

RESOLUTION

TOWNSHIP OF HOWELL PLANNING BOARD
RESOLUTION
MONMOUTH COUNTY, NEW JERSEY
AMENDMENT TO FAIR SHARE AND HOUSING
ELEMENT OF THE MUNICIPAL MASTER PLAN

Approved: January 2, 2003
Memorialized: January 16, 2003

**MATTER OF AMENDMENT OF THE FAIR SHARE AND
HOUSING ELEMENT OF THE MUNICIPAL MASTER PLAN**

WHEREAS, the Planning Board of the Township of the Howell, consistent with the provisions of the Municipal Land Use Law, 40:55D-1 et seq., conducted a periodic reexamination of the Fair Share Plan and Housing Element of the Municipal Master Plan in order to comply with the Fair Housing Act and requirements of the Counsel on affordable housing (COAH); and

WHEREAS, a public hearing was held before the Board on January 2, 2003 with regard to this reexamination and amendment; and

WHEREAS, the Board has heard testimony and comments from its own professionals, the professionals retained by the Township as well as the public having had an opportunity to be heard; and

WHEREAS, a notice of this public hearing was properly given to all interested parties and published in the official newspaper, and all documents were filed ten days prior to the hearing date in all required offices.

NOW, THEREFORE, does the Howell Township Planning Board make the following findings of fact and conclusions of law with regard to this periodic reexamination and amendment:

1. Pursuant to the directives of the Township Planning Board, an Amended Housing Element and Fair Share Plan prepared for submission to the New Jersey Council on Affordable Housing, was prepared by Sheehan Consulting Group located at 415 Main Street, South Amboy, New Jersey 08879 in December, 2002. The plan was specifically authored by Thomas E. Sheehan, N.J.P.P., A.I.C.P.

2. The plan was presented to the Board and the public by Frederick Kniesler, a planner with Sheehan Consulting Group during the January 2, 2003 hearing. Mr. Kniesler explained that the report contained an explanation of the required contents of the housing element, an analysis of the housing stock, a projection of future housing stock, demographic characteristics, employment analysis, present and perspective housing needs, as well as a fair share component including the previously approved components and prior credits, contributory projects, regional contribution agreements, and age restricted housing. An analysis of indigenous need was also provided. The report concluded with an analysis of the realistic opportunity for affordable housing within Howell Township.

3. Some Board members questioned the necessity of keeping Site 7 (The Fountains) in the plan, considering it is not being relied upon for any credits in the current cycle. This concern was echoed by some residents who testified.

4. John Mamora, Esq., attorney for the applicant in the Fountains application, stated that the applicant had a developer's agreement with the municipality and that any removal of the Fountains site from the amended plan would require consent on behalf of the property owner, which was not forthcoming at this time. Mr. Mamora stated that the developer was ready, willing and able to construct affordable units on the site meeting the

town's requirements. Mr. Mamora further stated that his client had no notice of any possible removal of Site 7 from the amended plan and was not prepared for that argument.

5. The Board determined that removal of Site 7 from the plan, would actually constitute a rejection of the plan and a directive to amend the plan once again, requiring a new hearing with ten day notice.

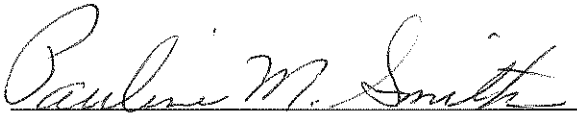
6. Considering the time constraints, particularly the January 8, 2003 deadline, which existed at that time, for submission to COAH of all required information, the Board determined that it would not be prudent to direct the drafting any new amendment, which hearing would necessarily have to occur after the January 8, 2003 deadline.

7. The Board then determined it was necessary to adopt this amended plan so as to meet all COAH time requirements and thereby avoid placing the municipality in a compromised position. The Board also understood that deletion of Site 7 would not eliminate The Fountains application.

8. On motion, the Board then voted to adopt the amendment to the Fair Share and Housing Element of the Municipal Master Plan for those reasons expressed in the report prepared by Sheehan Consulting Group, as well as for those reasons which were previously articulated, specifically the time constraints involved in this matter and the requirements for a new hearing on any amended application. The Board did however direct its planner to immediately work with the newly appointed Township COAH planner, if such Planner was willing, to explore the possibility of a new Amended Housing Element and Fair Share Plan, removing Site 7 which could be considered by the Board at a later date.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Howell on this 16th day of January, 2003, that the Amended Housing Element and Fair Share Plan as depicted in the report prepared for submission to the New Jersey Council on Affordable Housing, prepared by Sheehan Consulting Group, dated December 2002, is hereby approved. The Board Planner, however, is directed to immediately cooperate with the Township's newly hired COAH planner, if possible, to explore the possibility of a new Amended Housing Element and Fair Share Plan deleting Site 7, which would be considered by the Howell Township Planning Board.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper and to send a certified copy of this Resolution to the Township clerk, engineer, attorney and tax assessor, as well as the county planning board, and shall make same available to all other interested parties.


Pauline Smith, Chairwoman
Howell Township Planning Board

ON MOTION OF: Mr. Howell

SECONDED BY: Mayor Konopka

ROLL CALL:

YES: Messers. Corzine, Frese, Howell, Konopka, Marciniak, Tobasco,
Trethewey, Geib and Mrs. Smith

NO: None

ABSTAINED:

ABSENT:

DATED: January 16, 2003

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Howell Township Planning Board, Monmouth County, New Jersey at a public meeting held on January 16, 2003.



Barbara Capitan, Secretary
Howell Township Planning Board

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TOWNSHIP OF HOWELL
MONMOUTH COUNTY, NEW JERSEY

**AMENDED
HOUSING ELEMENT
AND
FAIR SHARE PLAN**

Prepared For Submission To:

New Jersey Council on Affordable Housing

Prepared By:

SHEEHAN CONSULTING GROUP
415 MAIN STREET
SOUTH AMBOY, NJ 08879

December, 2002



THOMAS E. SHEEHAN, N.J.P.P. #1689
A.I.C.P. #5607

TABLE OF CONTENTS

Description	Page
I. Introduction	1
II. Required Contents of a Housing Element	3
III. Amended Housing Element	5
1. Analysis of Housing Stock	5
2. Projection of Future Housing Stock	8
3. Demographic Characteristics	9
4. Employment Analysis	9
5. Present and Prospective Housing Needs	10
6. Fair Share Component	13
A. Previously Approved Components and Prior Credits	14
B. Contributory Projects	18
C. Regional Contribution Agreements	21
D. Age Restricted Housing	23
7. Indigenous Need	24
IV. Analysis of Realistic Opportunity for Affordable Housing	27

LIST OF TABLES

Description	Page
Table I. Housing Stock Inventory	6
Table II. Occupation Information	10
Table III. Round II Fair Share Housing Obligation	11
Table IV. Reductions, Credits, and Rental Bonuses	11
Table V. Calculation of Rental Bonus Credits, Based on Amended Plan	18

Amended Housing Element and Fair Share Plan

I. Introduction

Howell Township received substantive certification from the Council on Affordable Housing (COAH) on October 30, 1989. The Township has a fair share obligation of 837 units for the 1987-1993 period. To meet this obligation, the certified housing element and fair share plan included a 221-unit accessory apartment program. The accessory apartment program did not realize and the Township proposed an amendment to its fair share plan to address the shortfall. The request to amend the fair share plan was withdrawn and in its stead, the Township, pursuant to the direction of COAH, submitted a Housing Element & Fair Share Plan to address the twelve (12) year (1987-1999) cumulative need of 1,109 units.

On February 23, 1995, Howell Township adopted a Housing Element & Fair Share Plan, dated February 1995 to address the twelve (12) year cumulative need. The Township petitioned for substantive certification on February 27, 1995 and on March 3, 1995 filed the plan with COAH.

A report on the plan dated June 2, 1995, was prepared by COAH staff, which noted deficiencies in the plan. In addition, one objection was filed during the 45-day objector period. A mediation session was held and the issues were resolved as reported in the COAH Mediation Report, dated December 6, 1995.

On December 7, 1995 Howell Township adopted a new Housing Element that addressed the comments of the COAH June 2, 1995 letter. The Township adopted a revised Fair Share Plan by resolution dated December 18, 1995. Howell Township re-petitioned COAH for substantive certification, which required another 45-day objector period. Mediation was required as a result.

On July 15, 1996, Howell Township adopted a resolution that authorized the filing of an amendment to the November 1995 housing element and fair share plan as a result of the completed mediations. The revised plan, dated November 1997, was adopted by the Howell Township Planning Board of December 18, 1997 and the Township published notice in The Asbury Park Press on December 5, 1997.

The November 1997 Plan received conditional substantive certification. The Township complied with the conditions of the conditional certification and received substantive certification on October 7, 1998.

This Amended Housing Element and Fair Share Plan shall constitute the Township's revised Housing Element and Fair Share Plan.

The Township has submitted documentation in the 2000 annual COAH Monitoring Report to receive credit for 122 units rehabilitated pursuant to the rehabilitation component of the certified Housing Element and Fair Share Plan.

Pursuant to a letter dated September 29, 2000 from Mary Beth Lonergan, COAH Supervising Planner, the Township of Howell is eligible for thirty-three (33) credits without controls units. The 33 credits without controls have been designated as prior cycle credits. The determination by COAH as to the eligible additional 33 credits without controls units required an amendment to the Township's Housing Element and Fair Share Plan. Additionally, the certified housing element and fair share plan included ten (10) write down/buy down units. The September 29, 2000 letter from COAH stated that if there has been no progress to date on the write down/buy down program, that it must be eliminated from the housing element. The write down buy down program had not commenced as of September 29, 2000, and the Township of Howell has agreed to eliminate this element of the Housing Element and Fair Share Plan.

II. Required Contents of a Housing Element

Per the Municipal Land Use Law at N.J.S.A. 40:55D-28b(3), N.J.S.A. 52:27D-310 sets forth the mandatory contents of a municipal housing element, which “shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing...” The housing element shall contain at least:

1. An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristic and type, including number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory, the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor’s office, including but not limited to the property record card;
2. A projection of the municipality’s housing stock, including the probable future construction of low and moderate income housing, for the next six years, taking into account, but not necessarily limited to construction permits issued, approvals of applications for development and the 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. 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 of the existing structures most appropriate for conversion

to, or rehabilitation for, low- and moderate-income housing, including a consideration of land of developers who have expressed a commitment to provide low and moderate income housing;

6. A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
7. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
8. Copies of necessary DEP applications for sewer service and water quality management plans;
9. A copy of the most recently adopted municipal master plan and, where required, the immediately preceding, adopted master plan;
10. For each designated site, a copy of the New Jersey Freshwater Wetlands maps where available. When such maps are not available, municipalities must provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
11. A copy of appropriate United States Geological Survey Topographical Quadrangles for designated sites and
12. Any other documentation pertaining to the review of the municipal housing element as may be required by COAH.

Note: This document is an Amended Housing Element and Fair Share Plan which is supplemental to the November 1997 Amended Housing Element and Fair Share Plan. Required support documents were previously submitted for COAH certification. This Amended Housing Element and Fair Share Plan does include updated demographic information, where available.

The Township has proposed to eliminate a ten (10) unit write down/buy down component, include thirty-three (33) credits without controls units, include twenty-two (22) units of age restricted housing at the Meridian Quality Care Assisted Living Facility, and increase their regional contribution agreements with Freehold Borough and Belmar Borough.

III. Amended Housing Element and Fair Share Plan

1. Analysis of the Municipal Housing Stock

The housing stock in Howell Township is predominately single-family detached housing. In 1990 there were a total of 13,563 housing units, of these, 10,372 (76.5 percent) were single-family detached homes. In addition, 1,683 units (12.4 percent) of the housing stock were single-family attached units. The remainder of the dwelling units in 1990 were comprised of 712 (5.%) multi-family dwelling units (two or more units), 681 (5%) mobile homes and 115 (0.8%) dwellings that were termed "other."

New Jersey Department of Labor statistics indicate that from 1990 through 1999 there were 3,399 authorized residential units and 49 demolitions, for a net increase of 3,350 housings units, bringing the total number of dwellings to 16,913.

The housing stock in Howell Township is relatively young. The 1990 U.S. Census indicated that there were 6,112 dwelling units constructed after 1980; this represented 45% of the total housing stock. The 3,399 units authorized between 1990 and 1990 increased the total number of dwellings constructed after 1980 to 9,511 units (56.23 percent). The total number of dwellings units built before 1940 represented 7.4% of the 1990 housing stock.

With regard to the value of housing, in 1990 the median housing value in Howell Township was \$158,300. The median value of housing in Howell Township was lower than that of Monmouth County (\$180,400), and the State's 1990 median housing value of \$162,300. For rental units (with no meals included), the median rent was \$650.

A total of 12,777 (94.2%) housing units in the Township were identified by the 1990 U.S. Census as being occupied year round. Of the housing units occupied year round, 11,358 units were owner occupied (88.9 percent) and 1,419 units were renter occupied (11.1%).

The 1990 Census of Population and Housing identified the following substandard housing in the Township of Howell. Of the 13,563 housing units in the 1990 US Census, 79 units lacked a complete kitchen, and 98 units were identified as having substandard plumbing.

Table I. Housing Stock Inventory

A. Age

<u>Year Structure Built</u>	<u>Units</u>	<u>Percent</u>
1989 to March 1990	405	3.0
1980 to 1988	3,730	27.5
1940 to 1979	8,421	62.1
1939 or earlier	<u>1,007</u>	<u>7.4</u>
Total	13,563	100.0

(Source: 1990 Census of Population and Housing, Summary Population and Housing Characteristics.)

B. Dollar Value of Units in 1990 Census

<u>Specified Owner-Occupied Housing Units</u>	<u>Units</u>	<u>Percent</u>
Less than \$74,000	455	4.7
\$75,000 to 99,999	658	6.8
\$100,000 to \$ 149,999	2,972	30.5
\$150,000 to \$199,999	4,054	41.6
\$200,000 to \$299,999	1,352	13.9
\$300,000 or more	<u>253</u>	<u>2.5</u>
Total	9,744	100.0

Median Value = \$158,300

(Source: 1990 Census of Population and Housing, Summary Social, Economic and Housing Characteristics.)

C. Gross Rent of Units Included in 1990 Census

<u>Specified Renter-Occupied Housing Units</u>	<u>Units</u>	<u>Percent</u>
Less than \$399	289	22.3
\$400 to \$499	138	10.6
\$500 to \$599	123	9.5
\$600 to \$699	90	6.9
\$700 to \$999	474	36.6
\$1,000 or more	78	6.0
No cash rent	<u>105</u>	<u>8.1</u>
Total	1,297	100.0

Median Gross Rent = \$650

(Source: 1990 Census of Population and Housing, Summary Social, Economic and Housing Characteristics.)

D. Occupancy Characteristics of Units in 1990 Census

<u>Tenure</u>	<u>Units</u>	<u>Percent of Total</u>
Owner-Occupied	11,358	83.74
Renter-Occupied	1,419	10.46
Vacant	<u>786</u>	<u>5.80</u>
Total	13,563	100.0

(Source: 1990 Census of Population and Housing, Summary Social, Economic and Housing Characteristics.)

E. Type of Unit

	<u>Units</u>	<u>Percent of Total</u>
1, detached	10,372	76.5
1, attached	1,683	12.4
Multi family (2 or more units)	712	5.3
Mobile home, trailer	681	5.0
Other	<u>115</u>	<u>0.8</u>
Total	13,653	100.0

(Source: 1990 Census of Population and Housing Summary Social, Economic and Housing Characteristics.)

F. Housing Condition

Units Included in the 1990 Census

More than 1.01 persons per room	4
Lack of exclusive plumbing	98
Lack of complete kitchen	79

(Source: 1990 Census of Housing)

G. Estimate of Substandard Housing

	<u>Units</u>	<u>% of Total Units</u>	<u>% of Occupied Units</u>
Actual Deteriorated Units	177	1.3	1.4
Deteriorated Units Occupied by Low or Moderate Income Households	160	1.2	1.3

(Source: NJCOAH, Municipal Number Summary, 1987-1999 Low- and Moderate-Income Housing Need Estimates by County, February 3, 1993.)

2. Projection of Housing Stock for the next six years

Based on New Jersey Department of Labor statistics, the average annual increase in new residential units was 335 (from 1990- 1999). There was a net increase of 3,350 housing units (3399 authorized units minus 49 demolitions), divided by ten (10) years, yields an average of a net increase of 355 units per year). This average annual net increase in housing units is greater than the average number of annual residential building permits of 245 units calculated in the 1995 Housing Element.

The 1998 Master Plan for the Township of Howell indicated that based on approved projects and build-out of vacant and undeveloped land, approximately 4,553 dwellings units could be built in the Township at maximum build-out.

In addition to new construction, NJCOAH projects that over the period of substantive certification 27 dwelling units, available to low-and moderate-income families will be created as a result of filtering (conversions of commercial, industrial or residential structures into new affordable housing units).

3. **Demographic Characteristics**

From 1980 to 1990 the population of Howell Township increased from 25,065 to 38,987 (55.5% percent). As indicated previously, the Township's housing stock experienced a growth in housing stock of 335 new units per year from 1990 to 1999. This would result in an estimated addition of 1,021.75 new persons annually (based on the Township's Census average of 3.05 persons per unit). In 1990 there were 2,125 (5.45 percent) persons over the age of 65. The median age in 1990 in the Township of Howell was 32.3, which was lower than the Monmouth County median age of 35 years.

4. **Employment Analysis**

The 1990 U.S. Census identified 19,112 employed residents of the Township of Howell. More than one-third (35.4%) of residents were employed in technical sales and administrative support occupations, followed by managerial and professional occupation (29.9%); operators, fabricators and laborers (12.2%), precision production and craft occupations (11.5%); service occupations (9.8%); and agriculture, forestry and fishing (1.2%). The New Jersey Department of Labor, reported an unemployment rate of 7.9% for Howell, which was higher than the Monmouth County rate of 7.6% for that year (Source: 1995 Howell Township Housing Element).

Table II. Occupation Information – Howell Township

OCCUPATION	NUMBER OF RESIDENTS EMPLOYED	PERCENT OF EMPLOYED RESIDENTS
Technical sales, administrative support	6,768	35.4%
Managerial and professional occupations	5,722	29.9%
Operators, fabricators and laborers	2,333	12.2%
Precision production, craft and repair	2,194	11.5%
Service occupations	1,869	9.8%
Agriculture, forestry and fishing	226	1.2%
Total	19,112	100.0%

Source: 1990 U.S. Census

The 1990 U.S. Census reported that the 1989 median household income in Howell Township was \$47,912, this compared a median household income of \$45,912 for Monmouth County and \$40,927 for the State. The median family income in Howell in 1989 was \$51,998 and the 1990 Census reported that 3.7 percent of persons and 2.6 percent of families in the Township were below poverty level in 1989.

5. Present and Prospective Housing Needs

NJCOAH has estimated the cumulative pre-credited regional affordable housing need to be 1,109 units for Howell to meet its regional low and moderate income-housing obligation. There is an indigenous need of 160 units, minus 6 units of spontaneous rehabilitation, for a pre-credited indigenous need of 154 units and an inclusionary need of 955 units (1,109 pre-credited – 154 indigenous need).

Table III. Township of Howell Round II Fair Share Housing Obligation

Indigenous Need		160	
Plus: Reallocated Present Need		45	
Present Need (1993)	205		
Plus: Prospective Need (1993-1999)		491	
Total Need (1993-1999)	696		
Plus: Prior Cycle Prospective Need (1987-1993)		427	
Plus: Demolitions		24	
Less: Filtering		(27)	
Less: Conversions		(5)	
Less: Spontaneous Rehabilitations		(6)	
Total Pre-Credited Calculated Need		1,109	units
<i>Rehabilitation Component</i>			
<i>(Indigenous need 160 units – spontaneous rehabs 6 units)</i>	<i>154</i>		
<i>Inclusionary Component</i>	<i>955</i>		

Table IV. Reductions, Credits and Rental Bonuses

Pre-Credited Need		1,109	units
PROJECTS	AFFORDABLE UNITS	RENTAL BONUS CREDITS	
•Credits without controls	33		
•Safe Havens Group Home	9		
•Dev. Services of NJ Group Home	4		
•Easter Seals/PASS Group Home (B 26/ L7.03)	6	6	
•Easter Seals/PASS (Site #1)	6	6	
•Friendship Gardens (age restricted)	99	33	
•Country Side Place (non-age restricted)	180	180	
•Strickland Road Senior Project (age restricted)	85		
•The Fountains (Site #7)	-	-	
	SUBTOTALS		
		422	225
	TOTAL	647	
•Completed Rehabilitation Credits		15	
	TOTAL CREDITS	662	
Cumulative 12 year obligation:			
Indigenous Need (Rehab Component)		139	
Prospective Need (New Units)			
•Belmar RCA (existing)		86	
•Freehold Borough RCA (existing)		184	
•Freehold/Belmar RCA Increments		16	
•Meridian Quality Care (age restricted)		<u>22</u>	
	SUBTOTAL	308	units
	TOTAL	1,109	units

Note: Pursuant to NJAC 5:93-5.14, age restricted housing is credited by the following formula: .25 (municipal pre-credited need – prior cycle credits – credits pursuant to NJAC 5:93-3.4 [rehabilitation credits]). The Township of Howell received a waiver to permit a modification to the age restricted formula so as not to have the rehabilitation component subtracted from the formula. The waiver granted permits Howell Township to age restrict up to 209 units [.25(1,109-0-46-228) = 209]of the application of this formula.

Pursuant to NJAC 5:93-5.15, rental bonus credits will be granted for rental units that are constructed to conform to the standards of a minimum 10 year affordability control; age restricted rentals shall be included in the 25% age restricted limit; and unit distribution for non-age restricted rentals. The formula for rental bonus credits is: [.25 (pre-credited need-prior cycle credits – rehabilitation component)]. The number of rental bonus credits previously permitted was based on 236 units. The inclusion of 33 prior cycle credits through the credits without controls program results in a rental bonus based on 227 units.

The prospective need is a projection of low- and moderate-income housing needs based on development and growth, which is reasonably likely to occur in a region or municipality. The Township's the Prospective Need (1993-1999) is 491 units.

In order to determine the Township of Howell's affordable housing needs, pursuant to COAH rules, the effects that market action, prior cycle prospective need, and reductions and credits have on total need must be considered. The Prior Cycle Prospective Need is a recalculation of the 1987-1993 prospective needs based upon more accurate data contained in the 1990 US Census of Population. The Prior Cycle Prospective Need for the Township is 427 units.

Market action includes demolitions, "filtering," conversions and rehabilitation. Based on historical data, COAH projected that 24 demolitions of units would occur during 1993-1999 adding to the need for affordable housing. The remaining three market factors reduce the need for affordable housing. Filtering is the transfer of older units formerly occupied by the higher-income sector of the housing market to the low-and moderate-income segment. COAH anticipated 27 units would be filtered from 1993 to 1999.

Conversion is the creation of new affordable units from existing residential structures. COAH predicted 5 conversions would take place between 1993 to 1999.

The final calculated pre-credited affordable housing need for the Township of Howell, for “Round Two” is 1,109 units. This number is based on the present and prospective need, the prior cycle need, anticipated demolitions, filtering, conversions and spontaneous rehabilitation as calculated by COAH.

There are methods, set forth by COAH, to reduce the need for COAH credited affordable housing units. These methods include receiving one-for-one credit for low-and moderate-income housing constructed since April 1, 1990; one-for-one credit for the rehabilitation housing units occupied by low-and moderate-income families; rental bonus credits for units that are rented to low and moderate income families that have an affordability restriction in place.

6. Fair Share Component

The Township’s Calculated Need for new construction is as follows:

New Construction = Pre Credited Need (1,109 units) – Indigenous Need (154 units) = 955 units

The Township of Howell has proposed to satisfy its twelve (12) year fair share obligation of 955 units through a variety of measures which are permitted pursuant to COAH regulations.

The Township of Howell received substantive certification of a Housing Element and Fair Share Plan on October 7, 1998 and now proposes to amended that certified plan to eliminate a ten (10) unit write down/buy down component, include approval for thirty-three (33) credits without controls units, include twenty-two (22) units of affordable assisted living at Meridian Quality Care, and eliminate crediting for Site #7 resulting from the deletion of portions of Site #7 from State Planning Areas designation of PA-2.

This will increase the RCA’s with Freehold Township and Belmar Borough to 286 units.

A. Previously Approved Components and Prior Credits

The Township received credit for the new construction of 13 units of affordable housing that were completed for two (2) group homes that were constructed between April 1, 1980 and July 17, 1987. A four bedroom group home located on Block 50, Lot 40 owned by Development Services of New Jersey, a private nonprofit corporation and a nine bedroom group home located on Block 198, lot 4 is owned by Safe havens, Inc. a nonprofit corporation. Documentation for these units was previously submitted to COAH and the credits are described in detail in a COAH Report prepared by Sean Thompson, COAH Planner, dated October 26, 1994.

Two group homes, each with six bedrooms received credit for twelve (12) credits. The homes, located on Block 26, Lot 7.03 and Block 84.08, Lot 74.01, were sponsored by Easter Seals in a joint venture with the Permanence and Advocacy Support System. Detailed descriptions of these units were provided in the October 26, 1994 COAH report.

Friendship Gardens senior rental development provided a reduction of 99 age-restricted units. Documentation for this project was previously submitted to COAH as part of the original housing element and fair share plan.

The Township received credit for 180 completed units of affordable, non-age restricted rental housing at the Countryside Place (Site #5) development located on Block 138, Lot 42. Documentation for this project was previously submitted.

The Township received credit for 85 age-restricted units as part of the Strickland Road Senior Project (Site #11). This project was constructed by the Presbyterian Homes of New Jersey Foundation, Inc.

The Township, pursuant to a letter dated November 3, 2000 from Mary Beth Lonergan, PP, COAH Supervising Planner, received a reduction for 33 units of credits without controls as prior cycle credits.

The prior Certified Housing Element included a reduction for 79 units as part of the approved and unbuilt Weiner Homes "Wyndham at Howell" (Site #7). This site is located on Block 25, Lots 41 and 25.04. The current landowner of Site #7, which now includes Block 25, Lots 21.01, 24.04, and 41, is S.I. Bank and Trust. The current applicant, MGD Holdings HOW, LLC, filed their application on Site #7 on April 5, 2001 under the name of "The Fountains Development", now proposing 308 apartment units with 50 affordable housing units. That proposal is before the Howell Township Planning Board under the site plan review process at the time of the writing of this document. Based upon correspondence received from the NJ Office of Smart Growth and from Monmouth County Planning Board staff, previous Howell Township representatives in the State Plan Cross Acceptance process, during the period of October 1, 1997 through May 3, 1999, requested amendments to the State Resource Planning and Management Map which changed the planning area designation along southeasterly State Highway Route 9 in Howell Township, south of Estelle Lane and proximate to the Lakewood Township border, from Planning Area 2 to Planning Area 5. Based upon that State Planning area designation change, units of the current Site #7 application have been redesignated Planning Area 5 (PA-5). Pursuant to COAH rules, inclusionary development in PA-5 is required to be located in centers. There are no areas in Howell Township designated on the State Plan, including Site #7, as a center. All of the above planning area designation determinations are subject to precise mapping delineations, survey documentation and environmental analysis.

Based upon the PA-5 redesignation of portions of Site #7, the crediting of Site #7 must exclude all units designated PA-5.

Therefore, until the precise delineation of the PA-2 versus PA-5 boundary is confirmed by the NJ Office of Smart Growth (former Office of State Planning) relative to Site #7, no credits shall be sought for Site #7 at this time. However, Site #7 shall remain in this Affordable Housing Plan in the event that some or all of the Site #7 units are determined at a future date to be in PA-2, with said units then being banked as credits for the Howell Township Round 3 obligation.

Previous Site #4 Oak Hill Mobile Home Park, which was included in the prior Housing Element and Fair Share Plan, was denied credit from COAH. As stated in a letter dated March 17, 1997 from Jane Wheatly, Program Director of the Affordable Housing Management Services (AHMS), "It continues to be AHMS' opinion that these vehicles and the pads on which they rest are not legally restricted to meet even minimal affordability control requirements and are completely dependent on voluntary compliance which is not readily forth coming." In the April 15, 1998 COAH report prepared by Mary Beth Lonergan, COAH Planner, it was determined that the 35 units at Oak Hill Mobile Home Park were not eligible for COAH credit due to the lack of a deed restrict. Based on this determination, the 35 units at the Oak Hill Mobile Home Park have been removed from the Howell Township Housing Element and Fair Share Plan. The Township however, does reserve its right to credit these units against the Township's obligation when the requisite documentation is produced.

Reduction for retroactive rental bonus credits pursuant to N.J.A.C. 5:93-5.15. The Township is eligible for rental bonuses of not more than its rental obligation of 227 units [$.25(1109-46-0-0-154) = 227$ units]. The number of rental bonus credits was reduced by the

receipt of the 33 credits without controls prior cycle credits. The result was a decrease in the number of rental bonus units from 236 to 227.

Table V. Calculation of Rental Bonus Credits, Based on Amended Plan

Block/Lot or Site #	Name of Project/Owner	Affordable Units	Rental Bonuses
198/4	Safe Havens Group Home	9	0
50/40	Dev. Services of NJ Group Home	4	0
26/7.03	Easter Seals PASS Group Home	6	6
Site #1	Easter Seals PASS Group Home	6	6
Site #5	Countryside Plane	180	180
79/25.03	Friendship Gardens (age restricted)	99 (33 units are eligible to be applied toward rental bonus credits at .33 rental bonus credits per unit)	33
Site #11	Strickland Road Senior Project	85	0
Site #7	Fountains (Site #7)	0	0
	<i>Meridian Quality Care</i>	22	0
TOTAL		411	225

B. Contributory Projects

The November 1997 Amended Housing Element and Fair Share Plan identified the following contributory projects which had been previously identified and supporting documentation forwarded to COAH.

(1) Columbia Land Partnership, Columbia Pines (Site #9)

This 35 acre site is located at the southwest corner of the intersection of Lakewood-Allenwood Road and Newton's Corner Road in the Ramtown section of the Township.

On March 20, 1989, the Township of Howell and Columbia Land Partnership entered into a "Stipulation Resolving Objections and Developers Agreement." The terms of the agreement required a contribution of \$8,000 per unit for any unit(s) constructed in excess of the former permitted zoning.

The 1997 Amended Housing Element and Fair Share plan stated that the terms of the aforementioned agreement amounted to 69 bonus units for a total contribution of \$552,000 to the Howell Township Housing Fund by Columbia Land Partnership. The Contribution is to be made at a rate of \$4,000 per unit for each building permit issued over 34 and another \$4,000 per bonus unit at the time of issuance of a certificate of occupancy.

(2) Gikas, Country Squire/CJS Investments (Site #6)

Site #6 is a townhouse project that received preliminary and final approval for up to 100 units, from the Howell Township Planning Board on August 16, 1990. This project included a provision for an \$8,000 per unit contribution to the Howell Township Housing Trust Fund in lieu of construction of affordable units on site. The Howell Township Planning Board granted preliminary and final major site plan approval for this site on July 6, 2000 to an applicant by the name CJS Investments. The July 6, 2000 approval permits the applicant to construct up to 98 townhouses. The prior approval and April 17, 1989 "Stipulation Resolving Objections and Developer's Agreement" were made part of the record in the July 6, 2000 case. The Howell Township Planning Board on March 6, 1998, adopted a resolution which clarified that the required developer's contribution regarding

the property would be \$8,000 per housing unit built, now resulting in an anticipated contribution of \$784,000.

(3) Weiner Homes/Shwahla (Site #3)

This site contains 95 acres located on Fort Plains Road in the northwestern quadrant of the Township. On May 30, 1989, Weiner Homes and the Township of Howell entered into a "Stipulation Resolving Objections and Developers Agreement." The agreement requires a contribution of \$8,000 per unit for 183 units that exceeded the allowable unit yield under the former zoning of the site. A total contribution of \$1,464,000 to the Howell Township Housing Trust fund is required. The Howell Township Planning Board granted preliminary and major subdivision approval for this project on June 22, 1989. The preliminary subdivision approval received an extension from the Planning Board on July 9, 1992.

(4) Hovbilt (Site #1)

The Hovbilt site was included in the Township's prior Housing Element and Fair Share Plan. The Plan included the Hovbilt site as an inclusionary project with a total of 372 units, to include a twenty percent (20%) set aside, which included 75 age restricted units.

The 1997 Amended Housing Element and Fair Share Plan indicated that the Hovbilt site was no longer required and revised zoning was negotiated. The developer and Township agreed to 208 market rate units and a minimum contribution of one-quarter of one percent to be provided to the Township.

The 1997 Plan noted the that the Township had considered acquisition of the site.

C. Regional Contribution Agreements

Pursuant to N.J.A.C. 5:93-6.1, a municipality may transfer up to fifty percent (50%) of its housing obligation to a receiving municipality. The Township of Howell intends to transfer 86 units to the Borough of Belmar and 189 units to the Borough of Freehold. Both municipalities are located in Monmouth County, which is within Howell Township's housing region.

(1) Borough of Belmar RCA

The Borough of Belmar and Howell Township entered into a Regional Contribution Agreement to transfer 86 units of Howell Township's obligation to the Borough of Belmar. A scattered site rehabilitation program will result within the Borough of Belmar. The terms of the Agreement provide that a minimum of fifty percent (50%) of the rehabilitated units are to be occupied by low income households. Howell Township will provide \$20,000 per unit to the Borough of Belmar for each unit transferred. The Regional Contribution Agreement and Project Plan developed by the Borough of Belmar were submitted to and approved by the New Jersey Housing Mortgage Finance Agency.

The Township of Howell has initiated payments to the Borough of Belmar for this RCA. Changes to this agreement are proposed to increase the number of units transferred to include up to an additional 16 units.

(2) Borough of Freehold RCA

Howell Township and Freehold Borough entered into a Regional Contribution Agreement that called for the transfer of up to 184 units of the Howell Township obligation to the Borough of Freehold for a scattered site rehabilitation program. The Township of Howell agreed to provide \$20,000 per unit transferred and a minimum of fifty percent (50%) of the units transferred are to be occupied by lot income households.

It was noted in the Howell Township Compliance Report, dated April 15, 1998, that Howell Township reserved the right to pursue a credits without controls program, pursuant to N.J.A.C. 5:93-3.2(b). The number of RCA units transferred to the Borough of Freehold is proposed to be increased from the approved number of 184 units to include up to an additional 16 units.

A meeting was held on July 19, 1999, with representatives from Howell Township, Freehold Borough, and COAH. At this meeting, the minimum number of RCA units to be transferred was increased to 138.

The Township of Howell did institute a credits without controls program and received 33 units, which are considered prior cycle credits.

The 33 credits without controls, the 22 age restricted units at Meridian Quality Care and the change in State Planning Area designation of COAH Site #7, which reduced the number of credits from that site, will require that the Township of Howell transfer additional units to the Borough of Freehold for the scattered site rehabilitation program. Funding for the units will remain as previously approved, supplemented by usage of funds from the Howell Township Affordable Housing Trust Fund and by Township bonding as may be necessary.

D. Age Restricted Housing

The Township of Howell received a waiver to permit a modification to the age restricted formula. Pursuant to NJAC 5:93-5.14, age restricted housing is credited by the following formula: .25 (municipal pre-credited need – prior cycle credits – credits pursuant to NJAC 5:93-3.4 [rehabilitation credits]). The waiver granted to the Township modified the formula so as not to have the rehabilitation component subtracted from the formula. The waiver granted permits Howell Township to age restrict up to 209 units [$.25(1,109-0-46-228) = 209$].

The Township in the 1995 Housing Element and Fair Share Plan, Amended November 1997, certified on October 7, 1998, included 184 age restricted units. The Township proposes an additional 22 age restricted units in the Meridian Quality Care facility, for a total of 206 age restricted units.

Meridian Quality Care received funding for their project through the New Jersey Housing and Mortgage Finance Agency (HMFA). There are eighteen (18) efficiency units and four (4) one (1) bedroom units that are reserved for low income residents. All twenty-two (22) units are deed restricted and the HMFA will be monitoring them for compliance.

The following documents are included as Appendix A to support the credits for Meridian Quality Care:

1. Rental price information for the twenty-two (22) units.
2. Gross monthly income of residents in the units (or certification that residents meet COAH eligibility guidelines) and indication of any units occupied by residents that participate in the Medicaid Waiver program. The documents provided indicated that, as required by COAH, at least half of the affordable units must be affordable to low income

households (below 50% of median income), or all of the units may be affordable to a household at 60% of median income.

3. Proof that rents are affordable so as not to exceed 30 percent of gross monthly income, including an allowance for utilities.
4. A copy of the 30-year deed restriction on the property.
5. Copies of marketing brochures, etc.
6. A copy of the agreement with HMFA for administration and monitoring of the low and moderate income units.
7. A copy of the Certificate of Occupancy for the facility

7. **Indigenous Need**

The Township's Indigenous Need (the rehabilitation component), based on the certified housing element and fair share plan, is calculated as follows:

Indigenous Need 160 units – 6 units spontaneous rehabilitation = 154 units – 15 prior cycle credits = 139 rehabilitation units required over the period of substantive certification.

The housing policy recommended for the Township of Howell to meet its low and moderate income housing needs is to continue to rehabilitate deteriorated housing stock through the rehabilitation methodology that is currently in place in the Township.

There is a need to rehabilitate 139 dwelling units (154- 15 prior cycle rehabilitation credits) occupied by low and moderate-income households (Indigenous Need). The municipality has implemented a rehabilitation program funded by developer fees, residents are also able to utilize the Monmouth County Community Development Block Grant Program. Township has

submitted the requisite monitoring reports to provide information to COAH on units rehabilitated that are eligible to receive COAH credit.

The Township's rehabilitation program is marketed through the periodic distribution of informational flyers and television announcements. The Monmouth County rehabilitation program is marketed through the use of brochures. It is anticipated that the Monmouth County CDBG program will continue under this administrative set-up for the next six years, barring termination of the HUD CDBG Program by Congress.

It is expected that the continuation of these programs will satisfy the Township's obligation to rehabilitate 139 units (154 units – 15 units rehabilitated for COAH credit, pursuant to 1997 Housing Element and Fair Share Plan) during the period of substantive certification.

Rehabilitation Schedule

Depending upon the demand of homeowners and landlords for the program, the Township proposed to undertake the following rehabilitation schedule, as included in the spending plan approved September 2, 1998, which was based on the certified housing element and fair share plan:

<u>Year</u>	<u>Number of Units to be Rehabilitated</u>
1998	23
1999	23
2000	23
2001	<u>23</u>
TOTAL	92

This amended housing element corrects this schedule to reflect the required 139 units to be as follows:

<u>Year</u>	<u>Number of Units to be Rehabilitated</u>
1998	23
1999	23
2000	23
2001	23
2002	23
2003	<u>24</u>
TOTAL	139

Funding of the Rehabilitation Program

Based on COAH rules, the Township shall continue provide \$10,000 per unit for the rehabilitation program that will have an estimated total program cost of \$1,390,000 (139 units x \$10,000/unit).

The Township proposes to continue to fund the local housing rehabilitation program through the Developers Fee fund and use of the Monmouth County Community Development Block Grant Program.

To date, approximately 122 of the 139 required rehabs have been documented as completed or in process.

Marketing Plan.

The Township rehabilitation program is marketed through the use of brochures, informational flyers and television announcements.

IV. Analysis of Realistic Opportunity for Affordable Housing

Satisfaction of the Township's Fair Share Obligation shall be accomplished through continued implementation of the rehabilitation program established and administered by the Borough and utilization of the Monmouth County rehabilitation program, the transfer of 86 RCA units to the Borough of Belmar and 184 RCA units to Freehold Borough and the certification of twenty-two (22) affordable, age restricted units at Meridian Quality Care. COAH has determined the Township's pre-credited indigenous need to be 154 units, through crediting reductions for past affordable housing accomplishments and the Township's affordable housing activities from 1993-1999. The calculated need is reduced by 15 units of rehabilitation.

There is every reason to expect that the need to rehabilitate 139 units will be accomplished during the period of certification. The Township has continued rehabilitation efforts since certification on October 7, 1998 and has submitted the requisite monitoring reports documenting 122 rehabs either completed or underway.

The Township has initiated RCA payments with the Borough of Belmar and the Borough of Freehold and intends to increase the number of RCA units by 16 units. The twenty-two (22) units at Meridian Quality Care received HMFA funding and will be monitored by HMFA.

The following flow chart summarizes the Township of Howell's Realistic Opportunity for Affordable Housing:

COAH PRE-CALCULATED NEED		1,109 units
*Reductions/Credits: 1990-2000		
Credits	422	
Rental Bonus Credits	225	
Rehabs Completed	15	
SUBTOTAL	662	662 units

*Inclusionary Components

Belmar RCA	86
Freehold Twp. RCA	184
Belmar/Freehold RCA Increments	16
Meridian Quality Care	22

SUBTOTAL 308 **308 units**

*Indigenous (Rehab) Component 139 units

TOTAL 1,109 **units**