)			
Stratford at Monroe Inclusionary Development	Block 13, Lots 4.03, 8.01 & 8.02; Block 14, Lots 1, 2, 8 & 14	35		35				R	23	
Stratford at Monroe Inclusionary Development	Block 13, Lots 4.03, 8.01 & 8.02; Block 14, Lots 1, 2, 8 & 14		45		45			S		
RCA with New Brunswick	N/A		115							
TOTALS		35	160	35	45				23	
TOTALS Sheets 1 & 2		35	247	35	130		11		23	75

(1) Attach narrative for each site.

(2) Age-Restricted

(3) Not Age-Restricted

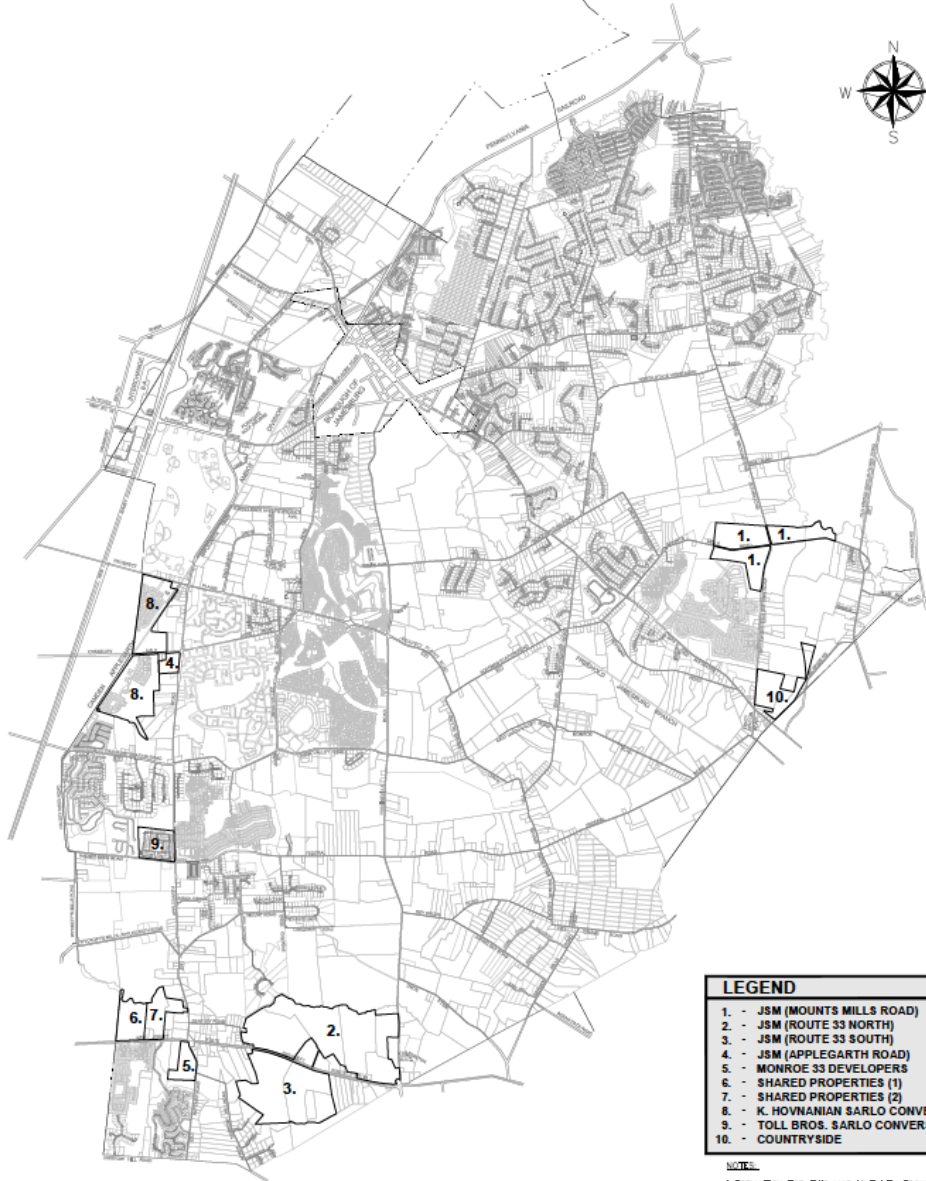
November 6, 2015

APPENDIX F
MAP – INCLUSIONARY HOUSING DEVELOPMENT ZONES,
DEVELOPMENTS AND SITES



TOWNSHIP OF MONROE

MIDDLESEX COUNTY, NEW JERSEY



LEGEND

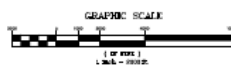
- 1. - JSM (MOUNTS MILLS ROAD)
- 2. - JSM (ROUTE 33 NORTH)
- 3. - JSM (ROUTE 33 SOUTH)
- 4. - JSM (APPLEGARTH ROAD)
- 5. - MONROE 33 DEVELOPERS
- 6. - SHARED PROPERTIES (1)
- 7. - SHARED PROPERTIES (2)
- 8. - K. HOVNIANIAN SARLO CONVERSION
- 9. - TOLL BROS. SARLO CONVERSION
- 10. - COUNTRYSIDE

NOTE:

INFORMATION FOR THIS MAP IS TAKEN FROM MONROE TOWNSHIP TAX MAPS, 2015 EDITION.

LOCATIONS DEPICTED ARE SUBJECT TO MODIFICATION AT THE TIME THE DEVELOPER PROVIDES EXACT BLOCK AND LOT NUMBERS.

1999-2025 AFFORDABLE HOUSING OBLIGATION, INCLUSIONARY ZONING DEVELOPMENTS AND SITES



DATE: 03/20/16

APPENDIX G
SUMMARY OF PLAN 1999 – 2025 FAIR SHARE OBLIGATION

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

3-Mar-16

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	Bonus Credits	For-Sale Unit	Rental Units	Bonus Credits		Non-Age Restricted	Age-Restricted	
<i>1999-2015</i>										
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>171</u>
Total		381	212		197		790	1496	146	2220

<u>Project</u>	<u>Non-Age Restricted Affordable Units</u>		<u>Age-Restricted Affordable Units</u>		<u>Total Affd Credits</u>	<u>Market-Rate Units</u>		<u>Total MR & Affd Units</u>
	<u>For-Sale Unit:</u>	<u>Rental Units</u>	<u>Bonus Credits</u>	<u>r-Sale Un</u>		<u>Rental Units</u>	<u>Bonus Credits</u>	
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
Total		186	71	86	343		1778	2159
Total 1999-2025		567	283	283	1133		3274	4379
Total Setaside based on Total Affd. Credits				25.9%			Total MR & Affd Units to be Built	4379
Actual Setaside based on Total Affd. Units to be Built				19.4%			Total MR Units to be Built	3529
							Total Affd Units to be Built	850

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.

Summary of JSM Developments

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	r-Sale Un		Rental Units	Bonus Credits		Non-Age Restricted
JSM Mounts Mills Celebrations/Court Settlement					66		456		522
JSM Mounts Mill 100% Affd	100		51						100
JSM Route 33 North Court Settlement					131		618		749
JSM Rt.33 N. 100% Affd	171		51						171
JSM Applegarth					33			109	142
JSM Route 33 South	<u>113</u>		71		<u>184</u>		<u>1273</u>	<u> </u>	<u>1386</u>
Total	384		173		787		2347	109	3070
<u>JSM Summary</u>									
Total Age-Restrictged Affordable Units to be Built			230						
Total Non-Age Restricted Affordable Units to be Built			384						
<i>Total Affordable Units to be Built</i>			614						
<i>Total Affordable Credits</i>			787						
Total Age-Restricted Market-Rate Units to be Built			109						
Total Non-Age Restricted M-R Units to be Built			2347						
<i>Total Market-Rate Units to be Built</i>			2456						
<i>Total Units to be Built</i>			3070						
Setaside based on Total Affd. Units to be Built			20.0%						
Setaside based on Total Affd. Credits			25.6%						

JSM Project Sequencing

Project	Affordable Units		Market-Rate Units		Total Units	Project % Set Aside	Cummulative % Set Aside
JSM Mounts Mill Celebrations	66	Age-Restricted	456		522	12.64%	12.64%
JSM Applegarth	33	Age-Restricted	109		142	23.24%	14.91%
JSM Mounts Mill Celebrations	100	100% Family Rental	0		100	100.00%	26.05%
JSM Route 33 North	131	Age-Restricted	618		749	17.49%	21.81%
JSM Route 33 South	113	Family Rental	452		565	20.00%	21.32%
JSM Route 33 North	171	100% Family Rental	821	Rt 33 South	992	18.24% *	20.00%
Total	614		2456		3070		20.00%

* Calculated by: (113 Family Rental + 171 100% Family Rental) divided by (452 Market-Rate + 821 Market-Rate) = 18.24%

Each project sequence must comply with the following phasing:

<u>COAH Required Phasing</u>	
<u>% Market-Rate Units Completed</u>	<u>Min. % Afford. Units Completed</u>
25	0
25 + 1 Unit	10
50	50
75	75
90	100

APPENDIX H
EVALUATION OF SITES FOR AFFORDABLE HOUSING PRODUCTION

EVALUATION OF SITES FOR AFFORDABLE HOUSING PRODUCTION

All sites considered for the production of affordable housing in Monroe Township were evaluated by determining whether the sites were available, approvable, developable and suitable. The New Jersey Council on Affordable Housing (COAH) site suitability criteria, which are provided below, were applied to the evaluation of the sites.

N.J.A.C. 5:97-3.13 Site suitability criteria and consistency with the State Development and Redevelopment Plan.

- (a) Sites designated to produce affordable housing shall be available, approvable, developable and suitable, according to the following criteria:
1. The site has a clear title and is free of encumbrances which preclude development of affordable housing;
 2. The site is adjacent to compatible land uses and has access to appropriate streets;
 3. Adequate sewer and water capacity, as defined under N.J.A.C. 5:97-1.4, shall be available to the site or the site is subject to a durational adjustment pursuant to N.J.A.C. 5:97-5.4; and
 4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable. Deviations from those standards are to be done in accordance with N.J.A.C. 5:21-3.

Subsection (b) of COAH's rules indicates that sites located in planning areas 1 and 2 (PA 1 is the Metropolitan Planning Area and PA2 is the Suburban Planning Area) are preferred for the production of affordable housing.

In preparing the Housing Element and Fair Share Plan, Monroe Township considered the following sites for evaluation (see Map 1):

1. Toll Brothers/Monroe Chase Inclusionary Housing Site (Sarlo Conversion);
2. Municipally Sponsored, 100% Affordable Rental Housing for Families Site (K. Hovnanian Sarlo Conversion Dedication);
3. Shared Properties I Mixed Used Inclusionary Housing and Commercial Site;
4. JSM Mounts Mills Celebrations Mixed Use Inclusionary Housing and Commercial Site;
5. JSM Mounts Mills Celebrations 100% Affordable Rental Housing for Families Site;
6. JSM Route 33 North Mixed Use Inclusionary Housing and Commercial Site;
7. JSM Route 33 North 100% Affordable Rental Housing for Families Site;
8. JSM Route 33 South Mixed Use Inclusionary Housing and Commercial Site;
9. JSM Applegarth Mixed Use Inclusionary Age-Restricted Housing and Commercial Site;
10. Monroe 33 Developers, LLC Intervenor Inclusionary Housing Site;
11. Countryside Developers, Inc. Intervenor Inclusionary Housing Site; and
12. Shared Properties II Mixed Use Inclusionary Housing and Commercial Site.

The foregoing sites comprise the totality of sites that were known and considered for affordable

housing in Monroe Township at the time of preparing the housing element and fair share plan. The evaluation of each site is provided below. The State of New Jersey websites¹² were utilized to obtain information about planning areas, wetlands and sewer service area for each site evaluated for providing affordable housing.

Toll Brothers/Monroe Chase Inclusionary Housing Site (Sarfo Conversion)

The Toll Brother/Monroe Chase project is the result of the Sarfo Act that permitted the conversion of an approved, but not built, age-restricted housing developments. In this case the project was originally known as Southfield Grand. This original project that was converted was the result of a use variance for permitting 130 age-restricted units in the R60 Residential zone. The conversion development consists of a total of 130 dwelling units of which 26 are affordable family rental units and 104 are market-rate non-age-restricted units. As of writing this report the project is under construction and all affordable units are about to be completed.

Site Details (Map 2)

Site Identification:	Block 14, Lots 12.01 & 13
Site Location:	Halsey Reed Road and Applegarth Road
Current Use of Site:	Inclusionary housing under construction
Site Area:	52.98 acres
Site Development Constraints:	None
Net Developable Land:	52.98 acres
Total Proposed Dwelling Units:	130
Proposed Gross Density:	2.5 dwelling units/acre
Proposed Net Density:	2.5 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, with sewers

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The site has clear title and no legal encumbrances which would preclude its development as an inclusionary housing development. As a matter of fact, the site is under construction and nearing completion.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site, which was originally zoned for age-restricted housing, is surrounded by a mix of age-restricted housing and inclusionary development Stratford at Monroe and the township community center and firehouse. The Toll Brothers inclusionary

¹² Websites for: wetlands <http://www.state.nj.us/dep/gis/wetshp.html> ; sewer service areas <http://www.nj.gov/dep/gis/listall.html> ; state planning areas <http://www.nj.gov/state/planning/spc-research-resources-gis.html> ; and roads https://njgin.state.nj.us/NJ_NJGINExplorer/jviewer.jsp?pg=ROADS

development is compatible with this mix of land uses.

- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewer and water lines are provided to the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site, which is under construction, is consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

Municipally Sponsored, 100% Affordable Rental Housing for Families and/or Disabled Veterans Site (RPM Site)

Monroe Township will sponsor a 100% affordable rental housing development that will yield 37 units of which 6 units will be for very-low income households. The details of the site are provided below.

Site Details (Map 3)

Site Identification:	Block 25, Lots 1 & 25 Block 40, Lots 2.02, 3, 4.01 & 5.01 Block 41, Lot 14 – Which is to be dedicated to Monroe Township
Site Location:	Cranbury-Half Acre Road
Current Use of Site:	Vacant, open field and wooded
Site Area:	25.1 acres
Site Development Constraints:	8.5 acres of freshwater wetlands
Net Developable Land:	16.6 acres
Total Proposed Dwelling Units:	37
Proposed Gross Density:	1.5 dwelling units/acre
Proposed Net Density:	2.2 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, with sewers being brought to site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The site has clear title and no legal encumbrances which would preclude its development as a municipally sponsored, 100% affordable housing project. K. Hovnanian is constructing the market-rate units and will dedicate the 25.1-acre site to Monroe Township after it extends utilities to the site and renders the site “pad ready” for construction of the 100% affordable housing project. Once Monroe Township acquires the property, it will seek affordable housing developers to build, operate and maintain the 100% affordable housing project.

- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has direct access to Cranbury-Half Acre Road. The site is surrounded by a mix of compact age-restricted and non-age-restricted housing that is compatible with the proposed 100% affordable housing. It is also near the JSM Applegarth Mixed Use Inclusionary Age-Restricted Housing and Commercial Site.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. K. Hovnanian is bringing sanitary sewer and water service to the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

Shared Properties I Mixed Used Inclusionary Housing and Commercial Site

Shared Properties I has obtained preliminary and final major site plan and major subdivision approval to construct 186 market-rate townhouses and 47 affordable family rental units. The details of the site are provided below.

Site Details (Map 4)

Site Identification:	Block 4, Lots 9, 13.08, 13.09 & 13.10
Site Location:	Applegarth Road and Route 33
Current Site Use:	Vacant, open fields and woodland
Site Area:	50.5 acres
Site Development Constraints:	20 acres freshwater wetlands
Net Developable Land:	30.5 acres
Total Proposed Dwelling Units:	233
Proposed Gross Density:	4.6 dwelling units/acre
Proposed Net Density:	7.6 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, with sewers to be extended to site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The site has clear title and no legal encumbrances which would preclude its development as a mixed-use inclusionary housing and commercial development.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site is located in the VC-2 Village Center 2 Overlay Zone of the HD Highway Development Zone, which was expressly created for inclusionary housing. The site is located in an area that will be transformed from open fields and a few commercial

developments into a village center consisting of a mix of housing and commercial uses interconnected and integrated. The site is part of the vision and is compatible with the surrounding area.

- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewer will be extended to the site. Water lines exist in the area that will serve the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

JSM Mounts Mills Celebrations Mixed Use Inclusionary Housing and Commercial Site

JSM, the developer, has preliminary major site plan and major subdivision approval for the entire site and final major site plan and major subdivision approval for the first section that contains inclusionary housing. The site is zoned VC-1 Overlay zone in the R3A Residential Zone for the express purpose of providing inclusionary housing and commercial development.

Site Details (Map 5)

Site Identification:	Block 35, Lot 1 Block 53, Lot 24 Block 54, Lots 3 & 4
Site Location:	Spotswood-Englishtown Road and Mounts Mills Road
Current Site Use:	Vacant, open fields and woodland
Site Area:	130.7 acres
Site Development Constraints:	50 freshwater wetlands
Net Developable Land:	60.7 acres
Total Proposed Dwelling Units:	522
Proposed Gross Density:	4.0 dwelling units/acre
Proposed Net Density:	8.6 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, with sewers to be extended to site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The site has clear title and no legal encumbrances which would preclude its development as an inclusionary housing project. The property is owned by JSM at Monroe, LLC and has preliminary and final approvals for the inclusionary housing section.

- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has direct access to Spotswood-Englishtown Road and Mounts Mills Road. To the north, east, southeast and west are open fields and woodland. To the southwest is a very large age-restricted housing development. The mixed-use inclusionary housing and commercial project is compatible with the surrounding uses. As a matter of fact, it will create a crossroads node of commercial development that is lacking in the area, which is the purpose of the VC-2 Overlay Zone.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewer is available in the area and will be extended to the site. Water lines exist in the area that will serve the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

JSM Mounts Mills Celebrations 100% Affordable Rental Housing for Families Site

Under a court settlement, JSM is required to dedicate 5 acres of land to Monroe Township for the production of 100 100% affordable family rental units. JSM has agreed to retain the 5-acre parcel and produce the 100 affordable family rentals. The site is part of the larger overall tract of land discussed above. The details of the site are provided below.

Site Details (Map 6)

Site Identification:	Block 35, Lot 1 Block 53, Lot 24 Block 54, Lots 3 & 4
Site Location:	Spotswood-Englishtown Road and Mounts Mills Road
Current Site Use:	Vacant, open fields and woodlands
Site Area:	5 acres of the overall 130.7 acres
Site Development Constraints:	None; required to be constraint-free
Net Developable Land:	5 acres
Total Proposed Dwelling Units:	100 (100% affordable family rentals)
Proposed Gross Density:	20 dwelling units/acre
Proposed Net Density:	20 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, with sewers to be extended to site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The site has clear title and no legal encumbrances which would preclude its development as 100% affordable housing project. Under a court settlement, the 5-acre site is to be donated to Monroe Township for the 100% affordable housing project. However, JSM has agreed to retain the site and produce the 100 affordable family rental units.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site is part of the larger overall mixed-use development described above. The surrounding uses and planned uses are compatible with the 100 affordable housing units.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewer is available in the area and will be extended to the site. Water lines exist in the area that will serve the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

JSM Route 33 North Mixed Use Inclusionary Housing and Commercial Site

JSM, developer of the site, has submitted an application for preliminary major site for the mixed-use inclusionary housing and commercial development. The details of the site are provided below.

Site Details (Map 7)

Site Identification:	Block 6, Lots 12.06, 15.01, 23.01 & 27.01
Site Location:	Perrineville Road and Route 33
Current Site Use:	Vacant, open fields and woodlands
Site Area:	386 acres
Site Development Constraints:	100 acres of freshwater wetland
Net Developable Land:	286 acres
Total Proposed Dwelling Units:	749
Proposed Gross Density:	1.9 dwelling units/acre
Proposed Net Density:	2.6 dwelling units/acre
Planning Area:	Planning Area 2 Suburban and Planning 5 Environmentally Sensitive
Sewer Service Area:	Yes, with sewers to be extended to site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The property is owned by JSM at Route 33, LLC and is free of encumbrances which would preclude development of the mixed-use inclusionary housing and commercial project.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site, which is large, has significant frontage along Route 33. The site and surrounding area is planned for commercial highway development and are located in the AHMUD/HD Affordable Housing Mixed Use Development/Highway Development Overlay Zone, which was created expressly for inclusionary housing and commercial development. The site is compatible with the surrounding undeveloped and underdeveloped area.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewer and water lines will be extended to the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

JSM Route 33 North 100% Affordable Rental Housing for Families Site

Under a court settlement, JSM is required to dedicate 10 acres of land for the production of 100% affordable family rental units. However, JSM has agreed to retain the site and produce 171 affordable family rentals on the site. The details of the site are provided below.

Site Details (Map 8)

Site Identification:	Block 6, Lots 12.06, 15.01, 23.01 & 27.01
Site Location:	Perrineville Road and Route 33
Current Site Use:	Vacant, open fields and woodlands
Site Area:	10 acres of the overall 386 acres
Site Development Constraints::	None; required to be constraint-free
Net Developable Land:	10 acres
Total Proposed Dwelling Units:	171
Proposed Gross Density:	17.1 dwelling units/acre
Proposed Net Density:	17.1 dwelling units/acre

Planning Area:	Planning Area 2 Suburban and Planning 5 Environmentally Sensitive
Sewer Service Area:	Yes, with sewers to be extended to site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The property is owned by JSM Route 33, LLC and will retain the 10-acre site for producing 171 affordable family rentals. There are no encumbrances that would prevent the development of inclusionary housing on this site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site is part of the larger JSM Route 33 North site. It is compatible with surrounding lands, existing and planned, as discussed above.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewer and water lines will be extended to the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

JSM Route 33 South Mixed Use Inclusionary Housing and Commercial Site

JSM Route 33 South, LLC is the contract purchaser of the site for the production of a mixed-use inclusionary housing (a total of 1,386 units) and commercial (about 250,000 square feet) project. A new zone must be created for this proposal. Details of the site are provided below.

Site Details (Map 9)

Site Identification:	Block 3, Lots 12.01, 13, 14, 26 & 27
Site Location:	Route 33
Current Site Use:	Vacant, open fields and woodlands
Site Area:	247.5 acres
Site Development Constraints:	82 acres of wetlands
Net Developable Land:	165.5 acres
Total Proposed Dwelling Units:	1,386
Proposed Gross Density:	5.6 dwelling units/acre
Proposed Net Density:	8.4 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, sewers will be extended to the site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* JSM Route 33 South, LLC is the contract purchaser of the site. There are no encumbrances that would prevent the development of inclusionary housing on this site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has direct access to Route 33. It is surrounded by open fields, woodlands and scattered commercial uses. It lies south of the mixed-use inclusionary housing and commercial development proposed by JSM Route 33 on the across Route 33. The site is compatible with surrounding land uses and the planned JSM Route 33 project.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewers and water lines will be extended to the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

JSM Applegarth Mixed Use Inclusionary Age-Restricted Housing and Commercial Site

JSM, the developer, has agreed to provide 33 affordable age-restricted rental units and 109 market-rate age-restricted rental units along with about 21,758 square feet of commercial/office space on the site. A new zone must be created for this proposal. Details of the site are provided below.

Site Details (Map 10)

Site Identification:	Block 25, Lots 2.10, 2.11, 2.13 & 2.14
Site Location:	Applegarth Road and Cranbury-Half Acre Road
Current Site Use:	Partially developed commercial and office uses
Site Area:	17.4 acres
Site Development Constraints:	None
Net Developable Land:	17.4 acres
Total Proposed Dwelling Units:	142
Proposed Gross Density:	8.2 dwelling units/acre
Proposed Net Density:	8.2 dwelling units/acre
Planning Area:	Planning Area 2 Suburban

Sewer Service Area: Yes, sewers serve the site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The property is owned by JSM at Applegarth, LLC. The site is partially developed. There are no encumbrances that would prevent the development of inclusionary housing on this site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has direct access to Applegarth Road and Cranbury-Half Acre Road. It is partially developed with commercial and office uses. The site is surrounded by age-restricted developments and some commercial uses. It is near the K. Hovnanian Municipally Sponsored, 100% Affordable Rental Housing for Families Site. The site is compatible with surrounding land uses.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewers and water lines currently serve the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

Monroe 33 Developers, LLC Intervenor Inclusionary Housing Site

Monroe 33 Developers, LLC (an intervenor) agrees to provide 30 affordable family rental units and 120 market-rate rental units on the site. The site has prior approvals for a commercial development of which only a convenience store with fueling station was constructed leaving the balance of the site undeveloped. A new zone must be created for this proposal. Details of the site are provided below.

Site Details (Map 11)

Site Identification:	Block 1.14, Lot 13.02
Site Location:	Butcher Road and Route 33
Current Site Use:	Partially developed convenience store/ fueling station and vacant open field and woodlands
Site Area:	32.9 acres
Site Development Constraints:	8 acres wetlands
Net Developable Land:	24.9 acres
Total Proposed Dwelling Units:	150

Proposed Gross Density:	4.6 dwelling units/acre
Proposed Net Density:	6.0 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, sewers serve the site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The property is owned by Monroe 33 Developers, LLC. The site is partially developed. There are no encumbrances that would prevent the development of inclusionary housing on this site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has direct access to Butcher Road and Route 33. It is partially developed with a commercial use. Commercial uses, which are compatible with the existing convenience store/fueling station, exist to the west. To the north across Route 33 are two planned mixed-use inclusionary housing and commercial developments, which with the site is compatible. The site is compatible with surrounding land uses. To the south is an older inclusionary housing development with which the site is compatible. Woodlands and older single-family dwellings are scattered along Butcher Road. The site is compatible with this arrangement of uses.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewers and water lines currently serve the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

Countryside Developers, Inc. Intervenor Inclusionary Housing Site

Countryside Developers, Inc. (an intervenor) is the contract purchaser of the site. It has agreed to develop the site with 266 dwelling units of which 53 will be affordable age-restricted rental units and 213 market-rate units restricted to two bedrooms. The site is located in an existing zone that provides for inclusionary housing that requires age-restricted market-rate units and affordable family rentals. This zone must be modified to accommodate this proposal. Details of the site are provided below.

Site Details (Map 12)

Site Identification:	Block 36, Lots 1.09, 3, 6, 9.01, 9.02 & 11.01
Site Location:	Spotswood-Englishtown Road

Current Site Use:	Vacant, open land and woodlands
Site Area:	73 acres
Site Development Constraints:	5 acres
Net Developable Land:	68 acres
Total Proposed Dwelling Units:	266
Proposed Gross Density:	3.6 dwelling units/acre
Proposed Net Density:	3.9 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, sewers will be extended to site

Site Evaluation

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* Countryside Developers, Inc. is the contract purchaser of the site. There are no encumbrances that would prevent the development of inclusionary housing on this site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has direct access to Spotswood-Englishtown Road. It is planned for inclusionary housing under current zoning. In terms of density and residential uses, the proposal is relatively consistent with current zoning, however, changes must be made to permit the change from age-restricted market-rate units to non-age-restricted. The site is compatible with the large-scale age-restricted housing development that exists across Spotswood-Englishtown Road. The site is compatible with surrounding land uses.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewers and water lines will be extended to the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

Shared Properties II Mixed Use Inclusionary Housing and Commercial Site

SP II, LLC (Shared Properties II) owns the site. It has obtained use variance approval to develop the site as a mix of inclusionary housing and commercial uses. SPII is in the process of developing plans for preliminary site plan and subdivision approval. The details of the site are provided below.

Site Details (Map 13)

Site Identification:	Block 4, Lots 7, 8 & 14.01 & part of Lot 9
Site Location:	Applegarth Road and Route 33
Current Site Use:	Vacant, open fields and woodlands, and detached single-family dwelling
Site Area:	50.3 acres
Site Development Constraints:	10 acres wetlands
Net Developable Land:	40.3 acres
Total Proposed Dwelling Units:	172
Proposed Gross Density:	3.4 dwelling units/acre
Proposed Net Density:	4.3 dwelling units/acre
Planning Area:	Planning Area 2 Suburban
Sewer Service Area:	Yes, sewers will be extended to site

Site Evaluation

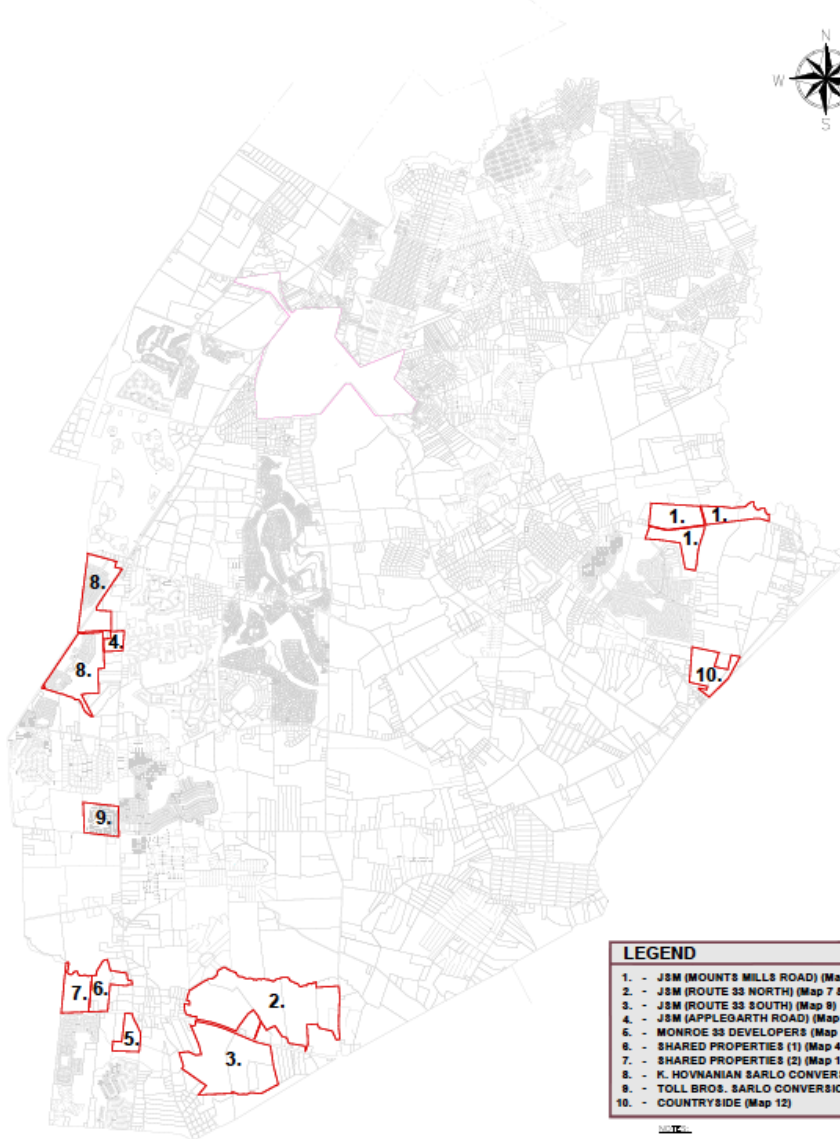
- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The property is owned by SP II, LLC. The owner recently obtained use variance approval for the proposal. There are no encumbrances that would prevent the development of inclusionary housing on this site.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The site has direct access to Applegarth Road and Route 33. The site is part of a larger area zoned HD Highway Development with an overlay zone VC-2 Village Center-2 that was expressly created for a mix of inclusionary housing and commercial uses. To the east, the site is adjacent to Shared Properties I, a mixed-use inclusionary housing and commercial project that was described above. To the west is the Twin Rivers multifamily housing development in neighboring East Windsor, Mercer County. The site is compatible with this development. The site is compatible with the existing age-restricted housing development located across Route 33 to the south. To the north are woodlands. The site is compatible with surrounding land uses.
- *Adequate sewer and water capacity is available.* The site is located in a sewer service area. Sanitary sewers and water lines will be extended the site.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Conclusion: The site satisfies the evaluation criteria and should be included in the Housing Element and Fair Share Plan.

MAP 1 ALL SITES EVALUATED



TOWNSHIP OF MONROE MIDDLESEX COUNTY, NEW JERSEY



LEGEND	
1.	- JSM (MOUNTS MILLS ROAD) (Map 6 & 8)
2.	- JSM (ROUTE 33 NORTH) (Map 7 & 8)
3.	- JSM (ROUTE 33 SOUTH) (Map 8)
4.	- JSM (APPLEGARTH ROAD) (Map 10)
5.	- MONROE 33 DEVELOPERS (Map 11)
6.	- SHARED PROPERTIES (1) (Map 4)
7.	- SHARED PROPERTIES (2) (Map 13)
8.	- K. HOVNANIAN SARLO CONVERSION (Map 3)
9.	- TOLL BROS. SARLO CONVERSION (Map 2)
10.	- COUNTRYSIDE (Map 12)

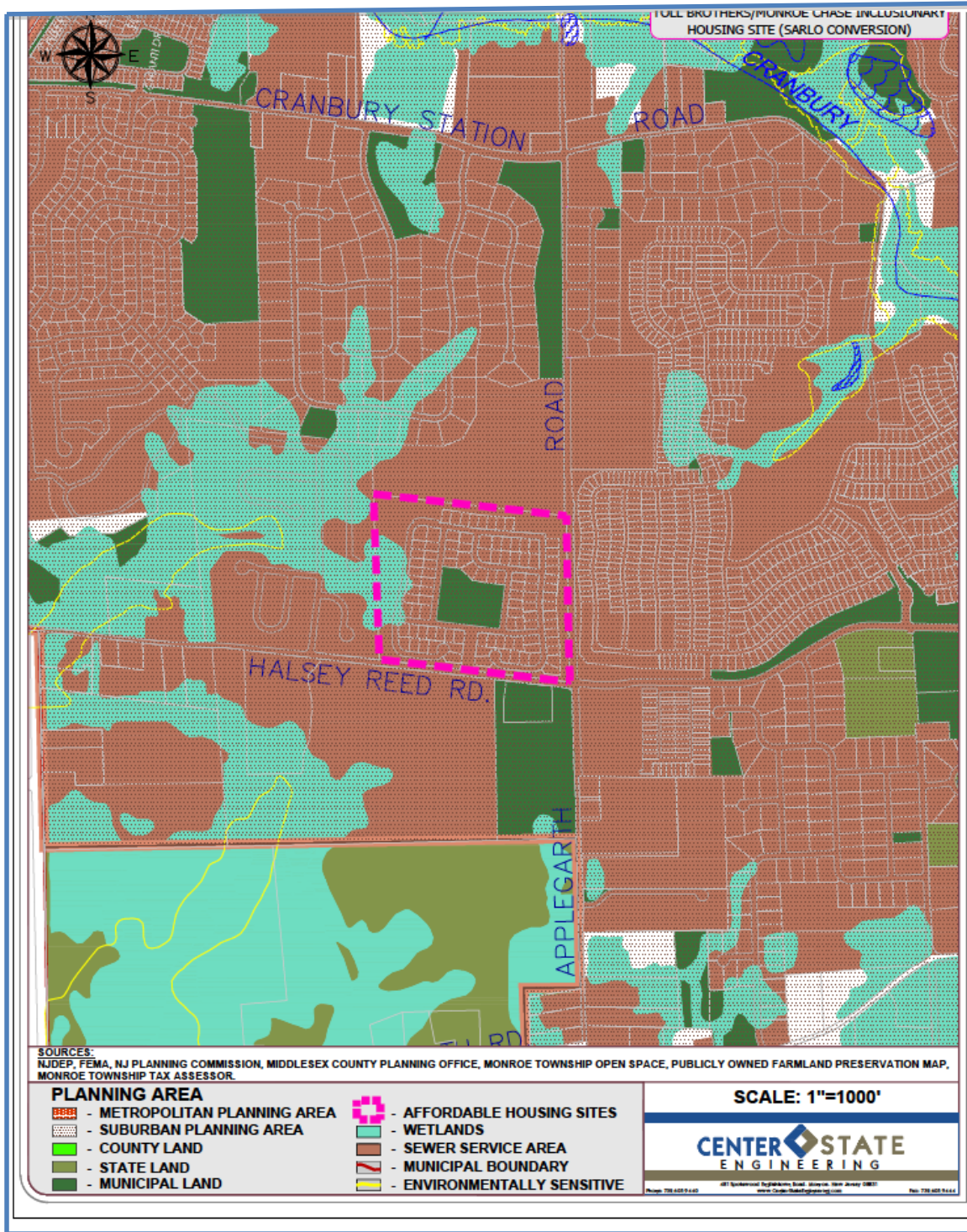
DISCLAIMER:
INFORMATION FOR THIS MAP IS TAKEN FROM MONROE TOWNSHIP TAX MAPS, 2015 EDITION.
LOCATIONS IDENTIFIED ARE SUBJECT TO MODIFICATION AT THE TIME THE DEVELOPER PROMOTES EXISTING AND LOT NUMBER.

1999-2025 AFFORDABLE HOUSING OBLIGATION, INCLUSIONARY ZONING DEVELOPMENTS AND SITES (MAP 1)

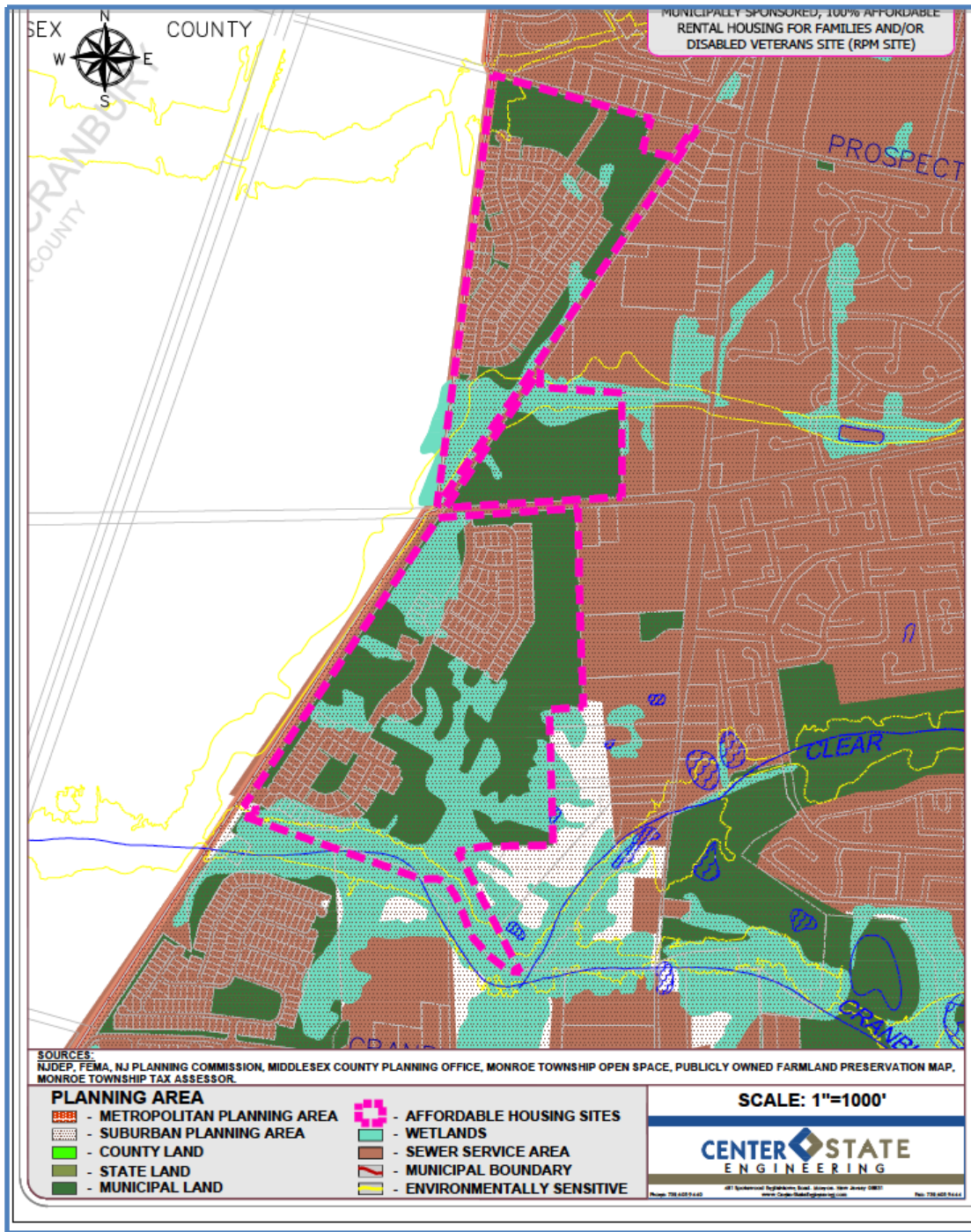


DATE: 03/20/16

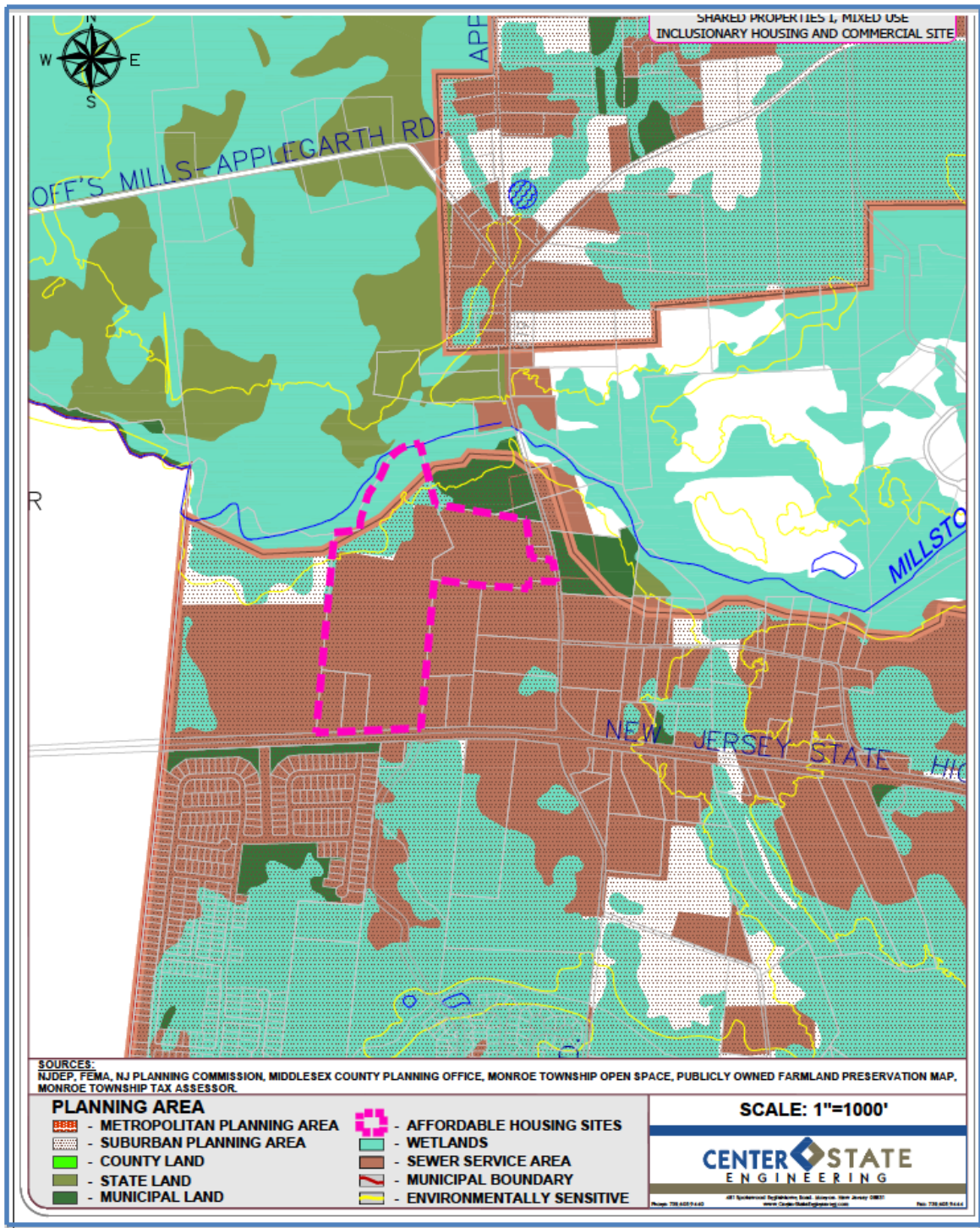
MAP 2 TOLL BROTHERS/SARLO CONVERSION



**MAP 3 K. HOVNANIAN DEDICATION TO MONROE TOWNSHIP FOR
100% AFFORDABLE HOUSING PROJECT**

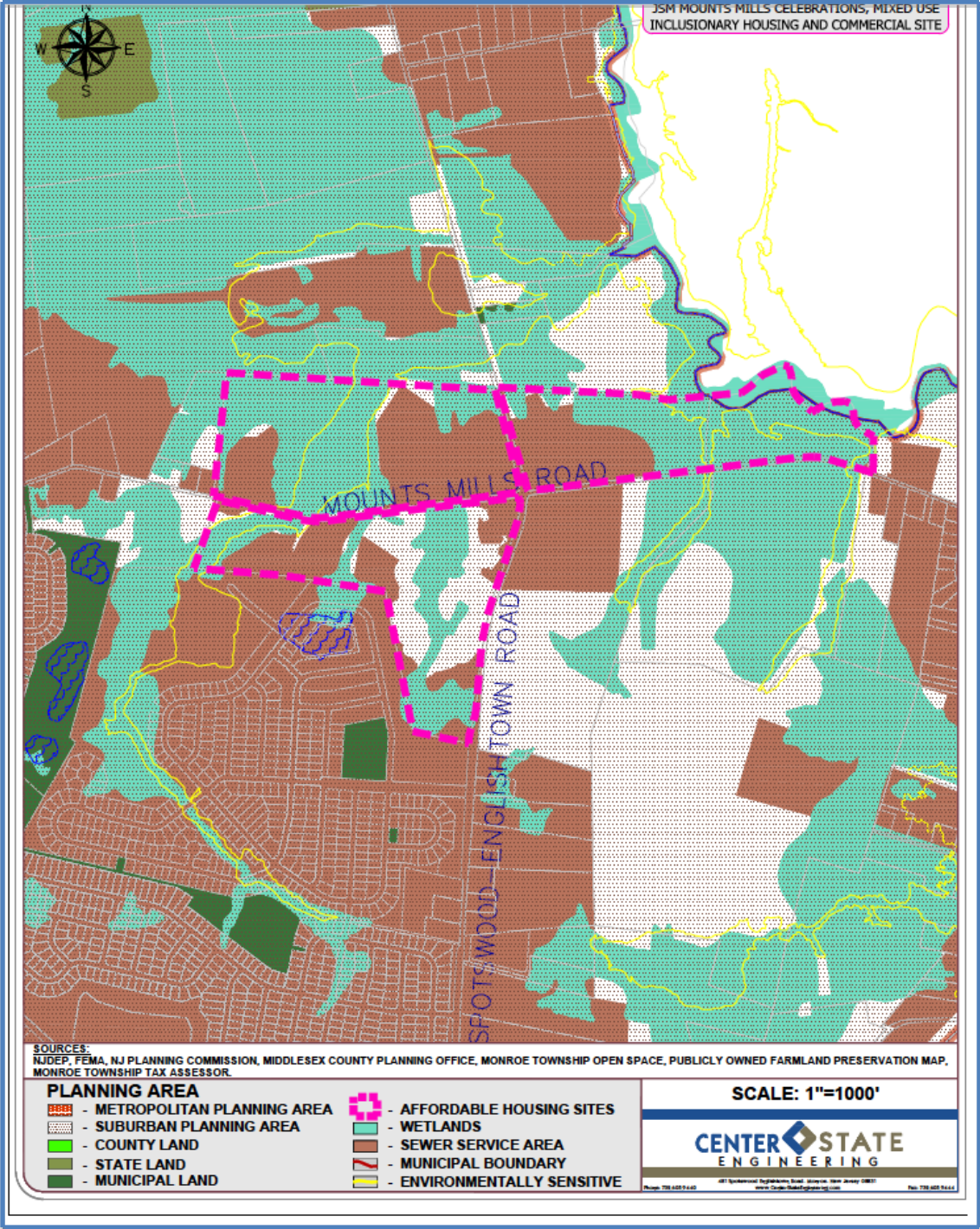


MAP 4 SHARED PROPERTIES I



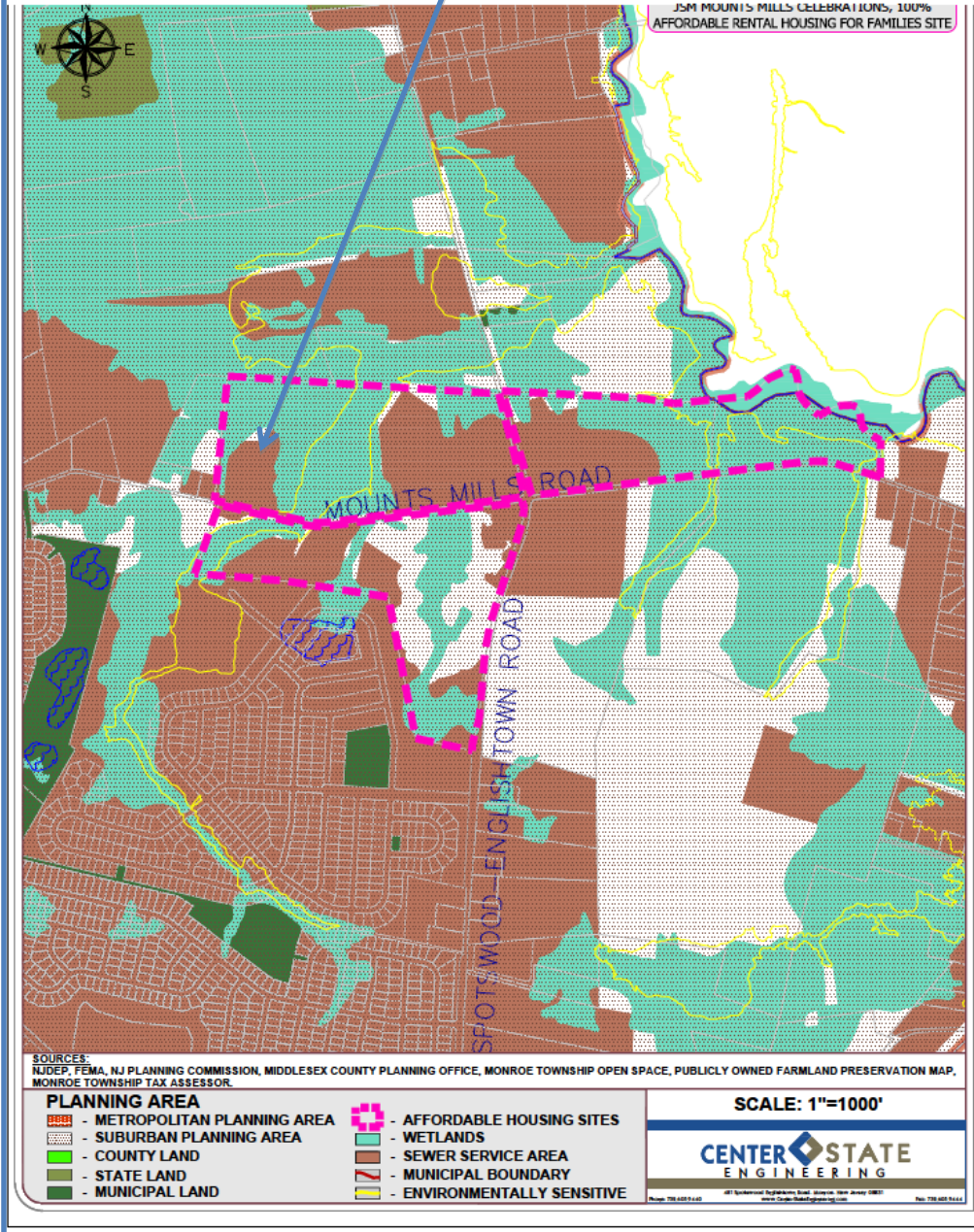
MAP 5 JSM MOUNTS MILLS CELEBRATIONS INCLUSIONARY

HOUSING

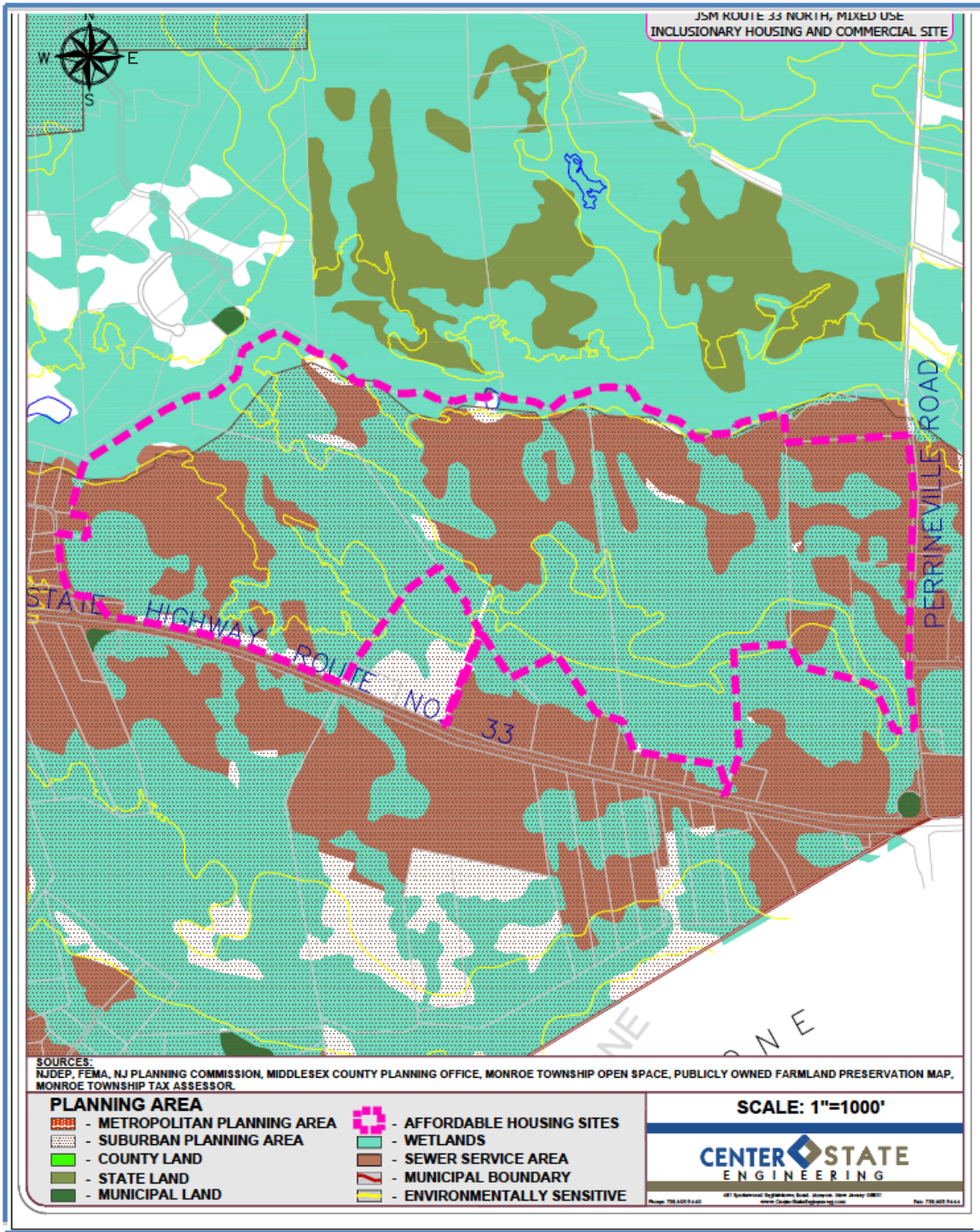


MAP 6 JSM MOUNTS MILLS/CELEBRATIONS 100% AFFORDABLE HOUSING PROJECT

100% Affordable Site

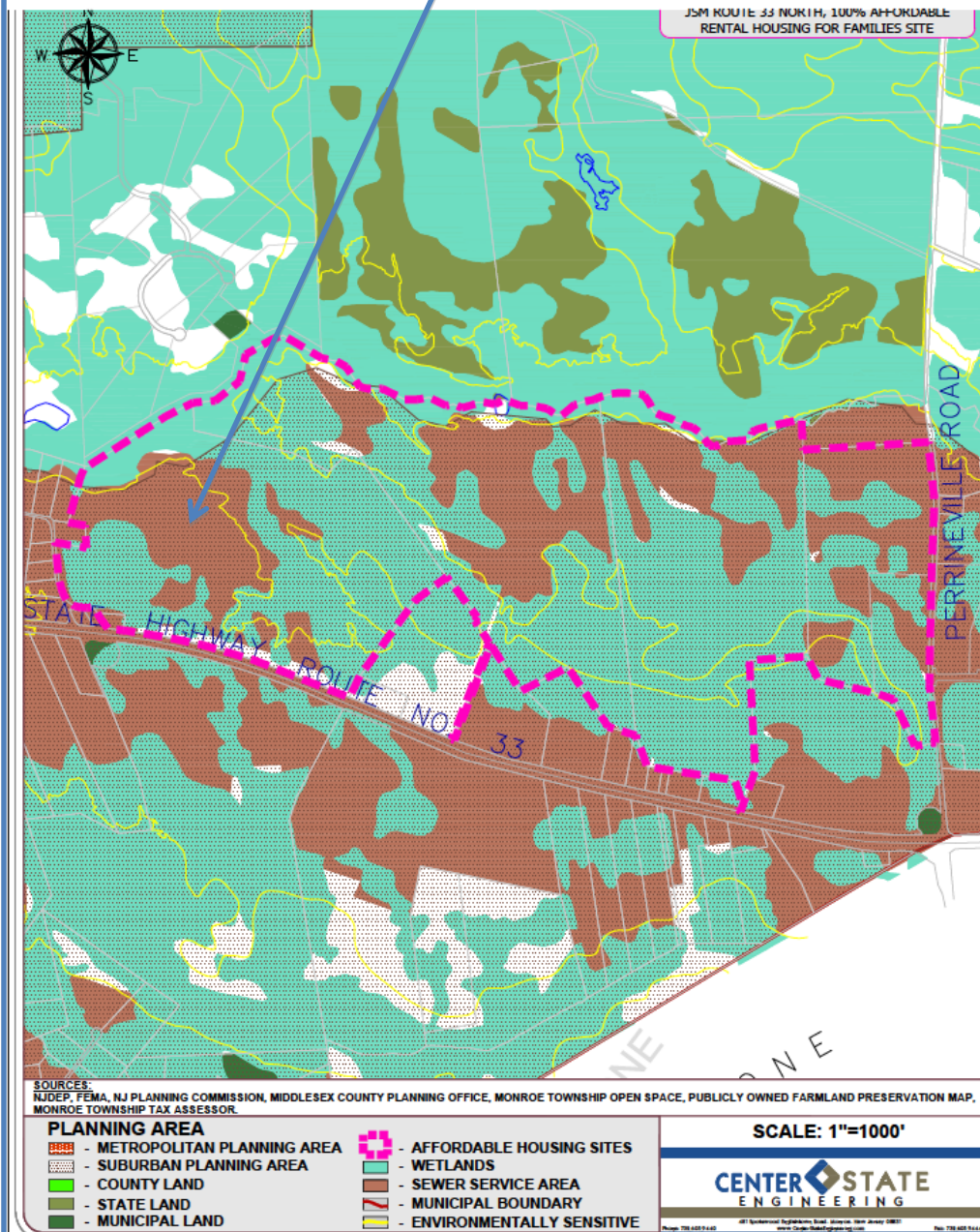


MAP 7 JSM ROUTE 33 NORTH INCLUSIONARY HOUSING

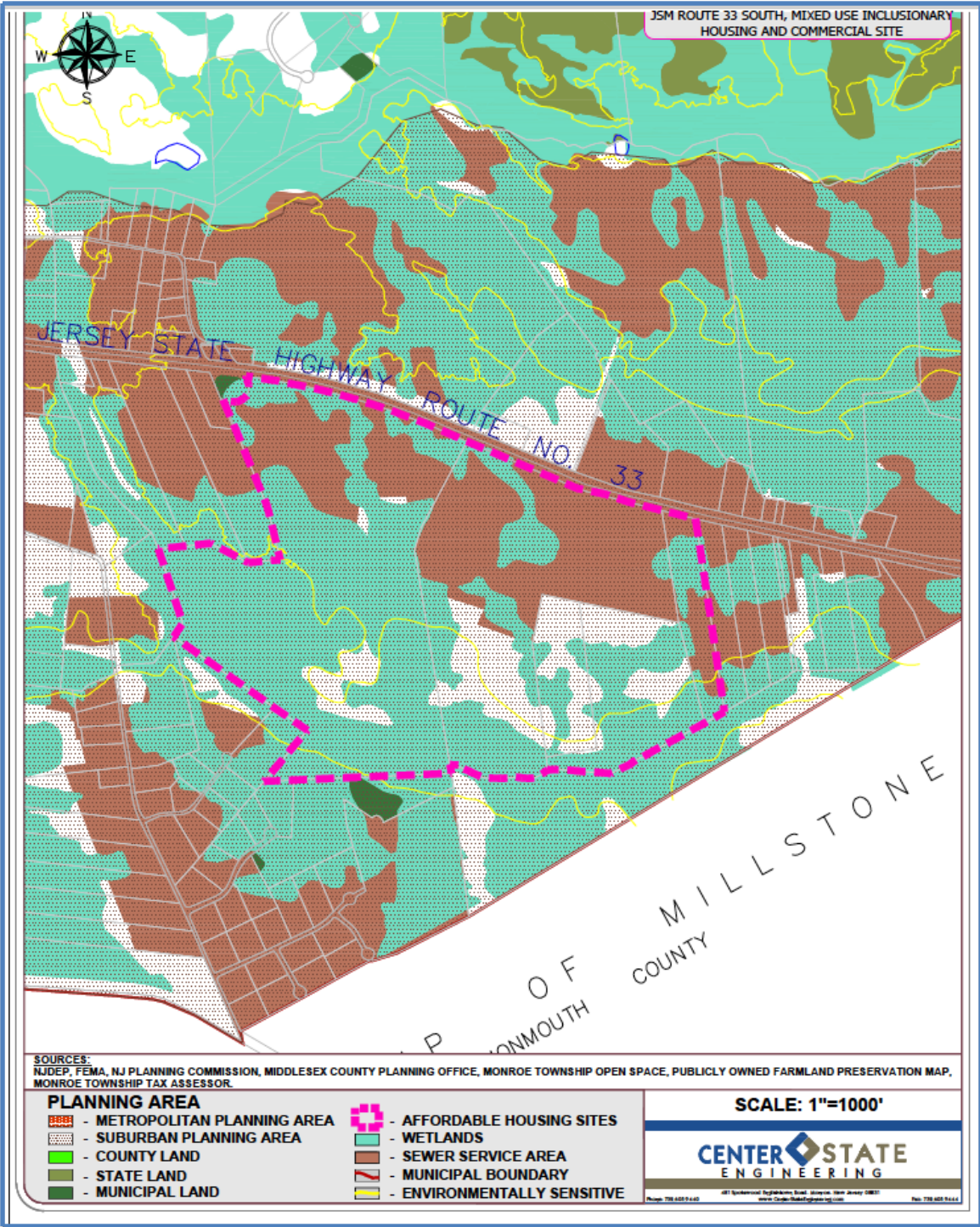


MAP 8 JSM ROUTE 33 NORTH 100% AFFORDABLE HOUSING PROJECT

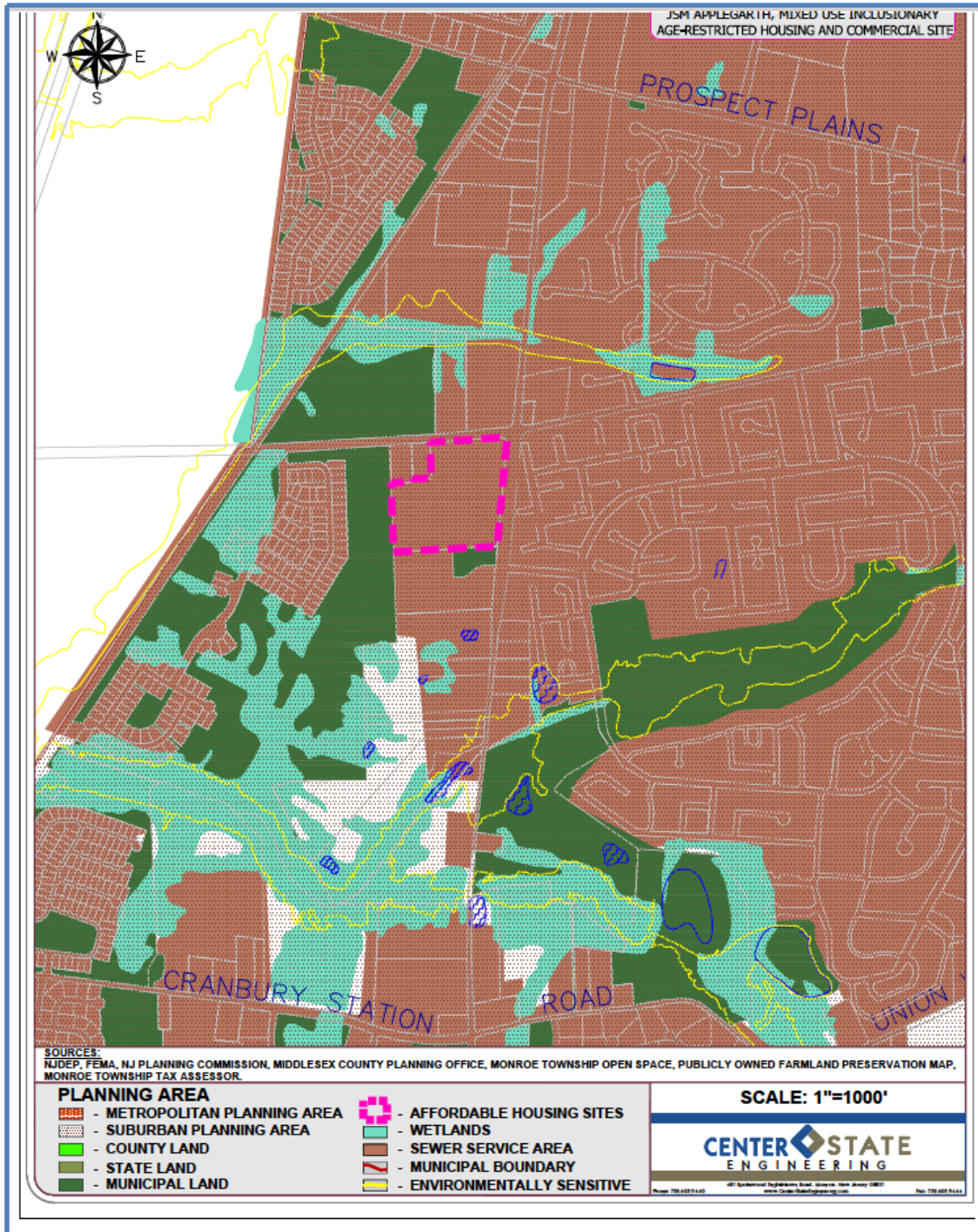
100% Affordable Site



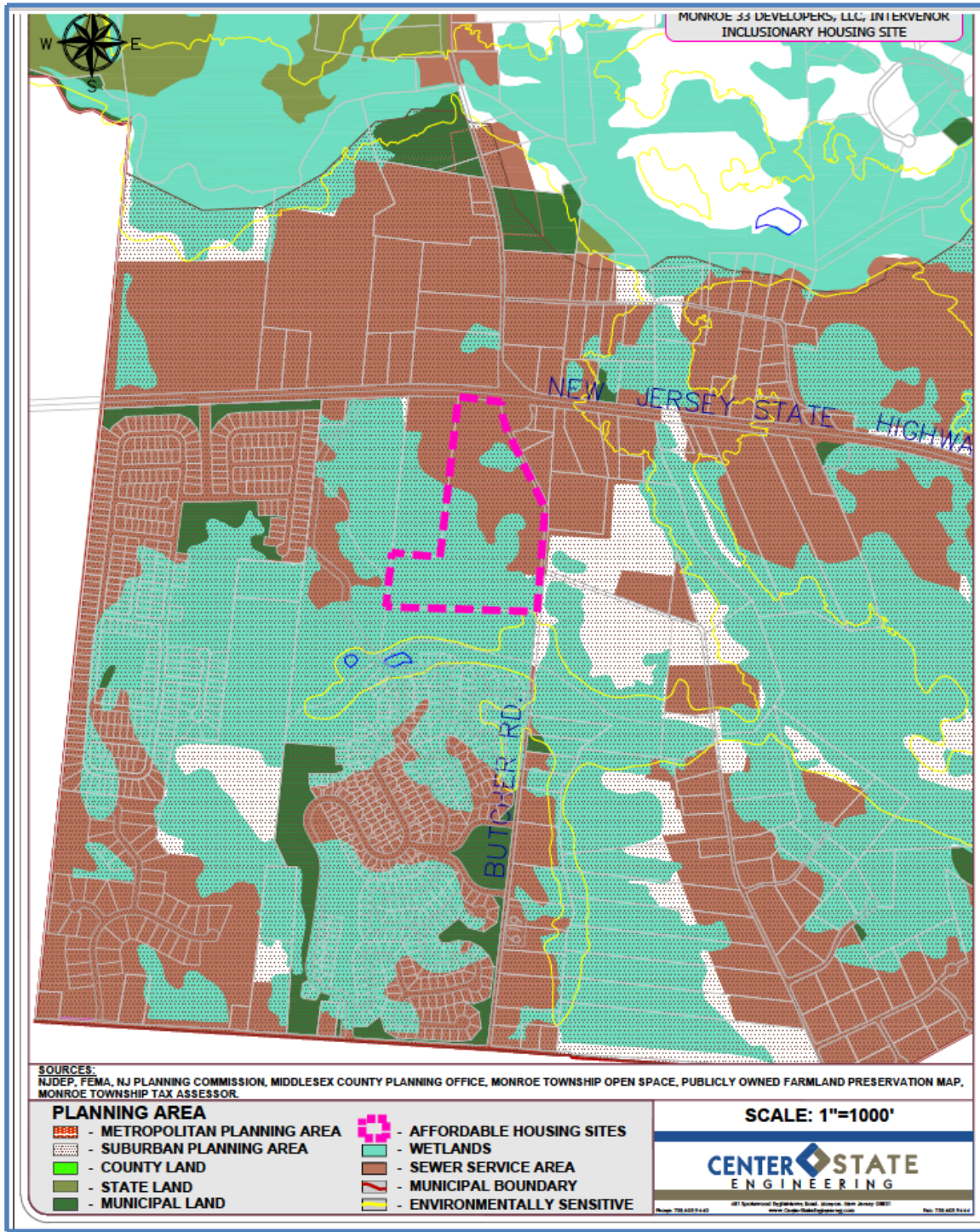
MAP 9 JSM ROUTE 33 SOUTH INCLUSIONARY HOUSING



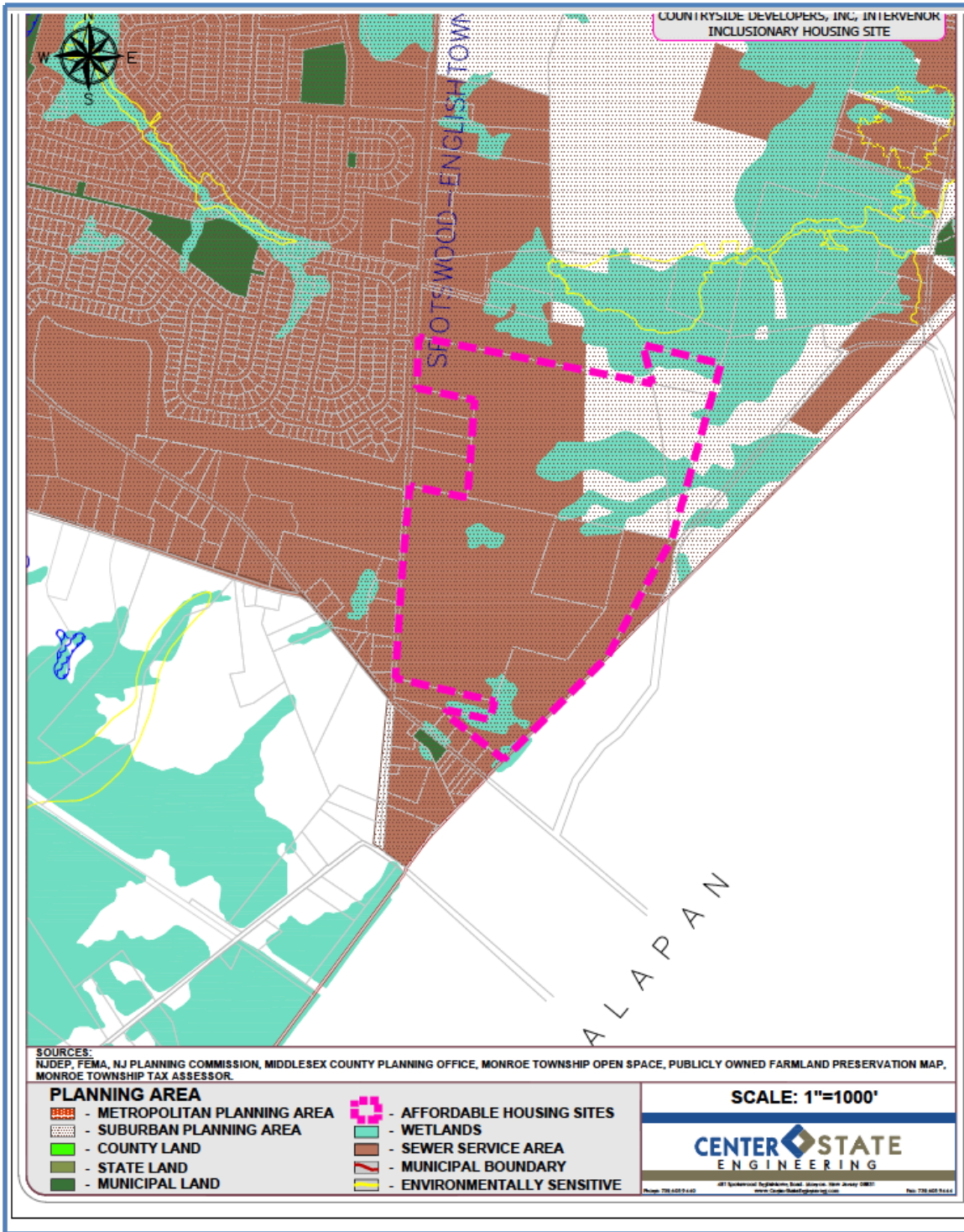
MAP 10 JSM APPLGARTH INCLUSIONARY HOUSING



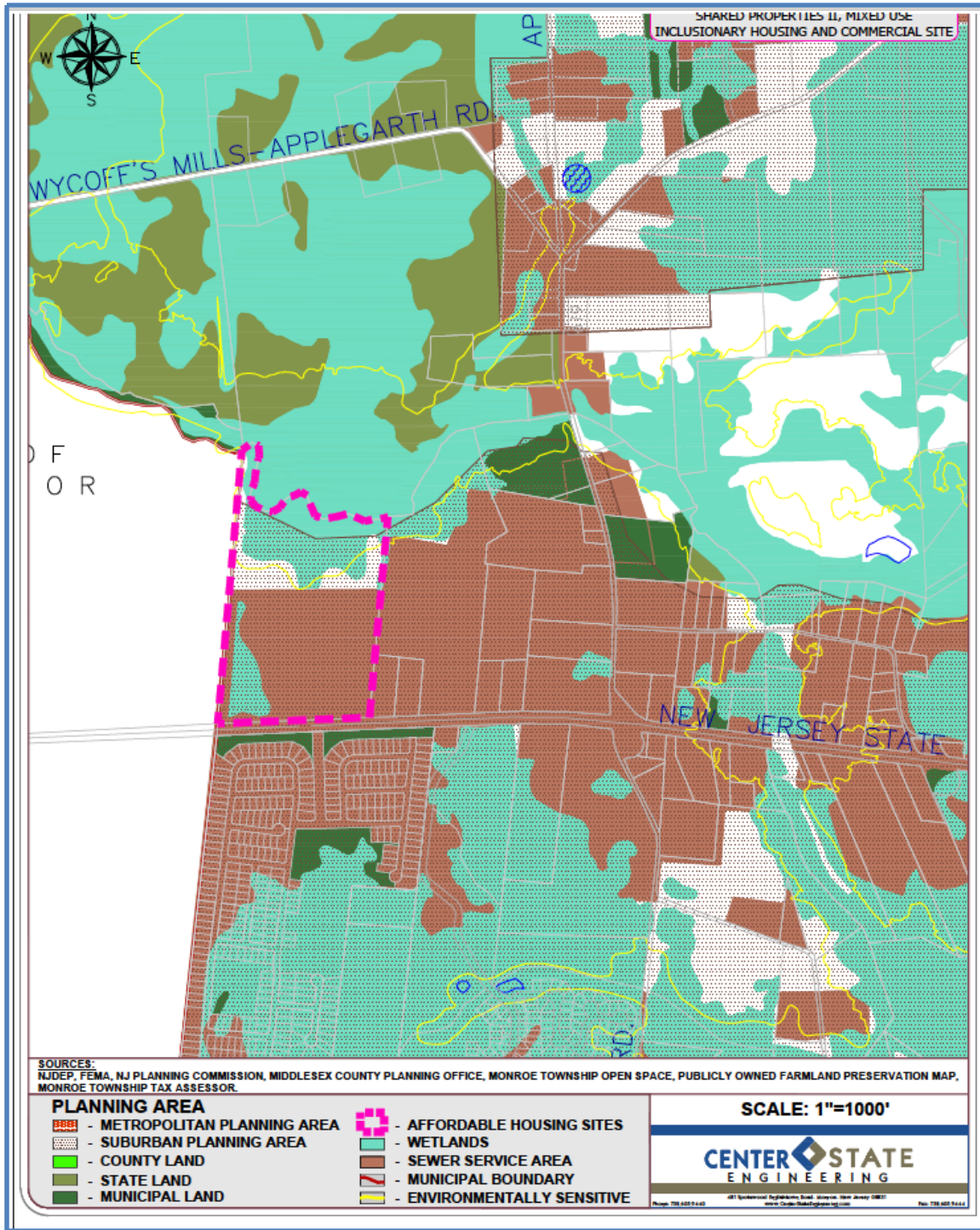
MAP 11 MONROE 33 DEVELOPERS, LLC



MAP 12 COUNTRYSIDE DEVELOPERS



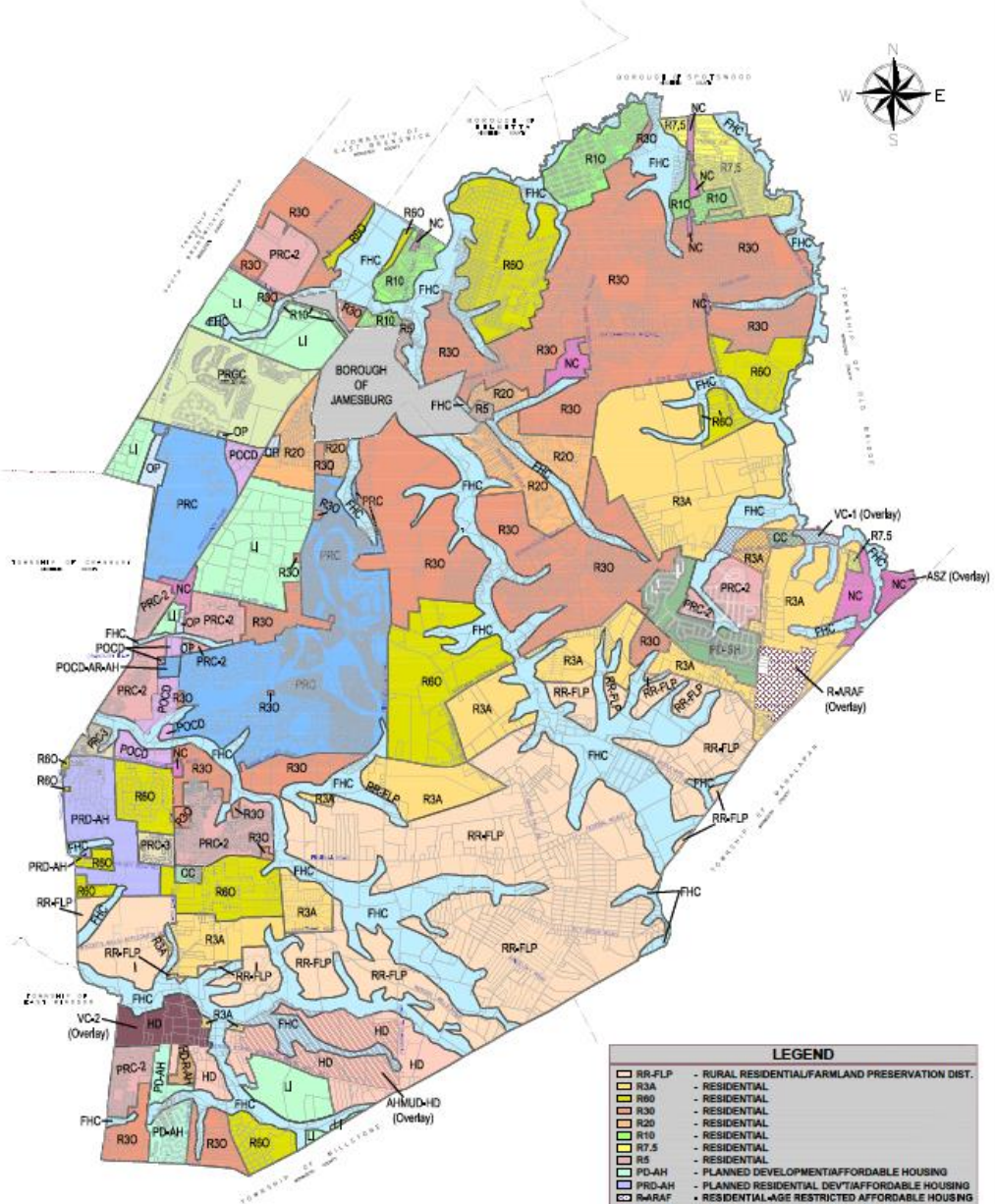
MAP 13 SP II



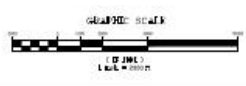
APPENDIX I
ZONING MAP SHOWING PROPOSED CHANGES



TOWNSHIP OF MONROE



PROPOSED ZONING MAP



LEGEND	
	- RURAL RESIDENTIAL/FARMLAND PRESERVATION DIST.
	- RESIDENTIAL
	- RESIDENTIAL
	- RESIDENTIAL
	- RESIDENTIAL
	- RESIDENTIAL
	- RESIDENTIAL
	- RESIDENTIAL
	- PLANNED DEVELOPMENT/AFFORDABLE HOUSING
	- PLANNED RESIDENTIAL DEVT/AFFORDABLE HOUSING
	- RESIDENTIAL-AGE RESTRICTED AFFORDABLE HOUSING
	- PLANNED RESIDENTIAL DEVT/SENIOR HOUSING
	- PLANNED RETIREMENT COMMUNITY
	- PLANNED RETIREMENT COMMUNITY
	- PLANNED RETIREMENT COMMUNITY
	- PLANNED RESIDENTIAL GOLF COMMUNITY
	- OFFICE PROFESSIONAL
	- COMMUNITY COMMERCIAL
	- PLANNED OFFICE COMMERCIAL DEVELOPMENT
	- NEIGHBORHOOD COMMERCIAL
	- HIGHWAY DEVELOPMENT
	- HIGHWAY DEVT/RESIDENTIAL AFFORDABLE HOUSING
	- LIGHT IMPACT INDUSTRIAL ZONE
	- FLOOD HAZARD CONSERVATION DISTRICT
	- VILLAGE CENTER (OVERLAY)
	- VILLAGE CENTER (OVERLAY)
	- AIRPORT SAFETY OVERLAY ZONE
	- AFFORDABLE HOUSING/MIXED USE DEVT. HIGHWAY DEVELOPMENT (OVERLAY)

APPENDIX J
PROPOSED ZONING CHANGES
R-ARAF RESIDENTIAL-AGE-RESTRICTED AFFORDABLE HOUSING

DRAFT

§ 108-6.28. PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District.

The PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District is repealed in its entirety.

§ 108-6.7. R-3A Residential –Agricultural District.

The overlay zone PDR-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District in the R-3A Residential-Agricultural District is removed from Lots 2, 4, 5, 10, 11.05, 13, 14, 15, 16.01 and 32 in Block 36 and Lot 1 in Block 36.02 and said lots shall be zoned strictly R-3a Residential Agricultural District.

§ 108-6.30. R-ARAF Residential-Age Restricted Affordable Housing District.

Lots 1.09, 3, 6, 9.01, 9.02 and 11.01 in Block 36, which were formerly zoned R-3A Residential-Agricultural District with an overlay PRD-AH-AR Planned Residential Development-Affordable Housing-Age Restricted District, are changed to a R-ARAF Residential-Age Restricted Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of market-priced housing and housing affordable to low- and moderate-income age-restricted households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. The following shall be requirements of the R-ARAF District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.
- C. Permitted Uses:
 - (1) Inclusionary housing development consisting of affordable age-restricted housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:
 - (a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to limit the number of bedrooms to two (2) per dwelling units and to prohibit the conversion of basements, dens,

offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family townhouse and apartment dwelling units shall not exceed two-hundred-thirteen (213).

- (b) Affordable multi-family age-restricted rental apartment dwelling units that are provided at a minimum twenty percent (20%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family age-restricted rental apartment dwelling units shall be fifty-three (53).

- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable age-restricted and market-rate housing to be used by the residents of the Inclusionary housing development, their guests or other authorized users.

D. Permitted Accessory Uses:

- (1) Private swimming pools for use by the residents on the premises as per the requirements of Article XII of this Chapter.
- (2) Decks and patios for use by the residents on the premises, located in the rear yard within the building envelope. No deck shall be larger than ten (10) feet by twenty (20) feet.
- (3) Open space and recreational facilities for use by the residents on the premises.

E. Development, area, yard and building requirements. No building permit shall be issued for construction or other improvement in an R-ARAF Residential-Age Restricted Affordable Housing District development except in accordance with a general development plan for the overall site and an engineering and improvement plan for each section that has been approved by the Planning Board. The following development requirements shall apply to the R-ARAF Residential-Age Restricted Affordable Housing District:

- (1) Minimum site area. The minimum site area for an inclusionary development in the R-ARAF Residential-Age Restricted Affordable Housing District shall be at least seventy (70) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads.
- (2) Gross residential density. The gross residential density shall not exceed three and six tenths (3.6) dwelling units per acre.
- (3) Site bulk requirements:

(a) Minimum site frontage shall be one thousand six hundred (1,600) feet.

(b) Minimum site width shall be one thousand six hundred (1,600) feet.

(c) Minimum site depth shall be one thousand (1,000) feet.

(4) Yard and setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 5 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--
Minimum Rear Yard	50 feet	20 feet	--	--

(5) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(6) Lot coverage by buildings. Not more than twenty percent (20%) of the gross area of each residential section shall be covered by buildings.

(7) Maximum building height.

(a) Townhouses shall not exceed three (3) stories or forty-five (45) feet.

(b) Apartment flats shall not exceed three (3) stories or forty-five (45) feet.

(8) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.

- (9) Buffers and landscaping, shade trees and tree preservation shall comply with § 108-6.30.I. of this Article.

F. Affordable Housing.

- (1) Required percentage of affordable age-restricted dwelling units built on-site. The developer shall designate and set aside twenty percent (20%) of the age-restricted dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households and at least thirteen percent (13%) affordable to very low-income households.
- (2) Required bedroom distribution for age-restricted affordable dwelling units. Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low- and moderate- income units within the Inclusionary development. The standard can be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit. Applications to waive this standard shall be made in accordance with N.J.A.C. 5:93 and shall be referred by the Council on Affordable Housing (C.O.A.H.) to the DCA Division of Aging for review and recommendations.
- (3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.
- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) Age restrictions shall be placed on the occupants of the designated affordable housing dwelling units.
- (6) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (7) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
- (8) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (9) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (10) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (11) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.

G. Signage as permitted in Article X of this Chapter.

H. Parking as required in Article IX of this Chapter.

I. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

- (a) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback

area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.

(b) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.

(c) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

J. Fences are permitted in accordance with Article VIII of this Chapter.

K. A ten (10)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along Spotswood-Englishtown Road.

APPENDIX K
PROPOSED ZONING CHANGES
HD-R-AH HIGHWAY DEVELOPMENT-RESIDENTIAL-AFFORDABLE
HOUSING

DRAFT

§ 108-6.31. HD-R-AH Highway Development-Residential-Affordable Housing District.

Block 1.14 consisting of Lot 13.2, which was formerly zoned as HD Highway Development District, is changed to a HD-R-AH Highway Development-Residential-Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of highway commercial uses, market-priced housing and housing affordable to low- and moderate-income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. The following shall be requirements of the HD-R-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.
- C. Permitted Uses:
 - (1) All non-residential uses permitted in the HD District as provided in § 108-6.18.A. Only HD permitted uses shall be developed within four hundred (400) feet from the right-of-way line of New Jersey State Highway Route 33.
 - (2) Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. All housing shall be developed beyond four hundred (400) feet from the right-of-way line of New Jersey State Highway Route 33 and shall comply with the provisions set forth herein this section. Permitted residential dwellings include:
 - (a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family townhouse and apartment dwelling units shall not exceed one hundred twenty (120).
 - (b) Affordable multi-family family rental apartment dwelling units that are provided at a minimum twenty percent (20%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family family rental apartment dwelling units shall be thirty (30).

- (3) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users

D. Permitted Accessory Uses:

- (1) Private swimming pools and clubhouses for use by the residents on the premises as per the requirements of Article XII of this Chapter.
- (2) Open space and recreational facilities for use by the residents on the premises.
- (3) Decks and patios for use by the residents on the premises located in the rear yard within the building envelope, except for decks and patios facing Butcher Road when compliant landscape buffer and berm are provided to create an effective screen from said road. No deck shall be larger than ten (10) feet by twenty (20) feet.
- (4) Off-street parking areas and loading areas.
- (5) Signs.
- (6) Fences and walls.
- (7) Satellite antennas.
- (8) Public utility installations.

E. Conditional uses requiring a conditional use permit subject to the provisions of Article VII of this Chapter:

- (1) Automotive gasoline stations, automotive repair garages, automotive service stations, automotive sales and service facilities.

F. Development, area, yard and building requirements. The following development requirements shall apply to the HD-R-AH Highway Development-Residential-Affordable Housing District:

- (1) Minimum tract area for a mix of non-residential and inclusionary residential uses shall be thirty (30) acres.
- (2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the HD District as set forth in § 108-6.4 of this Chapter, except for minimum lot area which shall be four (4) acres and minimum lot depth shall be four hundred (400) feet.
- (3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:
 - (a) Minimum site area. The minimum site area for an inclusionary development in the HD-R-AH Highway Development-Residential-

Affordable Housing District shall be at least twenty-five (25) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.

- (b) Gross residential density. The gross residential density of the entire tract shall not exceed five (5) dwelling units per acre, and the maximum number of residential units shall not exceed one hundred fifty (150) dwelling units of which one hundred twenty (120) dwellings may be market-rate dwelling units and thirty (30) dwelling units shall be affordable dwelling units.
- (c) Residential sections may be subdivided into separate lots. Regardless of whether a residential section has been subdivided into a separate lot, a townhouse residential section shall not exceed a net residential density of eight (8) dwelling units per acre and an apartment residential section shall not exceed a net residential density of twelve and five tenth (12.5) dwelling units per acre.
- (d) Bulk requirements for subdivided lots containing a residential section:
 - [1] Minimum lot area shall be four (4) acres.
 - [2] Minimum lot frontage shall be two hundred (200) feet.
 - [3] Minimum lot width shall be two hundred (200) feet.
 - [4] Minimum lot depth shall be five hundred (500) feet.
- (e) Yard and setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 5 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--
Minimum Rear Yard	50 feet	20 feet	--	--

- (f) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

(g) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.

(h) Maximum building height.

[1] Townhouses shall not exceed three (3) stories or forty-five (45) feet.

[2] Apartment flats shall not exceed three (3) stories or forty-five (45) feet.

(i) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.

(j) Buffers and landscaping, shade trees and tree preservation shall comply with § 108-6.31.J. of this Article.

(4) All residential, including market-rate housing sections and affordable housing sections, and non-residential sections shall be interconnected with free flowing, non-barricaded roads and sidewalks. Cross access easements shall be provided on all subdivided residential and non-residential lots to ensure the free flow of pedestrian, bicycle and vehicular traffic.

G. Affordable Housing.

(1) Required percentage of affordable family rental dwelling units built on-site. The developer shall designate and set aside of twenty percent (20%) of the dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households and at least thirteen percent (13%) affordable to very low-income households.

(2) Required bedroom distribution for affordable family rental dwelling units.

(a) At a minimum, thirty percent (30%) of all low- and moderate-income units shall have two (2) bedrooms.

(b) At a minimum, twenty percent (20%) of all low- and moderate-income units shall have three (3) bedrooms.

(c) The combination of efficiency and one-bedroom units shall be at least ten percent (10%) and no greater than twenty percent (20%) of the total low- and moderate-income units.

(3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to

low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.

- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (6) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
- (7) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (8) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.

- (9) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (10) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.

H. Signage as permitted in Article X of this Chapter.

I. Parking and loading as required in Article IX of this Chapter.

J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

(1) Permitted non-residential uses shall comply with the buffer requirements of the HD District as set forth in § 108-6.18.H.

(2) Inclusionary housing development shall comply with the following buffering requirements:

(a) Minimum width of buffer area along Butcher Road and the property lines of the tract shall be fifty (50) feet.

(b) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.

(c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be twenty (20) feet. The buffer may include a berm of at least two (2) in height as is feasible given good engineering practices.

(d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.

(e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and

walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

- K. Fences are permitted in accordance with Article VIII of this Chapter.
- L. A ten (10)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along the frontage of the entire tract along Butcher Road and Route 33 and along the perimeter of stormwater management basins and connected to the internal pedestrian walkway system of the site.

APPENDIX L
PROPOSED ZONING CHANGES
POCD-AR-AH PLANNED OFFICE COMMERCIAL DEVELOPMENT-
AGE-RESTRICTED-AFFORDABLE HOUSING

DRAFT

§ 108-6.32. POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District.

Block 25 consisting of Lots 2.10, 2.11, 2.12, 2.13 and 2.14, which was formerly zoned as PO/CD Planned Office Commercial District, is changed to a POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of office and commercial uses, market-priced age-restricted housing and housing affordable to low- and moderate-income age-restricted households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. The following shall be requirements of the POCD-AR-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.
- C. Required Uses:
 - (1) Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:
 - (a) Market-rate multi-family apartment dwelling units that are deed restricted to permit only senior citizen residents as regulated in this Chapter and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family age-restricted apartment dwelling units shall not exceed one hundred nine (109).
 - (b) Affordable multi-family age-restricted rental apartment dwelling units that are provided at a minimum twenty-three-and-twenty-four-hundredths percent (23.24%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family age-restricted rental apartment dwelling units shall be thirty-three (33). The affordable rental apartments shall be deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom.

D. Permitted Uses:

- (1) All non-residential uses permitted in the PO/CD District as provided in § 108-6.16.A. and the NC Neighborhood Commercial District as provided in § 108-6.17.A.
- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

E. Permitted Accessory Uses:

- (1) Off-street parking areas and loading areas.
- (2) Signs.
- (3) Fences and walls.
- (4) Satellite antennas.
- (5) Public utility installations.
- (6) Open space and recreational facilities for use by the residents on the premises.
- (7) Customary and accessory uses and buildings which are clearly incidental to permitted principal non-residential uses and buildings.

F. Development, area, yard and building requirements. The following development requirements shall apply to the POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District:

- (1) Minimum tract area for mixed-use inclusionary housing and non-residential development in the POCD-AR-AH District shall be seventeen (17) acres.
- (2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the PO/CD District as set forth in § 108-6.4 of this Chapter.
- (3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:
 - (a) Minimum lot area. The minimum site area for an inclusionary development in the POCD-AR-AH Planned Office Commercial Development-Age Restricted-Affordable Housing District shall be at least four (4) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.

(b) Gross residential density. The gross residential density of the entire tract shall not exceed eight and two-tenths (8.2) dwelling units per acre, and the maximum number of residential units shall not exceed one hundred forty two (142) of which one hundred nine (109) may be market-rate age-restricted dwelling units and thirty three (33) dwelling units shall be affordable age-restricted dwelling units.

(c) Bulk and yard requirements:

[1] Minimum lot frontage shall be three hundred (300) feet.

[2] Minimum lot width shall be three hundred (300) feet.

[3] Minimum lot depth shall be three (300) feet.

[4] Minimum front yard setback shall be fifty (50) feet.

[5] Minimum side yard setback to the tract boundary shall be fifty (50) feet.

[6] Minimum side yard setback to an internal lot shall be twenty (20) feet.

[7] Minimum rear yard setback shall be one hundred (100) feet.

(d) Maximum building height. Apartment flats shall not exceed four (4) stories or fifty-eight (58) feet.

(e) Building Separation Requirement:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	40 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	50 feet

(f) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.

(g) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.

(h) Buffers, landscaping, shade trees and tree preservation shall comply with § 108-6.32.I. of this Article.

G. Affordable Housing.

- (1) Required percentage of affordable family rental dwelling units built on-site. The developer shall designate a set aside of twenty-three-and-twenty-four-hundredths percent (23.24%) of the dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households and at least thirteen percent (13%) of the total affordable dwelling units shall be for very low-income households.
- (2) Required bedroom distribution for age-restricted affordable dwelling units. Low- and moderate-income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of senior citizen low- and moderate- income units within the Inclusionary development. The standard can be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit. Applications to waive this standard shall be made in accordance with N.J.A.C. 5:93 and shall be referred by the Council on Affordable Housing (C.O.A.H.) to the DCA Division of Aging for review and recommendations.
- (3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.
- (4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (5) Age restrictions shall be placed on the occupants of the designated affordable housing dwelling units.

- (6) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (7) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
- (8) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (9) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (10) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (11) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.

H. Signage as permitted in Article X of this Chapter.

I. Parking and loading as required in Article IX of this Chapter.

J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

- (1) Permitted non-residential uses shall comply with the buffer requirements of the PO/CD District as set forth in § 108-6.16.H.
- (2) Inclusionary housing development shall comply with the following buffering requirements:
 - (a) Minimum width of buffer area fifty (50) feet.
 - (b) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback

area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.

- (c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be thirty (30) feet.
- (d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
- (e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

K. Fences are permitted in accordance with Article VIII of this Chapter.

APPENDIX M

PROPOSED ZONING CHANGES
MU-HD-R-AH MIXED USED-HIGHWAY DEVELOPMENT-
RESIDENTIAL-AFFORDABLE HOUSING

DRAFT

§ 108-6.33. MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable

Housing District.

Block 3 consisting of Lots 12.01, 13, 14, 26 and 27, which was formerly zoned as LI Light Industrial District, is changed to MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing District.

- A. The purpose of this section is to establish the standards and requirements for developments that include a mix of highway commercial uses, market-priced housing and housing affordable to low- and moderate-income family households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low and moderate income housing.
- B. The following shall be requirements of the MU-HD-R-AH District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.
- C. Required Uses:
 - (1) Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:
 - (a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum amount of market-rate multi-family townhouse and apartment dwelling units shall not exceed one thousand two hundred seventy three (1,273).
 - (b) Affordable multi-family family rental apartment dwelling units that are provided at a minimum eight-and-fifteen hundredths percent (8.15%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family family rental apartment dwelling units shall be one hundred thirteen (113). The affordable rental apartments shall be deed restricted to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom.
 - (c) Pursuant to a court settlement, the inclusionary development in the MU-HD-R-AH District shall be phased with the development of a one hundred percent (100%) affordable family rental project that consists of one hundred seventy-one (171) dwelling units, which will be developed on Block 6, Lots

12.06, 15.01, 23.01 and 27.01 and shall set aside fifteen percent (15%) of the total one hundred percent (100%) affordable family rental dwelling units for very low-income households. When the one hundred percent (100%) affordable family rental project is combined with the affordable multi-family family rental apartment dwelling units of the MU-HD-R-AH district, the total affordable housing set aside is eighteen and twenty-four hundredths percent (18.24%), which is calculated by dividing a total of two hundred eighty-four (284) affordable dwelling units by one thousand five hundred fifty-seven (1,557) total dwelling units consisting of the market-rate and affordable dwelling units in MU-HD-R-AH District and the one-hundred percent (100%) affordable dwelling units on Block 6, Lots 12.06, 15.01, 23.01 and 27.01. The overall phasing of market-rate dwelling units in the MU-HD-R-AH District and the affordable dwelling units in the MU-HD-R-AH District and the one hundred-seventy-one (171) one hundred percent (100%) affordable dwelling units shall be provided as set forth in subsection F.(7) below.

D. Permitted Uses:

- (1) All non-residential uses permitted in the HD Highway Development District as provided in § 108-6.18.A.
- (2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized user.

E. Permitted Accessory Uses:

- (1) Off-street parking areas and loading areas.
- (2) Signs.
- (3) Fences and walls.
- (4) Satellite antennas.
- (5) Public utility installations.
- (6) Open space and recreational facilities for use by the residents on the premises.

F. Development, area, yard and building requirements. The following development requirements shall apply to the MU-HD-R-AH Mixed Use-Highway Development-Residential-Affordable Housing District:

- (1) Minimum tract area for mixed-use inclusionary housing and non-residential development in the MU-HD-R-AH District shall be two hundred thirty (230) acres.
- (2) Permitted non-residential uses shall comply with the development, area, yard and building requirements of the HD District as set forth in § 108-6.4 of this Chapter.
- (3) Inclusionary housing development shall comply with the following development, area, yard and building requirements:

- (a) Minimum area. The minimum site area for an inclusionary development in the MU-HD-R-AH District shall be at least one hundred (100) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads, exclusive of the area of the parcel of land that will be developed with permitted non-residential uses.

- (b) Gross residential density. The gross residential density of the entire tract shall not exceed five and six tenths (5.6) dwelling units per acre.

- (c) Bulk and yard requirements:

- [1] Minimum lot frontage shall be five hundred (500) feet.
- [2] Minimum lot width shall be five hundred (500) feet.
- [3] Minimum lot depth shall be seven hundred (700) feet.
- [4] Minimum front yard setback shall be one hundred (100) feet.
- [5] Minimum side yard setback shall be one hundred (100) feet.
- [6] Minimum rear yard setback shall be one hundred (100) feet.

- (d) Setback requirements:

<u>Description</u>	<u>Tract Boundary</u>	<u>Internal Lots</u>	<u>To Curb Line of Internal Road, Townhouses</u>	<u>To Curb Line of Internal Road, Apartments</u>
Minimum Front Yard	50 feet	--	25 feet; 25 feet to front façade with driveway	15 feet; 5 feet to front façade with driveway and garage
Minimum Side Yard	50 feet	10 feet	--	--

Minimum Rear Yard	50 feet	20 feet	--	--
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- (e) Minimum separation between facades of residential buildings on lot with multiple residential buildings:

<u>Description</u>	<u>Requirement</u>
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet
Rear of building to side of building	40 feet

- (f) Maximum building height.

[1] Townhouses shall not exceed two-and-one-half (2-1/2) stories or thirty-five (35) feet.

[2] Apartment flats shall not exceed three (3) stories or forty-five (45) feet.

- (g) Lot coverage by buildings. Not more than thirty percent (30%) of the gross area of each residential section shall be covered by buildings.
- (h) All residential, including market-rate housing sections and affordable housing sections, and non-residential sections shall be interconnected with free flowing, non-barricaded roads and sidewalks. Cross access easements shall be provided on all subdivided residential and non-residential lots to ensure the free flow of pedestrian, bicycle and vehicular traffic.
- (i) Sidewalks and walkways shall comply with § 108-6.21.I. of this Article.
- (j) Buffers and landscaping and shade trees and tree preservation shall comply with § 108-6.32.I, of this Article.
- (k) Establishment of an open space organization shall comply with § 108-6.32.J. of this Article.
- (l) Recreation facilities shall comply with § 108-6.32.K. of this Article.

(4) Phasing of residential and non-residential uses:

<u>Maximum Market-Rate Dwelling Units Completed</u>	<u>Minimum Non-Residential Gross Floor Area (sq.ft.) Completed</u>
452	100,000

503 (955 cumulative/75%)

50,000 (150,000 cumulative)

The developer shall be permitted to receive building permits after receipt of the four hundred and fifty second (452nd) Certificate of Occupancy (“CO”) for market-rate dwelling units, but shall not receive further COs for additional market rate units until it has received a CO for one hundred thousand (100,000) square feet of non-residential space (shell only, fit out when tenants identified). Upon receipt of a CO for the first one hundred thousand (100,000) square feet of non-residential space, the developer shall be permitted to apply for COs for up to an additional five hundred three (503) market-rate dwelling units. Upon receipt of the CO for the five hundred and third (503rd) market-rate dwelling unit, the developer shall not obtain further COs for additional market rate units until it has received a CO for an additional fifty thousand (50,000) square feet of non-residential space (shell only, fit out when tenants identified). After receipt of COs for a total one hundred and fifty thousand (150,000) square feet of non-residential space, there shall be no further restriction on the completion of the market rate residential units related to the completion of non-residential space.

G. Affordable Housing.

- (1) Required percentage of affordable family rental dwelling units built on-site in the MU-HD-R-AH District. The developer shall set aside eight-and-fifteen hundredths percent (8.15%) set aside of the dwelling units to be built on-site to have rents that are affordable to low- and moderate-income households and at least thirteen percent (13%) of the total affordable dwelling units shall be for very low-income households.
- (2) Required percentage of affordable family rental dwelling units in the one hundred percent (100%) affordable family rental project set aside for very low-income households shall be fifteen percent (15%).
- (3) Required bedroom distribution for affordable family rental dwelling units for MU-HD-R-AH District and one hundred percent (100%) affordable family rental project.
 - (a) At a minimum, thirty percent (30%) of all low- and moderate-income units shall have two (2) bedrooms.
 - (b) At a minimum, twenty percent (20%) of all low- and moderate-income units shall have three (3) bedrooms.
 - (c) The combination of efficiency and one-bedroom units shall be at least ten percent (10%) and no greater than twenty percent (20%) of the total low- and moderate-income units.

- (4) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.
- (5) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	Percentage of Market-Housing Units Completed
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

- (6) The project phasing of the inclusionary development in the MU-HD-R-AH District and the one hundred percent (100%) affordable family rental project shall comply with the following table:

Market-Rate Units in MU-HD-R-AH District To be Completed	Affordable Units to Be Completed by Development
452	113 in MU-HD-R-AH District
821	171 100% Affordable Project

All one hundred thirteen (113) affordable dwelling units in the MU-HD-R-AH District must be completed in order for the four hundred fifty-two (452) market-rate dwellings in the MU-HD-R-AH District to be completed. These market-rate and affordable units shall comply with the phasing of dwelling set forth in the preceding paragraph. Once the initial one hundred thirteen (113) affordable dwelling units have been completed, the balance of the market-rate dwelling units (821) in the MU-HD-R-AH District may commence in accordance with the required unit phasing of

affordable dwelling units in the one hundred percent (100%) affordable project as set forth above in the preceding paragraph. The incremental construction phasing of market-rate and affordable units associated with each overall phase describe above shall comply with § 108-6.33.F.(6)

- (7) The location and design of affordable housing shall comply with the following requirements:
 - (a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.
 - (b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.
- (8) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current New Jersey Council on Affordable Housing rules.
- (9) Establishing rents of units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (10) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (11) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the New Jersey Council on Affordable Housing rules.
- (12) Application procedures for Inclusionary housing development shall comply with § 108-6.21.M of this Article.

H. Signage as permitted in Article X of this Chapter.

I. Parking and loading as required in Article IX of this Chapter.

J. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

- (1) Permitted non-residential uses shall comply with the buffer requirements of the HD District as set forth in § 108-6.18.H.

- (2) Inclusionary housing development shall comply with the following buffering requirements:
 - (a) Minimum width of buffer area one hundred (100) feet.
 - (b) Buildings shall be set back a minimum of one hundred (100) feet from the property lines of the tract.
 - (c) Minimum width of buffer area between the permitted non-residential uses and inclusionary development shall be fifty (50) feet.
 - (d) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.
 - (e) Buffering shall consist of a six (6)-foot high, sculptured, undulating, landscaped berm that has a top width of at least ten (10) feet. The top and side slopes of the berm shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

K. Establishment of open space organization required.

- (1) The developer shall provide for an organization or organizations for the ownership and maintenance of any common open space and recreation facilities, landscaped areas and internal roadways for the benefit of owners and residents of the development.
- (2) The establishment and operation of the open space organization(s) shall be governed by applicable law N.J.S.A. 40:55D-43.

L. Recreation facilities.

- (1) The areas within the common open space reserved for recreation shall be developed with appropriate recreation facilities for all age groups.
- (2) The common open space and recreation facilities of the tract shall be available on

an equal basis to residents of all parts of the tract.

- (3) The recreation facilities shall include a central recreation complex with a minimum of one (1) swimming pool, two (2) tennis courts, one (1) basketball court and a picnic area. If feasible within the natural environmental constraints of the site, this central recreation complex shall also include multi-purpose fields for soccer and baseball. In addition, at least fifteen percent (15%) of the developed open space of the tract shall include equipped playgrounds within the open space system.
- (4) The recreation facilities shall include a meandering open space and trails system linking residential clusters with the tract's principal recreation complex.

M. Fences are permitted in accordance with Article VIII of this Chapter.

N. A ten (10)-foot wide meandering path that consists of permanent pavement, such as concrete or bituminous concrete, shall be provided along the frontage of the entire tract along Route 33 as is permissible given environmental constraints and regulations.

APPENDIX N
COURT SETTLEMENT AGREEMENT

MONROE TOWNSHIP, MIDDLESEX COUNTY

RESOLUTION NO.: R-3-2016-127A

RESOLUTION OF MONROE TOWNSHIP COUNCIL
AUTHORIZING THE MAYOR AND TOWNSHIP CLERK
TO EXECUTE A SETTLEMENT AGREEMENT
IN THE MATTER OF THE APPLICATION OF THE
TOWNSHIP OF MONROE FOR SUBSTANTIVE CERTIFICATION
OF ITS OBLIGATIONS UNDER THE FAIR HOUSING ACT

WHEREAS, in 2008 Monroe petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan based on then current COAH Rules; and

WHEREAS, those Rules were subsequently invalidated; and

WHEREAS, the New Jersey Supreme Court instituted a process whereby municipalities such as Monroe could bring declaratory judgment actions in Superior Court to obtain the judicial equivalent of substantive certification and protection against Builder's remedy litigation under the Fair Housing Act; and

WHEREAS, on June 9, 2015 Monroe Township filed such an action in which Fair Share Housing Center, Monroe 33 Developers LLC and Countryside Developers, Inc., were permitted to intervene (collectively, with Monroe, "the Parties"); and

WHEREAS, the Parties have negotiated a Settlement Agreement, attached hereto as Scheduled "A" (the Agreement), which sets the Township's affordable housing obligation for the 25-year period between 1999 and 2025 at 1133; and

WHEREAS, that number is less than the Township's calculation under the prior COAH formulae of 1178; and

WHEREAS, the Settlement Agreement provides that of the 1133, 850 units will be built, of which 567 will be non-age restricted and 283 will be age restricted. The balance of the obligation will be met with Bonus Credits; and

WHEREAS, Exhibit "A" to the Agreement details the units each developer has agreed to build and the number of market rate units each project will generate; and

WHEREAS, the Agreement contains a provision entitling the Township to a pro-rata reduction of its obligation if an ultimate binding decision of a court or agency finds that the agreed upon obligation exceeds the Township's obligation by 20% or more; and

WHEREAS, the Township Counsel, the Planning Board Counsel, the Township Planner and the Township Engineer believe that the settlement represents a better outcome than could be achieved through litigation and recommends that the Council approve the settlement; and

WHEREAS, Council believes the settlement is in the public interest of the citizens of the Township of Monroe.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Monroe that the Mayor and Township Clerk are hereby authorized and directed to execute the Settlement Agreement in substantially the form of Schedule "A"; and

BE IT FURTHER RESOLVED that the draft Fair Share Housing Plan and Spending Order prepared by the Township Planner and referred to in the Agreement, be submitted to the Superior Court for determination of its compliance with the Fair Housing Act, which Plan will thereafter be reviewed and considered by the Planning Board and Township Council.

SO RESOLVED, as aforesaid.



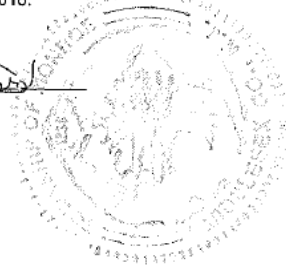
LESLIE KOPPEL, Council President

RESOLUTION OF MONROE TOWNSHIP COUNCIL
AUTHORIZING THE MAYOR AND TOWNSHIP CLERK
TO EXECUTE A SETTLEMENT AGREEMENT
IN THE MATTER OF THE APPLICATION OF THE
TOWNSHIP OF MONROE FOR SUBSTANTIVE CERTIFICATION
OF ITS OBLIGATIONS UNDER THE FAIR HOUSING ACT

CERTIFICATION

I hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Monroe Township Council at its Special Meeting held on March 28, 2016.


SHARON DOERFLER, Clerk



**In the Matter of the Application of the Township of Monroe for Substantive Certification
of its Obligations Under the Fair Housing Act,
Docket No. MID-L-3365-15**

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into this 28th day of March 2016, by and among the Township of Monroe, Middlesex County, declaratory plaintiff in the above-captioned matter, which has an address of 1 Municipal Plaza, Monroe Township, New Jersey 08831 (hereafter "the Township"); and Intervenor/Defendant Fair Share Housing Center, a non-profit organization, with an address of 510 Park Boulevard, Cherry Hill, New Jersey, 08002 ("FSHC"), Monroe 33 Developers, LLC, c/o Thomas F. Carroll, III, Esq., Hill Wallack LLP, 21 Rozel Road, PO Box 5226, Princeton, NJ 08543 and Countryside Developers, Inc., c/o Richard J. Hoff, Jr., Esq. Bisgaier Hoff, LLC, 25 Chestnut Street, Suite 3, Haddonfield, NJ 08033 (collectively referred to as "the defendants").

WITNESSETH:

WHEREAS, on December 30, 2008, the Township petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation based on rules appearing at N.J.A.C.5:97; and

WHEREAS, the rules that appear at N.J.A.C. 5:97 and on which the Township's petition for substantive certification was based were subsequently invalidated by the Superior Court, Appellate Division, in a decision that was affirmed by the New Jersey Supreme Court; and

WHEREAS, in a decision dated March 10, 2015, In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the New Jersey Supreme Court found that COAH did not provide an adequate forum for demonstrating compliance with the Mount Laurel doctrine; and

WHEREAS, the New Jersey Supreme Court established a transitional process in which municipalities, instead of proceeding through the COAH process, could file declaratory judgment actions focused on whether the municipality's housing plan meets its Mount Laurel obligations; and

WHEREAS, the New Jersey Supreme Court provided that a trial court's evaluation of a municipality's plan that had sought substantive certification, as supplemented or amended, may result in the municipality's receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the Fair Housing Act of 1985; and

WHEREAS, on June 9, 2015, in accordance with the Supreme Court's decision, the Township filed a declaratory action that is captioned In the Matter of the Application of the Township of Monroe for Substantive Certification of its Obligations Under the Fair Housing Act, Docket No. MID-L-3365-15; and

WHEREAS, FSHC was permitted to intervene in this matter by order dated June 26, 2015, and did in fact intervene through the filing of an Answer; and

WHEREAS, MONROE 33 DEVELOPERS, LLC was permitted to intervene in this matter by Consent Order filed June 26, 2015, and did in fact intervene through the filing of an Answer; and

WHEREAS, COUNTRYSIDE DEVELOPERS, INC. was permitted to intervene in this matter by Order filed September 18, 2015, and did in fact intervene through the filing of an Answer; and

WHEREAS, the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

WHEREAS, the Township, Monroe 33 Developers, LLC, Countryside Developers, Inc., and FSHC have agreed to settle this litigation by entering into this Settlement Agreement and requesting that the Superior Court, Middlesex County, find that this Agreement, and the approach to meeting the Township's Prior Round and Third Round Mount Laurel obligations, as detailed herein, are fair to the interests of lower-income New Jerseyans and entitle the Township to protection from Mount Laurel litigation for a period of ten years from the order entered by the Court approving this Settlement Agreement; and

WHEREAS, all parties recognize that this Agreement must be reviewed by the Court in accordance with the requirements of Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996), and that, in order to approve the settlement, the court must find that it adequately protects the interests of lower-income persons for whom the affordable units proposed by the settlement are to be built; and

WHEREAS, Monroe has prepared a fair share plan in which it has actually met its entire Prior Round obligation and significant portions of its Third Round obligation, and identified specific sites and mechanisms for the remainder of its Third Round obligation that present a realistic opportunity for the development of housing affordable to lower-income households, including families, people with special needs, very-low-income households including very-low-income families, and seniors; and

WHEREAS, at this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for parties to arrive at a settlement of those obligations using a mutually agreed upon process for determining those obligations in the context of a settlement rather than litigating a full resolution of those obligations.

WHEREAS, in order to amicably resolve this matter, in a way that all parties agree complies with the Mount Laurel doctrine, the parties have agreed to the terms that follow.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES, TERMS, AND CONDITIONS SET FORTH HEREIN, INTENDING TO BE LEGALLY BOUND HEREBY, PLAINTIFF AND INTERVENORS/DEFENDANTS AGREE AS FOLLOWS:

1. **Incorporation of Recitals.** The Parties incorporate the foregoing recitals as incorporated herein and made a part hereof.
2. **Purpose of Agreement.** The purpose and intent of this Agreement is to settle the pending litigation on terms that are fair to lower-income households in accordance with the requirements of Mount Laurel IV and the Mount Laurel doctrine through the provision of a realistic opportunity for affordable housing on the terms set forth herein.
3. **Establishment of fair share obligation.** In accordance with Morris County Fair Housing Council, supra, 197 N.J. Super. at 364, the parties agree to the following as to the Township's Prior Round and Third Round fair share obligations:
 - a. The Prior Round need, as originally determined by COAH in 1994 for the period 1987-1999, is 554.
 - b. The Present Need, as agreed upon by the parties based upon implementing the directives of Mount Laurel IV using 2010 Census data, is 104.

c. The Prospective Need is for the period 1999-2025, and is calculated as follows: David N. Kinsey, PhD, FAICP, PP, in collaboration with FSHC, in July 2015 calculated the fair share obligation for Monroe Township for the period 1999-2025 as 2,325 units. FSHC asserts that this calculation was made in accordance with the directives of Mount Laurel IV, utilizing the Prior Round methodology with the most up to date available data. The parties agree for settlement purposes to utilize this calculation as the basis for the Prospective Need, but makes the following adjustment to this calculation:

i. A reduction in the calculation agreed to by the parties as a settlement incentive, which reduces the obligation to 1399, of which 1133 will be met through 2025, 133 deferred to the Fourth Round (2025-2035) and 133 deferred to the Fifth Round (2035-2045).

4. **Fair share compliance.** A summary chart of the Township's plan prepared by Mark Remsa, P.P. for meeting the above-reference fair share obligations is attached hereto as **Exhibit A**, which summary shall be adopted in a more complete form that conforms to the Township's formal Housing Element and Fair Share Plan, which shall be adopted by the Monroe Planning Board and endorsed by the Township Council. The parties agree as an essential term in this agreement, that the plan summarized in **Exhibit A** does meet, and that the municipality shall continue to meet, the following requirements:

a. For the Present Need, the Township will meet its obligation pursuant to a rehabilitation program in accordance with the rules and requirements of N.J.A.C. 5:93, to be specified in further detail in the Housing Element and Fair Share Plan.

b. For the Prior Round Obligation, Exhibit A summarizes the Township's compliance with its Prior Round Obligation of 554 units in accordance with the rules and requirements of N.J.A.C. 5:93 .

c. For the Prospective Need obligation the Township shall meet its 1133 unit obligation through 2025 as summarized in **Exhibit A**, which exhibit is in accordance with the following standards as agreed to be the Parties:

- i. The 37 Family Rentals and 37 bonuses, at the K.Hovnanian Sarlo Conversion site shall be municipally sponsored, without the need for public subsidy other than 4% low income housing tax credits and tax-exempt bond financing, if necessary, with the remainder of needed funds to be provided in a contribution of about \$7 million from the Township's municipal housing trust fund (to be finalized and approved as "committed" at the fairness hearing on this settlement);
- ii. **Exhibit A** shows the Township meeting 614 affordable units and 173 bonus credits, a total of 787 credits of the 1133 unit obligation, through developments to be built by a series of affiliated companies, on the chart "JSM Project Sequencing." The Township shall require the market-rate and affordable units in these developments to be sequenced in accordance with the JSM Project Sequencing chart. Certificates of occupancy must be issued for affordable housing before building permits for market-rate units are issued in accordance with required sequencing of developments and required phasing of affordable and market-rate units, in the order of development as provided in Exhibit A. Given the market for different types of housing varies, flexibility in

sequencing of developments in an order different from Appendix A may be approved by the Township, provided that in all circumstances any sequencing must comply with the phasing schedule in N.J.A.C. 5:93-5.6(d) in two ways: (1) each individual “project” listed in the JSM Project Sequencing chart shall be subject to the minimum phasing requirements of N.J.A.C. 5:93-5.6(d); and (2) all of the projects shall be collectively treated as one project for the purposes of N.J.A.C. 5:93-5.6(d). For example, for all projects combined as listed in the JSM Project Sequencing chart, the Township will not issue a C.O. for the 1228th market-rate unit, or 50 percent of the market rate units, unless and until a C.O. has been issued for a total of 307 affordable units, or 50 percent of the affordable units reflected in the overall chart.

- iii. At least twenty five percent of the obligation will be met through rental units, including at least half of the rental units available to families.
- iv. At least half of the units in total must be available to families.
- v. At least 50 percent of the units in each of the Third Round Prospective Need sites shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
- vi. The Township will provide a total of 118 very-low-income rental units affordable to household at or below 30 percent of median income, which meets its obligation of 13% of very low income units, with a minimum of 50 percent of these units available to very-low-income families. **Exhibit A** includes a listing of which projects will provide these units and will require as such in all relevant approvals by the Township for these projects, namely a

minimum of 13% very-low-income in all projects with a 15% very-low-income requirement in certain projects as specified in **Exhibit A**.

- vii. A maximum of 25 percent of the housing may be age-restricted.
- viii. In the context of settlement, FSHC will waive its claims that only Third Round bonus standards apply and agree to the bonus approach adopted by Judge Jacobson in her November 19, 2015 decision captioned in all of the Mount Laurel declaratory judgment actions in Mercer County in which a municipality can choose either Prior Round or Third Round bonus standards, capped at 25 percent of Prospective Need obligation. As reflected in the attached **Exhibit A**, the Township in the context of this settlement has elected to use the Prior Round bonus standards for its Prospective Need obligation, capped at 25 percent of the 1133 unit obligation to be addressed for 1999-2025.
- ix. All units shall be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, and all other applicable law, provided that the Township shall require a control period pursuant to N.J.A.C. 5:80-26.11 of not less than 50 years for all of the units addressing its 1133-unit obligation except for the Shared Properties I and II and Toll Bros. Sarlo Conversion properties, which have preexisting approvals that require a minimum of 30 years. These units will receive one credit toward Prospective Need and may receive up to one bonus credit in accordance with the other terms of this agreement.

d. . The Township as part of its Housing Element and Fair Share Plan shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by the Council on Affordable Housing to ensure that this provision is satisfied.

5. **Reservation of rights pursuant to R. 4:50-1.** The Township may move pursuant to R. 4:50-1, based on the standards of that rule and relevant case law, to amend the Judgment that approves this Agreement, if such Judgment is issued after a fairness hearing pursuant to paragraph 8 below, on the terms that follow, and the other parties agree to not oppose such a motion provided that the relief requested by that motion is in conformance with the terms of this paragraph and this Agreement. The parties agree that if a court of competent jurisdiction in Middlesex County (i.e. the Law Division in Middlesex County, the Appellate Division of the New Jersey Superior Court, or the New Jersey Supreme Court) or an administrative agency responsible for implementing the Fair Housing Act and COAH regulations makes a decision which, if applied to the Township would reduce its obligation by more than twenty (20%) percent of the total Prospective Need number agreed to by this settlement, Monroe Township shall be entitled to a *pro rata* reduction of its fair share obligation, with reduction being applied first to the deferred need and then to the need through 2025. Notwithstanding any such reduction, the Township shall be obligated to complete and leave in place any site specific zone changes made in connection with the plan approval pursuant to this Settlement Agreement and otherwise continue implement all aspects of the plan approved pursuant to this Settlement Agreement and reflected in Exhibit A. The Township may carryover any resulting extra credits to future rounds.

6. **Monroe Township Spending Plan.** The Township Spending Plan and its commitment of Affordable Housing Trust Funds, prepared by Mark Remsa, PP shall be attached hereto as Exhibit C and made a part of this Settlement Agreement, to be reviewed and approved by the Court at the Fairness Hearing on April 18, 2016.

7. **Process for Agreement to Become Final; Notice and Fairness Hearing.** In accordance with the Case Management Order entered in this matter by the Hon. Douglas K. Wolfson, J.S.C., on March 9, 2016:

a. The Township shall use this Agreement as the basis for its revised Housing Element and Fair Share Plan (the "Plan"). The Township shall also adopt an Affordable Housing Trust Fund Spending Plan. Its revised Housing Element and Fair Share Plan shall provide for a realistic opportunity for its Present Need, Prior Round Prospective Need, and Third Round Prospective Need based on this framework along with an Affordable Housing Trust Fund Spending Plan, and shall be adopted on or about May 3, 2016.

b. The Court having found this Agreement to have apparent merit, the Township shall provide Notice in the form attached to this Agreement as **Exhibit B**, in accordance with the procedures recognized by the Appellate Division in East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996) no later than March 18, 2016, for a Fairness Hearing on April 18, 2016, at 2 p.m.

c. The Planning Board of the Township will consider and approve the revised Housing Element and Fair Share Plan no later than April 29, 2016, and the Township Council shall consider whether to endorse the Housing Element and Fair Share Plan and this Agreement no later than May 3, 2016. If the Township Council does not approve the Agreement, this

Agreement is null and void and all parties shall continue with the litigation and shall not be prejudiced in any way by the terms of this Agreement.

d. The Special Master shall provide her review of the Agreement and any comments received to the Court no later than April 15, 2016.

e. The Court shall review the Agreement at the Fairness Hearing on April 18, 2016 and any public comments received in accordance with the public notice.

f. If the Court upon review of the Agreement finds that it is fair and consistent with East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), the parties anticipate that the Court will enter a Judgment approving this Agreement, approving the Spending Plan and finding that the Affordable Housing Trust Funds have been committed for expenditure, and granting the Township the judicial equivalent of Substantive Certification, with all of the immunities and rights that such a Judgment confers upon the Township, through July 1, 2025.

8. **Effective Date of Agreement and Duty to Defend.** The terms set forth in this Agreement shall become effective upon the completion of the fairness hearing referenced above and the Entry of a Judgment approving this settlement. If an appeal is filed of the Court's approval or rejection of this agreement, the parties agree to defend this agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if this agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point the parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All parties shall have an obligation to fulfill the intent and purpose of this Agreement.

9. **Affirmative Marketing Requirement.** The Township shall add to the list of community and regional organizations in its affirmative marketing plan pursuant to N.J.A.C. 5:80-26.15(f)(5) Fair Share Housing Center, the New Brunswick, Plainfield Area, Perth Amboy, and Metuchen/Edison branches of the NAACP, and the Latino Action Network, and shall as part of its regional affirmative marketing strategies during the period of its Judgment of repose provide notice to those organizations of all available affordable housing units.

10. **Severability.** Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

11. **Successors Bound.** The provisions of this Agreement and the obligations and benefits hereunder shall be binding upon and inure to the benefit of the Parties, their successors and assigns, including any person, corporation, partnership or other legal entity which at any particular time may have an interest in any of the provisions which are the subject of this Agreement.

12. **Governing Law.** This Agreement shall be governed by and construed by the laws of the State of New Jersey.

13. **No Modification.** This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.

14. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

15. **Voluntary Agreement.** The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

16. **Preparation.** Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.

17. **Exhibits And Schedules.** Any and all Exhibits and/or Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.

18. **Entire Agreement.** This Agreement constitutes the entire Settlement Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.

19. **Conflict Of Interest.** No member, official or employee of the Township shall have any direct or indirect interest in this Agreement, nor participate in any decision

relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

20. **Notices.** All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO THE TOWNSHIP:

Township Clerk
1 Municipal Plaza,
Monroe Township, NJ 08831

WITH A COPY TO:

Jerome J. Convery, Esquire
272 Highway 34, Suite 3
Matawan, NJ 07747

Marguerite M. Schaffer, Esquire
Shain Schaffer & Rafanello, P.C.
150 Morristown Road, Suite 105
Bernardsville, NJ 07924

TO FSHC:

Adam Gordon, Esquire
510 Park Blvd.
Cherry Hill, NJ 08002

TO MONROE 33 DEVELOPERS, LLC:

Monroe 33 Developers, LLC
Thomas F. Carroll, III, Esq.
Hill Wallack LLP
21 Rozel Road
PO Box 5226
Princeton, NJ 08543-5226


TO COUNTRYSIDE DEVELOPERS, INC.:

Countryside Developers, Inc.
Richard J. Hoff, Jr., Esq.
Bisgaier Hoff, LLC
25 Chestnut Street, Suite 3
Haddonfield, NJ 08033

In the event any of the individuals identified above has a successor, the individual identified shall name the successor and notify all others identified of the successor.


IN WITNESS WHEREOF, the Plaintiff and Defendants hereto have caused this Agreement to be properly executed and attested to this ____ day of _____, 2016.

ATTEST:


Sharon Doerfler, Clerk

Dated: 4/8/2016

Plaintiff Monroe Township

By: 
Mayor Gerald W. Tamburro

Dated: 4/8/16

Fair Share Housing Center, Inc.

By: _____
Kevin D. Walsh, Esq.
Executive Director

Dated: _____

Dated: _____

Monroe 33 Developers, LLC

By: _____

Dated: _____

Dated: _____

Countryside Developers, Inc.

By: _____

Dated: _____

Dated: _____

NEW PROJECTED HOUSING OVER NEXT 20-25 YEARS BASED ON COURT AFFORDABLE HOUSING RULINGS.									
Affordable				Market Rate offset				Market Rate offset	
PROJECT PREVIOUSLY CONSIDERED	Age Restricted	NAR	AFF totals	Age Restricted	Age Targeted 2 Bedroom	Age Res.	Age Targeted 2 Bedroom	Age Restricted Total	MR Non Age Restricted
Adjusted to 3-01-16	Provided in previous reports to BDE			Provided in previous reports to BDE					
SPDU (single family)									
Ave K @ 12th street									
Ave K @ 12th street									
Colts Run (England Estates)									
Elm Ridge									
Emily Court Estates									
Glencola									
Heritage Chase extension									
Hidden Pond									
Majestic Woods									
Monarch Woods									
Primrose Acres East									
Pushet									
Rocky Brook									
RWD (Buckalew Ave.)									
John Statz/River Road									
Sunrise Acres									
Monroe Manor 680									
Stratford 890									
JSM 33 (Marketplace) 749									
JSM (Celebrations) 522									
Subtotal	66			86	494	580	109	213	322
Subtotal				283	567	850	1593	213	322
GRAND TOTAL									3573

By Maximizing our available bonus credits we reduced our potential obligation by 1415 housing units.
 Estimated build out 25 years

EXHIBIT "A"

**NOTICE OF COMPLIANCE HEARING FOR THE TOWNSHIP OF MONROE,
COUNTY OF MIDDLESEX ("TOWNSHIP"), FOR THE TOWNSHIP'S
HOUSING ELEMENT AND FAIR SHARE COMPLIANCE PLAN FOR THE
AFFORDABLE HOUSING PERIOD 1987-2025**

Docket No. MID-L-3365-15

PLEASE TAKE NOTICE that on Monday, April 18, 2016, beginning at 2:00 P.M., there will be a Compliance Hearing (the "Hearing") before the Honorable Douglas K. Wolfson, J.S.C. at the Middlesex County Superior Court Courthouse, Chambers 408, 56 Paterson Street, New Brunswick, NJ 08903. The purpose of the hearing is two-fold. First, the Court will determine whether the terms of a Settlement Agreement (the "Settlement Agreement") between the Township and Intervenor, Fair Share Housing Center ("FHSC") and Monroe 33 Developers, LLC and Countryside Developers, Inc. ("Intervenor") is fair and reasonable to low income and moderate income households. A related consideration for the Hearing is for the Court to consider whether the Township's updated Housing Element and Fair Share Plan (hereinafter the "Affordable Housing Plan"), which the Township Planning Board and the Township Council anticipate adopting subject to the Court's approval, satisfies the Township's obligation to provide a realistic opportunity to satisfy its rehabilitation, Prior Round and Third Round "fair share" of the regional need for housing affordable to low income and moderate income households pursuant to the Fair Housing Act. *N.J.S.A. 52:27D-301, et seq.*, the substantive, applicable regulations of the New Jersey Council on Affordable Housing ("COAH"), the New Jersey Supreme Court's March 10, 2015 decision in the matter of *In re N.J.A.C. 5:96 & N.J.A.C. 5:97*, 221 *N.J. 1* (2015) and other applicable laws.

The Affordable Housing Plan fully addresses the existing components of the Township's affordable housing obligations for the periods 1987-2025. These include the Prior Round (1987-1999) obligation of 554 units, a rehabilitation obligation of 104 units and a Third Round (1999-2025) obligation of 1133 units of credit, which is subject to possible future modification. The Affordable Housing Plan provides a detailed list of the Township's total affordable housing obligation, all compliance mechanisms that demonstrate the Township's compliance with those affordable housing obligations, which includes the proposed rezoning of certain properties. The full text of the Settlement Agreement and the Township's Affordable Housing Compliance Plan are available for public inspection and/or photocopying (at requestor's expense) during normal business hours at the Township Clerk's Office located at One Municipal Plaza, Monroe Township, NJ 08831.

On the date of the Hearing, the Court will conduct a joint Fairness and Compliance Hearing to determine whether the Settlement Agreement and Affordable Housing Plan are fair to low and moderate income households and create a realistic opportunity for satisfaction of the Township's affordable housing obligations pursuant to the Mount Laurel decisions, the substantive regulations of COAH, and the Supreme

Exhibit B

Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015) in order to satisfy the Township's affordable housing responsibilities for the period 1987-2025.

The Township seeks a Judgment of Compliance and Repose formally approving the Affordable Housing Plan, subject to appropriate conditions, if any, that may be imposed by the Court, which Judgment of Compliance will entitle the Township to immunity and to protection from any Mount Laurel builder's remedy lawsuits for a period of time to be determined by the Court.

Any interested third party that seeks to appear and be heard at the April 18, 2016 hearing on the Settlement Agreement and/or the Township's Affordable Housing Plan shall have the opportunity to present its position on either the Settlement Agreement or Township Affordable Housing Plan. Objections or comments by any interest person must be filed with the Court at the above address on or before April 13, 2016 with duplicate copies being forwarded by mail and e-mail to the attention of the following:

Marguerite M. Schaffer, Esquire
Jerome J. Convery, Esquire
c/o Shain Schaffer & Rafanello, P.C.
150 Morristown Road, Suite 105
Bernardsville, NJ 07924
mschaffer@shainlaw.com
jconvery70@aol.com

Adam Gordon, Esquire
Kevin Walsh, Esquire
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002-3318
adamgordon@fairsharehousing.org
kevinwalsh@fairsharehousing.org

Thomas F. Carroll, III, Esquire
Hill Wallack, LLP
21 Roszel Road
PO Box 5226
Princeton, NJ 08543-5226
tcarroll@hillwallack.com

Richard J. Hoff Jr., Esquire
Bisgaier Hoff, LLC
25 Chestnut Street, Suite 3
Haddonfield, NJ 08033
rhoff@bisgaierhoff.com

Elizabeth McKenzie, PP
9 Main Street
Flemington, NJ 08822
ecmcke@gmail.com

This Notice is provided pursuant to directive of the Court and is intended to inform interested parties of the Settlement Agreement and the Township's Affordable Housing Plan, and inform such parties that they are able to comment on said Settlement Agreement and Housing Plan before the Court reviews and evaluates whether to approve said Settlement Agreement and Housing Plan. This Notice does not indicate any view by the Court as to the fairness of the Settlement Agreement or the adequacy of the Township's Affordable Housing Plan.

APPENDIX O
“GLOBAL” DEVELOPER’S AGREEMENT WITH JSM

DRAFT
Developer's Agreement
between
Edgewood Properties and the Township of Monroe
regarding the
Development of Affordable Housing Dwelling Units

THIS AGREEMENT is made on this _____ day of _____ 2016, by and between the **TOWNSHIP OF MONROE** ("Township"), a Municipal Corporation of the State of New Jersey, having an address of One Municipal Plaza, Monroe Township, New Jersey 08831 and **EDGEWOOD PROPERTIES** ("Developer"), having an address at 1260 Stelton Road, Piscataway, NJ 08854, and doing business as JSM at Route 33 North, JSM at Route 33 South, JSM at Monroe, and JSM at Applegarth, within the Township of Monroe.

WITNESSETH:

WHEREAS, Developer has ownership and/or development rights to property known as "Marketplace at Monroe" (a/k/a JSM at Route 33 North) and identified now or formerly as Block 6, Lots 12.05, 12.06, 15.01, 23.01, & 27.01 on the Tax Map of the Township of Monroe located on Perrineville Road and Route 33; and

WHEREAS, Developer has ownership and/or development rights to property known as JSM at Route 33 South and identified now or formerly as Block 3, Lots 12.01, 13, 14, 26 & 27 on the Tax Map of the Township of Monroe and located along Route 33; and

WHEREAS, Developer has ownership and/or development rights to property known as "Celebrations" (a/k/a JSM at Monroe) and identified now or formerly as Block 35, Lot 1; Block 53, Lot 24; and Block 54, Lots 3 & 4 on the Tax Map of the Township of Monroe located on Spotswood-Englishtown Road and Mounts Mills Road; and

WHEREAS, Developer has ownership and/or development rights to property known as JSM at Applegarth and identified now or formerly as Block 25, Lots 2.10, 2.11, 2.12, 2.13 and 2.14 on the Tax Map of the Township of Monroe and located on Applegarth Road and Cranbury-Half Acre Road; and

WHEREAS, the parties wish to memorialize the Agreement between the Developer and the Township with regard to the requirements for the construction of the improvements contemplated at the above locations; and

WHEREAS, it is understood by the parties that this Agreement shall be read in conjunction with the rules and regulations set forth in the Township of Monroe Land

Development Ordinance (Chapter 108), N.J.A.C. 5:93-5.6(d), and the requirements of the Municipal Land Use Law; and

WHEREAS, the sole purpose of this Developer's Agreement is to memorialize the fact that all of the above mentioned Edgewood Properties locations shall be treated as one "global" inclusionary housing project for purposes of development and sequencing in order to ensure that the affordable housing units be developed in a timely matter in appropriate sequence with the building of market-rate housing units.

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and of the mutual promises and covenants contained herein, it is agreed by the Developer and the Township as follows:

1. All JSM affordable housing developments, which include inclusionary housing developments and two 100% affordable housing developments, will be treated as one "global" inclusionary housing project. The various developments are considered to be components of the "global" project and will be sequenced to ensure affordable housing is developed in a timely manner as market-rate units are developed. See **Summary of JSM Developments** attached hereto and made a part hereof as Exhibit A. Furthermore, see **JSM Project Sequencing** attached hereto and made a part hereof as Exhibit B.

2. Said attached Exhibits contain the summary and sequencing of all JSM developments, which shows the Township netting 614 affordable units and 173 bonus credits for a total of 787 credits for its 1133 unit obligation, through developments to be built by a series of JSM affiliated companies, as shown on Exhibit B "JSM Project Sequencing." The Township shall require the market-rate and affordable units in these developments to be sequenced in accordance with the JSM Project Sequencing chart. Certificates of Occupancy must be issued for affordable housing before building permits for market-rate units are issued in accordance with required sequencing of developments and required phasing of affordable and market-rate units, in the order of development as provided in Exhibit B. Given that the market for different types of housing varies, flexibility in sequencing of developments in an order different from Exhibit B may be approved by the Township Council after review and recommendation of the Monroe Township Affordable Housing Board provided that in all circumstances any sequencing must comply with the phasing schedule in N.J.A.C. 5:93-5.6(d) in two ways: (1) each individual "project" listed in the JSM Project Sequencing chart shall be subject to the minimum phasing requirements of N.J.A.C. 5:93-5.6(d); and (2) all of the projects shall be collectively treated as one project for the purposes of N.J.A.C. 5:93-5.6(d).

(By way of example, for all projects combined as listed in the JSM Project Sequencing chart, the Township will not issue a C.O. for the 1228th market-rate unit, or 50 percent of the market-rate units, unless and until a C.O. has been issued for a total of 307 affordable units, or 50 percent of the affordable units reflected in the overall chart.)

3. Miscellaneous.

- a. Nothing in this Agreement shall be construed to create a partnership or joint venture between the signatories hereto. The parties expressly disclaim any right to act by or on behalf of each other unless otherwise expressly provided herein.
- b. This Agreement may not be modified or amended nor any provision thereof be waived except by written agreement fully executed by all parties hereto.
- c. This Agreement may be recorded by either of the parties.
- d. Any modifications to this Agreement must be in writing signed by the parties hereto.
- e. All communications provided for or required herein shall be in writing and delivered by mail, postage prepaid, by first class, certified or registered mail, to the addresses of the respective parties stated above or at such other address as any party may furnish to the other party in writing.
- f. This Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey.
- g. All covenants and agreements herein intended to shall bind and inure to the benefit of the respective successors and/or assigns of the party.
- h. This Agreement may be simultaneously executed and delivered in several counterparts each of which, when so executed and delivered, shall constitute a single instrument.
- i. The parties hereto agree that the provisions of this Agreement are deemed and considered to be severable, and that if any of the provisions herein are declared invalid and/or unenforceable by a Court of competent jurisdiction, it is the intention of the parties that the remaining paragraphs and/or provisions remain in full force and effect.

STATE OF NEW JERSEY)
) SS:
COUNTY OF MIDDLESEX)

I CERTIFY that on _____, 2016, _____ personally came before me and this person acknowledged under oath to my satisfaction that:

(a) this person signed, sealed and delivered the attached document as President of EDGEWOOD PROPERTIES, a corporation of the State of New Jersey, named in this document

(b) this document was signed and delivered by the corporation as its voluntary act and deed by virtue of authority from its Board of Directors.

NOTARY PUBLIC OF NEW JERSEY

STATE OF NEW JERSEY)
) SS:
COUNTY OF MIDDLESEX)

I CERTIFY that on _____, 2016, GERALD W. TAMBURRO personally came before me and this person acknowledged under oath to my satisfaction that:

(a) this person signed, sealed and delivered the attached document as Mayor of the Township of Monroe, a municipal corporation of the State of New Jersey, named in this document

(b) the making of this Agreement has been duly authorized by the proper Resolution of the Council of said Township of Monroe.

NOTARY PUBLIC OF NEW JERSEY

APPENDIX P
MONROE TOWNSHIP AFFIRMATIVE MARKETING PLAN

**AFFIRMATIVE FAIR HOUSING MARKETING PLAN
FOR AFFORDABLE HOUSING
TOWNSHIP OF MONROE, MIDDLESEX COUNTY (REGION 3)**

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number <i>ADMINISTRATIVE AGENT AND CONTACT INFORMATION TO BE INSERTED HERE</i>		1b. Development or Program Name, Address <i>NAME OF DEVELOPMENT TO BE INSERTED HERE</i>	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
1f. ___ Age Restricted ___ Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Middlesex, Somerset and Hunterdon		1i. Census Tract(s): Township of Monroe	
1j. Managing/Sales Agent's Name, Address, Phone Number <i>SALES AGENT AND CONTACT INFORMATION TO BE INSERTED HERE</i>			
1k. Application Fees (if any): No application fee is charged to the applicant by the Administrative Agent			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received. <ol style="list-style-type: none"> 1. An initial deadline date, no less than 60 days after the start of the marketing process, will be established. All of the preliminary applications received by <i>ADMINISTRATIVE AGENT</i>, on or before the initial deadline date, shall be deemed received on that date. 2. Households that apply for low- and moderate-income housing will be prescreened by <i>ADMINISTRATIVE AGENT</i> for preliminary income eligibility by comparing their total income and household size to the low and moderate income limits adopted by COAH or its successors and other program restrictions that may apply. All households will be notified as to their preliminary status. 3. A drawing will be held under the direction of <i>ADMINISTRATIVE AGENT</i> to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline, will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.
--

4. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each low- and moderate-income unit available, or until all of the low and moderate income units within the development have been sold.
5. Final applications will be mailed by *ADMINISTRATIVE AGENT* to an adequate number of pre-qualified applicants, in priority order, for each available low- and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.
6. Completed final applications will be forwarded to *ADMINISTRATIVE AGENT*. *ADMINISTRATIVE AGENT* will make a determination as to their eligibility for a low- or moderate-income unit. Applicants will receive a letter from *ADMINISTRATIVE AGENT* with respect to the status of their application each time a review is performed.

FOR-SALE AFFORDABLE HOUSING REMAINING STEPS:

7. When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.
8. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.
9. The sales agreement may also limit closing to a reasonable time to be approved by *ADMINISTRATIVE AGENT* in advance of the process.

RENTAL AFFORDABLE HOUSING REMAINING STEP:

7. Certified applicants will be given 15 days to sign a lease agreement with the developer.

III. MARKETING

3a. Direction of Marketing Activity: Based on demographic data from the 2010 census, this table provides a comparison of race and ethnic origin between the Housing Region 3 and the Township of Monroe. The most significant negative differences point to the greatest need for affirmative marketing. In this case, African Americans (-16.7%) and Hispanic (-11.4%) represent the clearest differences between the municipality and the region at large.

Subject	RACE									
	Total population	Race alone or in combination with one or more other races: [1]							Hispanic or Latino (of any race)	Not Hispanic or Latino
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race			
Hunterdon Co.	128,349	117,264	3,451	167	4,181	37	1,570	6,722	121,627	
Middlesex Co.	809,858	474,589	78,462	2,777	173,293	251	56,569	148,975	660,883	
Somerset Co.	323,444	226,608	28,943	556	45,650	94	13,360	42,091	281,353	
Total Region 3	1,261,651	818,461	110,856	3,500	223,124	382	71,499	197,788	1,063,863	
% Region 3	100%	64.9%	8.8%	0.3%	17.7%	0.0%	5.7%	15.7%	84.3%	
Monroe Twp.	39,132	31,913	1,533	33	4,930	4	244	1,673	37,459	

% Monroe	100%	81.6%	3.9%	0.1%	12.6%	0.0%	0.6%	4.3%	95.7%
----------	------	-------	------	------	-------	------	------	------	-------

Difference

16.7%	-4.9%	-0.2%	-5.1%	0.0%	-5.0%	-11.4%	11.4%
-------	-------	-------	-------	------	-------	--------	-------

[1] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race.

- White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group:

3b. WEB SITES

HOUSING RESOURCE CENTER (www.njhousing.gov) A free, online listing of affordable housing **X**

PIAZZA & ASSOCIATES, INC. (www.HousingQuest.com) The Administrative Agent's online listing **X**

MONROE TOWNSHIP (www.monroetwp.com) Referral to HousingQuest.com **X**

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS PARTIAL COAH REGION 3			
Daily Newspaper			
X	One display ad for 4 consecutive weeks, beginning at the start of the affirmative marketing process.	Home News Tribune	Middlesex, Somerset, Union
X	One weekend day at start of Affirmative Marketing	Courier News	Somerset and Hunterdon
Weekly Newspaper			
X	One week day at start of Affirmative Marketing	Hunterdon County Democrat / Hunterdon Observer	Hunterdon
X	One week day at start of Affirmative Marketing	Princeton Packet	Middlesex, Somerset
X	One week day at start of Affirmative Marketing	Messenger-Gazette	Somerset
X	One week day at start of Affirmative Marketing	WCTC 1450	Middlesex, Somerset
FM			

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)
(Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 3			
Weekly			
X	One week day at start of Affirmative Marketing	Reported Hispano	Central Jersey Spanish-Language
Monthly			
TARGETS PARTIAL COAH REGION 3			
Daily			

X	One week day at start of Affirmative Marketing	Tiranga in New Jersey	Central Jersey	South Asian
3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)				
DURATION & FREQUENCY OF OUTREACH		NAME OF EMPLOYER/COMPANY	LOCATION	
Hunterdon County				
X	One Announcement at Start of Affirmative Marketing	Merck & Co	1 Merck Dr, Whitehouse Station	
X	One Announcement at Start of Affirmative Marketing	Hunterdon Medical Center	2100 Wescott Drive Flemington, NJ 08822	
X	One Announcement at Start of Affirmative Marketing	Foster Wheeler	Perryville Corporate Park Clinton, NJ , 08809-4000	
X	One Announcement at Start of Affirmative Marketing	ChubbInsurance co.	202 Halls Mill Rd Whitehouse Station, NJ 08889	
X	One Announcement at Start of Affirmative Marketing	Exxonmobil Research & Engineering	1545 US Highway 22 E Annandale, NJ 08801	
X	One Announcement at Start of Affirmative Marketing	New York Life	110 Cokesbury Rd, Lebanon	
Middlesex County				
X	One Announcement at Start of Affirmative Marketing	Colgate Palmolive	909 River Rd Piscataway, NJ 08854-5596	
X	One Announcement at Start of Affirmative Marketing	Web Craft	1980 Us Highway 1, North Brunswick, NJ 08902	
X	One Announcement at Start of Affirmative Marketing	Bristol-Myers Squibb	1 Squibb Dr, New Brunswick, nj 08901	
X	One Announcement at Start of Affirmative Marketing	Merrill Lynch & Company	800 Scudders Mill Rd, Plainsboro	
X	One Announcement at Start of Affirmative Marketing	Johnson & Johnson	1 Johnson & Johnson Plaza	
X	One Announcement at Start of Affirmative Marketing	Prudential Insurance Company	44 Stelton Rd # 130, Piscataway	
X	One Announcement at Start of Affirmative Marketing	Robert Wood Johnson University Hospital	1 Robert Wood Johnson Pl, New Brunswick, NJ 08901	
X	One Announcement at Start of Affirmative Marketing	Silverline Building Products	207 Pond Ave Middlesex, NJ 08846	

X	One Announcement at Start of Affirmative Marketing	St. Peter's University Hospital	254 Easton Ave, New Brunswick
X	One Announcement at Start of Affirmative Marketing	Telcordia Technology	444 Hoes Ln, Piscataway
X	One Announcement at Start of Affirmative Marketing	J.F.K. Medical Center	65 James Street Edison, NJ 08818
X	One Announcement at Start of Affirmative Marketing	Raritan Bay Medical Center	530 New Brunswick Av Perth Amboy, NJ 08861
X	One Announcement at Start of Affirmative Marketing	Amerada Hess Corporation	405 Main St, Woodbridge and 679 Convery Blvd, Perth Amboy
X	One Announcement at Start of Affirmative Marketing	Dow Jones & Company	54 Eddington LN, Monroe Twp
X	One Announcement at Start of Affirmative Marketing	Siemens AG	755 College Rd E, Princeton
X	One Announcement at Start of Affirmative Marketing	AT&T	1 Highway Ter, Edison
X	One Announcement at Start of Affirmative Marketing	Engelhard Corporation	101 Wood Ave S, Metuchen
Somerset County			
X	One Announcement at Start of Affirmative Marketing	AT&T	1414 Campbell St Rahway
X	One Announcement at Start of Affirmative Marketing	ABC Limousine	574 Ferry St Newark
X	One Announcement at Start of Affirmative Marketing	Bloomberg LP	1350 Liverty Ave Hillside
X	One Announcement at Start of Affirmative Marketing	Courier News	1091 Lousons Road PO Box 271 Union, NJ
X	One Announcement at Start of Affirmative Marketing	Emcore Corp	800 Rahway Ave Union, NJ
X	One Announcement at Start of Affirmative Marketing	Ethicon Inc	1515 West Blancke Street Bldgs 1501 and 1525 Linden, NJ
X	One Announcement at Start of Affirmative Marketing	Fedders Corp	27 Commerce Drive Cranford, nj
X	One Announcement at Start of Affirmative Marketing	ICI Americas Inc.	450 West First Ave Roselle,nj
X	One Announcement at Start of Affirmative Marketing	ITW Electronic Componenet Packaging	600 Mountain Ave Murray Hill,NJ

X	One Announcement at Start of Affirmative Marketing	Johnson & Johnson	1 Merck Drive PO Box 2000 (RY60-200E) Rahway, NJ
X	One Announcement at Start of Affirmative Marketing	Tekni-Plex Inc.	865 Stone Street Rahway, NJ
X	One Announcement at Start of Affirmative Marketing	Ortho-Clinical Diagnostics Inc	1401 Park Ave South Linden
X	One Announcement at Start of Affirmative Marketing	Hooper Holmes Inc	170 Mount Airy Rd. Basking Ridge, NJ 07920

3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Agencies and Services as ATTACHED	Region	All	One notice at start of marketing
www.HousingQuest.com	State	All	Ongoing
www.NJHousing.gov	State	All	Ongoing

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:	
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)	
<input checked="" type="checkbox"/>	BUILDING
<input checked="" type="checkbox"/>	LOCATION
X	Middlesex County Administration Bldg
X	75 Bayard, New Brunswick, NJ 08903
X	Somerset County Admin. Bldg
X	20 Grove Street, Somerville, NJ 08876
X	County of Hunterdon
X	PO Box 2900 Flemington, NJ 08822-2900
X	Monroe Public Library
X	4 Municipal Plaza, Monroe Township, NJ 08831
X	Somerset County Library Headquarters
X	1 Vogt Drive, Bridgewater, NJ 08807
X	Hunterdon County Library Headquarters
X	314 State Highway 12, Flemington, NJ 08822
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
John Riggs, Municipal Housing Liaison Township of Monroe 1 Municipal Plaza Monroe Township, NJ 08831	
4c. Sales/Rental Office for units (if applicable)	

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's COAH substantive certification.

Name (Type or Print)

_Administrative Agent, Township of Monroe,
Title/Municipality

Signature

Date

Middlesex County - Board of Social Services
181 How Lane
New Brunswick NJ 08903

Middlesex County Offices
Housing & Community Dev. 75 Bayard Street
New Brunswick NJ 08901

Somerset County Coalition On Affordable Housing
600 1st Avenue Suite 3
Raritan NJ 08869

Somerset County Board of Social Services
73 East High Street
Somerville NJ 08876

Hunterdon County Housing Corporation
Main Street
Flemington NJ 08822

A R C Middlesex County
32 Ford Avenue # 2
Milltown NJ 08850

Arc of Hunterdon County
Rosemont Ringoes Road
Sergeantsville NJ 08557

Arc of Somerset
22 South Street
Manville NJ 08835

Lutheran Social Ministries of New Jersey
6 Terri Lane Suite 300
Burlington NJ 08016

Norwescap - Housing Development
51 High Street
Newton NJ 07860

Metuchen Community Services
223 Fayette St
Perth Amboy NJ 08861

Catholic Charities of Metuchen
319 Maple Street
Perth Amboy NJ 08861

Catholic Charities
94 Grove
Somerville NJ 08876

Catholic Charities
398 5th Avenue
Hackettstown NJ 07840

Brunswick and Raritan Housing Corporation
56 Throop Avenue
New Brunswick NJ 08901

Middlesex Interfaith Partners With the Homeless
78 New Street
New Brunswick NJ 08901

Plainsboro Non Profit Housing Corporation
216 Rockingham Row
Princeton NJ 08540

New Brunswick City of Housing Authority
270 George Street
Edison NJ 08817

Perth Amboy Housing Authority
869 Drahos Av
Perth Amboy NJ 08861

Carteret Borough - Housing Authority
Roosevelt Avenue & East
Carteret NJ 07008

Edison Housing Authority
Building #1 Willard Dunham Drive
Edison NJ 08837-3570

Franklin Township - Housing Authority
1 Parkside Drive
North Brunswick NJ 08902

Highland Park Borough Housing Authority
242 South 6th Avenue
Highland Park NJ 08904

Housing Authority of Plainfield
510 East Front Street Suite 1
Plainfield NJ 07060

Woodbridge Township Housing Authority
20 Bunns Lane
Woodbridge NJ 07095

South Amboy Housing Authority
Bayshore Drive
South Amboy NJ 08879

Cranbury Housing Associates Inc
216 Rockingham Row
Princeton NJ 08540

East Brunswick Community Housing Corp.
P.O. Box 185
East Brunswick NJ 08816

Monroe Public Library
1630 Perrineville Road
Monroe Township NJ 08831

Middlesex County College - Library
P. O. Box 3050
Edison NJ 08818-3050

Hunterdon County Library
RR 12 Box Main
Flemington NJ 08822

Middlesex County - County Clerk
P. O. Box 1110 4th Floor
New Brunswick NJ 08901

Somerset County Offices
County Clerk P. O. Box 3000
Somerville NJ 08876

Faith Fellowship
2707 Main Street
Sayreville New Jersey 08872

NAACP - New Brunswick Branch
PO BOX 235
New Brunswick, NJ 08901

APPENDIX Q
MONROE TOWNSHIP AFFIRMATIVE MARKETING PLAN
RESOLUTION

DRAFT

**RESOLUTION
OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX
STATE OF NEW JERSEY
ADOPTING THE ‘AFFIRMATIVE MARKETING PLAN’
FOR THE TOWNSHIP OF MONROE**

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Township of Monroe is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the Township of Monroe are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 3, the Housing Region encompassing the Township of Monroe.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. *All affordable housing units in the Township of Monroe shall be marketed in accordance with the provisions herein unless otherwise provided by law or regulation of the State of New Jersey.*
- B. *The Township of Monroe has a Prior Round obligation that it has fulfilled, with a surplus of credits to be applied to the Third Round plus a remaining Third Round rental obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low- and moderate-income units, including those that are part of the Township’s prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.*
- C. *The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Township of Monroe. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).*
- D. *In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Monroe, shall undertake all of the following strategies:*

1. *Publication of one advertisement in a newspaper of general circulation within the housing region.*
 2. *Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.*
 3. *At least one additional regional marketing strategy using one of the other sources listed below.*
- E. *The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Monroe is located in Housing Region 3, consisting of Hunterdon, Middlesex and Somerset Counties.*
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for low- and moderate-income units shall appear in the *Home News Tribune, Courier News, Hunterdon Democrat/Hunterdon Observer, Princeton Packet* and *Messenger-Gazette*.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;

- c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Middlesex County and the other two of which shall be circulated primarily outside of Middlesex County but within the housing region.
5. The following regional radio station shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
- a. WCTC 1450

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

- 1. Monroe Township Municipal Building
- 2. Monroe Township Web Site
- 3. Developer's Sales/Rental Offices
- 4. Middlesex County Administration Building
- 5. Somerset County Administration Building
- 6. Hunterdon County Administration Building
- 7. Monroe Township Library
- 8. Somerset County Library Headquarters

11. Hunterdon County Library Headquarters

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Hunterdon, Middlesex, and Somerset Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of the *Affirmative Fair Housing Marketing Plan for Affordable Housing, Township of Monroe, Middlesex County (Region 3)* (attached to and hereby made part of this Resolution).

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Middlesex County Board of Realtors
Hunterdon County Board of Realtors
Somerset County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Hunterdon, Middlesex and Somerset:

Welfare or Social Service Board (via the Director)
Rental Assistance Office (local office of DCA)
Office on Aging
Housing Authority (municipal or county)
Community Action Agencies
Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

- I. The following is a listing of community contact person(s) and/or organizations in Middlesex, Essex, Union and Warren Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of low and moderate income units:
1. Housing Partnership for Middlesex County, 2 East Blackwell Street, Dover, NJ 07801
 2. Community Access Unlimited, Inc., 80 West Grand Street, Elizabeth, NJ 07202
 3. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865
- J. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3 comprised of Middlesex, Essex, Union and Warren Counties.
- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- K. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low income housing units are

initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or reoccupancy of units continues to be necessary.

- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

I hereby certify that this is a true copy of a resolution duly adopted by the Mayor and Council of the Township of Monroe at a Council meeting held on _____, 2016.

Sharon Doerfler, Township Clerk

APPENDIX R
AFFORDABLE HOUSING ORDINANCES

Ordinance No. _____
Affordable Housing Ordinance
Township of Monroe, Middlesex County

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF MONROE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the governing body of the Township of Monroe, Middlesex County, New Jersey, that the Code of the Township of Monroe is hereby amended to include provisions addressing Township of Monroe's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Township of Monroe Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

The Township of Monroe shall file such annual monitoring reports as may be directed by the Court regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan. The report shall be filed with the Middlesex County Superior Court and shall be available to the public at the Township of Monroe Clerk's Office, One Municipal Plaza, Monroe Township, New Jersey, 07035.

Section 1. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Sub-code, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department

of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub-code, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is

subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

Section 2. Applicability

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Monroe pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.

2. In addition, any property in the Township of Monroe that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.

3. The following sections shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Section 3. Reserved

Section 4. Alternative Living Arrangements

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

Section 5. Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

Section 6. New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 10 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

- 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
- 2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
- 3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
- 4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub-Code, N.J.A.C. 5:23-7 and the following:

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- 1) An adaptable toilet and bathing facility on the first floor; and
- 2) An adaptable kitchen on the first floor; and
- 3) An interior accessible route of travel on the first floor; and
- 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied,

then an interior accessible route of travel shall not be required between stories within an individual unit; and

6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Sub-Code, N.J.A.C. 5:23-7, or evidence that the Township of Monroe has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

b) To this end, the builder of restricted units shall deposit funds within the Township of Monroe's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

c) The funds deposited under paragraph 6(b) above shall be used by the Township of Monroe for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Monroe for the conversion of adaptable to accessible entrances.

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub-Code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub-Code, N.J.A.C. 5:23-7.

3. Design:

a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that ***at least 10 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.***

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

Section 7. Utilities

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 8. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Township of Monroe takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

Section 11. Buyer Income Eligibility

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
3. A certified household that purchases a restricted ownership unit must occupy it as the

certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 13. Capital Improvements To Ownership Units

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale.

The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Section 14. Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until the Township of Monroe takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Middlesex. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

- a. Sublease or assignment of the lease of the unit;
- b. Sale or other voluntary transfer of the ownership of the unit; or

3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

Section 15. Rent Restrictions for Rental Units; Leases

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

Section 16. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.

b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 17. Municipal Housing Liaison

1. The Township of Monroe shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. The Township of Monroe shall adopt an Ordinance creating the position of Municipal Housing Liaison. The Township of Monroe shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Monroe, including the following responsibilities which may not be contracted out to the Administrative Agent:

a. Serving as the Township of Monroe's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

b. Monitoring the status of all restricted units in the Township of Monroe's Fair Share Plan;

c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;

d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and

e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

3. Subject to the approval of the Court, the Township of Monroe shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s)

of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

Section 18. Administrative Agent

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Monroe and the provisions of N.J.A.C. 5:80-26.15; and

b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification:

a. Soliciting, scheduling, conducting and following up on interviews with interested households;

b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Monroe when referring households for certification to affordable units.

3. Affordability Controls:

- a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Middlesex County Register of Deeds or Middlesex County Clerk's office after the termination of the affordability controls for each restricted unit;
- d. Communicating with lenders regarding foreclosures; and
- e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Re-rentals:

- a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
- b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

5. Processing Requests from Unit Owners:

- a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
- b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
- c. Notifying the municipality of an owner's intent to sell a restricted unit; and
- d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
- c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Section 19. Affirmative Marketing Requirements

1. The Township of Monroe shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Middlesex, Somerset and Hunterdon Counties.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Monroe shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Section 20. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit

by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Monroe Affordable Housing Trust Fund of the gross amount of rent illegally collected;

3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the

Sheriff's sale.

2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

6) The Owner shall remain fully obligated, responsible and liable for

complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 21. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

TOWNSHIP OF MONROE

Sharon Doerfler, Township Clerk

Gerald W. Tamburro, Mayor

Introduced: _____

Motion by: _____

Second by: _____

Introduction Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

Adopted: _____

Motion by: _____

Second by: _____

Adoption Roll Call:

Ayes:

Nayes:

Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Council at a meeting held on _____, 2016.

Sharon Doerfler, Township Clerk

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Township of Monroe held in the Municipal Building on the ___ day of _____. 2016, and the same shall come up for public hearing at the Regular Business Meeting of the Governing Body to be held on the ___ day of _____, 2016, at ___ P.M., at which times any persons interested shall be given the opportunity to be heard concerning said Ordinance. Following the public hearing, said Ordinance shall be considered for final adoption.

Sharon Doerfler, Township Clerk

APPENDIX S

**COUNCIL RESOLUTION OF INTENT TO BOND IN THE EVENT OF A
SHORTFALL OF FUNDS FOR MUNICIPALLY SPONSORED, ONE
HUNDRED PERCENT AFFORDABLE HOUSING DEVELOPMENT**

DRAFT

RESOLUTION NO.

**RESOLUTION OF THE MONROE TOWNSHIP COUNCIL
INDICATING ITS INTENT TO COMMIT TO FUND
MUNICIPALLY SPONSORED/ONE-HUNDRED PERCENT AFFORDABLE
PROJECTS IN ITS 1999 – 2025 AFFORDABLE HOUSING OBLIGATION
IF OTHER FUNDS ARE NOT AVAILABLE**

WHEREAS, the Township of Monroe, in the County of Middlesex, State of New Jersey, has filed a declaratory judgment action in the Superior Court seeking substantive certification of its Municipal Housing and Fair Share Plan; and

WHEREAS, the Superior Court has determined that to obtain such certification the municipality must provide a Resolution of Intent to fund municipally sponsored/one-hundred percent (100%) affordable projects in its Plan if other funds are not available; and

WHEREAS, the Township of Monroe anticipates that funding will come from the following source(s) to satisfy said obligation:

**AFFORDABLE HOUSING TRUST FUND OF THE TOWNSHIP OF MONROE
IN THE AMOUNT OF \$10,900,400.00; and**

WHEREAS, in the event that the above funding source proves to be inadequate to meet the Township of Monroe's funding obligation, the Township shall provide sufficient funding to make up any shortfall;

NOW, THEREFORE BE IT RESOLVED by the Monroe Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the Township Council does hereby agree to fund any shortfall in its affordable housing program that may arise, either due to inadequate funding from other sources, or for any other reason; and

BE IT FURTHER RESOLVED that any said shortfall shall be funded by bonding or any other financial vehicle which the Township Council deems reasonable and appropriate to meet said need; and

SO RESOLVED, as aforesaid.

Leslie Koppel, Council President

CERTIFICATION

I hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Monroe Township Council at its meeting held on _____, 2016.

Sharon Doerfler, Township Clerk

