



**MASTER PLAN HOUSING ELEMENT**  
**AND FAIR SHARE PLAN**

**Lacey Township**  
**Ocean County, New Jersey**

**Prepared for:**

Mayor and Committee  
And  
Lacey Township Planning Board  
Township of Lacey

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The original of the document was signed and sealed in accordance with the statute and is on file with the Clerk of the Township of Lacey.

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## **1.0 Introduction**

The Fair Housing Act (*N.J.S.A. 52:27D-301 et seq.*), enacted by the New Jersey State Legislature in 1985, created the Council on Affordable Housing (COAH) within the New Jersey Department of Community Affairs. COAH is responsible for determining each municipality's allocation of low and moderate-income housing, establishing guidelines for implementing the Fair Housing Act and evaluating proposed municipal compliance strategies.

The Council on Affordable Housing divided the state into six housing regions and established a formula that assigns each municipality a "fair share" of its region's need for affordable housing. Lacey is located within the East Central COAH region, which includes the counties of Ocean, Monmouth and Mercer.

COAH's initial formula was developed for a six-year period, from 1987 through mid-1993 (*N.J.A.C. 5:91-1 et seq.*). That formula was superseded by 1994 COAH regulations (*N.J.A.C. 5:93-1.1 et seq.*) which recalculated a portion of the 1987-1993 fair share obligation for each municipality and computed the additional municipal housing need through 1999. On December 20, 2004, COAH adopted its Third Round Rules, which apply a "Growth Share" methodology to determine the amount of affordable housing a municipality must provide during the ten year period of 2004 to 2014 (*N.J.A.C. 5:94-1 et seq.*). This Housing Element has been prepared in accordance with the Third Round substantive and procedural regulations of the Council on Affordable Housing.

Once the Housing Element is adopted, the municipality has the option to file the Element and a Fair Share Plan with COAH and also to request COAH's review and approval, called "substantive certification." The Fair Share Plan is a document that contains proposed implementing ordinances and administrative procedures designed to provide the opportunity for affordable housing construction and rehabilitation in the municipality. The COAH filing and substantive certification provide municipalities with a measure of legal protection from suits alleging that their land use regulations are invalid or unconstitutional because of a failure to provide sufficient opportunity for affordable housing development.

## **2.0 The Growth Share Methodology**

The Council on Affordable Housing's (COAH's) adopted Third Round "growth share" procedures mark a significant departure from COAH's prior two rounds of affordable housing methodology. The Third Round methodology implements a growth share approach that will link the production of affordable housing with future residential and non-residential development and growth in a municipality. For the Third Round growth share component, COAH has adopted ratios that require one affordable unit for every 8 market rate housing units and one affordable unit for every 25 jobs developed. This is the key change from the methodology COAH used in the first and second rounds.

COAH adopted the new Third Round Rules and Methodology, effective as of December 20, 2004. The complete Third Round methodology includes a *rehabilitation share*, a remaining obligation from COAH's two *prior rounds* and the future *growth share*. A municipality's Fair Share Plan must address its (1) rehabilitation share, (2) any remaining prior round obligation and (3) projected growth share.

COAH's regulations provide the means for a municipality to determine and address its new affordable housing obligation. COAH's new rules supply two of the three-part number for each municipality - the rehabilitation share and the remaining obligation from prior rounds.

The Rehabilitation Share is the number of existing substandard housing units in a municipality that are occupied by low or moderate income households, as determined by COAH. The third round rehabilitation share for Lacey Township is 1-unit.

The Prior Round Obligation is a municipality's adjusted Second Round new construction component brought forward to the Third Round. For Lacey Township, the recalculated prior round obligation is 580-units.

The Growth Share Obligation is the affordable housing need generated from both residential and non-residential development as shown by certificates of occupancy issued, or expected to be issued, between January 1, 2004 and January 1, 2014. Key elements of the Growth Share Methodology are:

1. For residential development, the affordable housing ratio is 1 affordable unit for every 8 market rate residential units;
2. For non-residential development, the affordable housing ratio is 1 affordable unit for every 25 new jobs developed as expressed in new square footage of non-residential space constructed. As an example, the affordable housing generated by non-residential development ranges from one affordable unit required for every 8,333 square feet of office space; for every 25,000 square feet of retail space and 125,000 square feet of warehouse space.

As calculated in Section 9.0 of this report, Lacey 's Growth Share is 237-units.

### **3.0 The Housing Plan Element**

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55d-1, et. seq.), a municipal Master Plan must include a Housing Plan Element as a prerequisite for the adoption of zoning ordinance provisions within the municipality. Pursuant to Section 10 of P.L. 1985, C. 222 (C:52:27D-310) a municipality's housing element shall be designed to achieve the goal and access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing. The Housing Element must contain at least the following:

1. An 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 six (6) years, taking into account , but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
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 of low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;
6. A consideration of the lands 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;
7. 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;
8. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
9. Copies of necessary applications for sewer service and proposed water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 USC S11251, et. seq.;
10. A copy of the most recently adopted Master Plan and, where required, the immediately preceding adopted Master Plan;
11. For each designated site, a copy of the New Jersey Freshwater Wetlands maps where available;

12. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and

13. Any other documentation pertaining to the review of the Housing Element as may be required by COAH.

## **5.0 Housing Plan Preparation for COAH**

Along with the other requirements of the Municipal Land Use Law, COAH will require that the Housing Element include a series of analyses and projections such as:

1. Utilization of the *population, household and employment* projection for the Year 2015 from the State Plan (or Metropolitan Planning Organization (MPO) if the State Plan is not yet adopted).

- Municipal growth projections that are consistent with the State Plan or MPO will have a presumption of validity in any petition before COAH.

- If the growth projections are not consistent with the State Plan or MPO, COAH may reject the petition unless the municipality demonstrates the validity of the analysis and the Office of Smart Growth Executive Director recommends the municipality's alternate projections.

2. Analysis of future housing and jobs based on research including current development approvals and historic trends in construction in the municipality.

3. Analysis of a municipality's zoning to show that there is adequate capacity for the Township to accommodate its growth projections.

## Demographics

Historically, Lacey Township and Ocean County have continuously grown in population.<sup>1</sup> The Township saw the greatest increase in population between 1970 and 1980. As shown in the table below, in 2000 the resident population of Lacey Township was 25,346. The US Census Bureau periodically estimates the resident population for all municipalities and minor civil divisions in New Jersey, which occurred in 2004. In 2004, the resident population of the Township was estimated at 26,221; an increase of almost 900 people since 2000.

**Table 1**

**Population Growth for Lacey Township and Ocean County, 1940 – 2003**

| Year                               | Lacey Township | Population Change |         | Ocean County | Population Change |         |
|------------------------------------|----------------|-------------------|---------|--------------|-------------------|---------|
|                                    |                | Number            | Percent |              | Number            | Percent |
| 1940                               | 752            | X                 | X       | 37,706       | X                 | X       |
| 1950                               | 966            | 214               | 28.5%   | 56,622       | 18,916            | 50.2%   |
| 1960                               | 1,940          | 974               | 100.8%  | 108,241      | 51,619            | 91.2%   |
| 1970                               | 4,616          | 2,676             | 137.9%  | 208,470      | 100,229           | 92.6%   |
| 1980                               | 14,161         | 9,545             | 206.8%  | 346,038      | 137,568           | 66.0%   |
| 1990                               | 22,141         | 7,980             | 56.4%   | 433,203      | 87,165            | 25.2%   |
| 2000                               | 25,346         | 3,205             | 14.5%   | 510,916      | 77,713            | 17.9%   |
| 2004 (U.S. Census Bureau Estimate) | 26,221         | 875               | 3.5%    | 553,251      | 42,335            | 8.3%    |

Source: NJSDC, 2000 & Population Division, U.S. Census Bureau, 2000.

## Age

Between 1990 and 2000, residents aged 45 to 59 years increased the most by 61.8 percent. Other significant increases were realized by residents aged 75 to 84+ years, which increased by 24.8 percent, and residents aged 5 to 19 years by 18.1 percent. The two most significant increases occurred in the age cohorts above age 45, and can be attributed in general to the aging of the baby boom generation, and also to the construction of age-restricted housing.

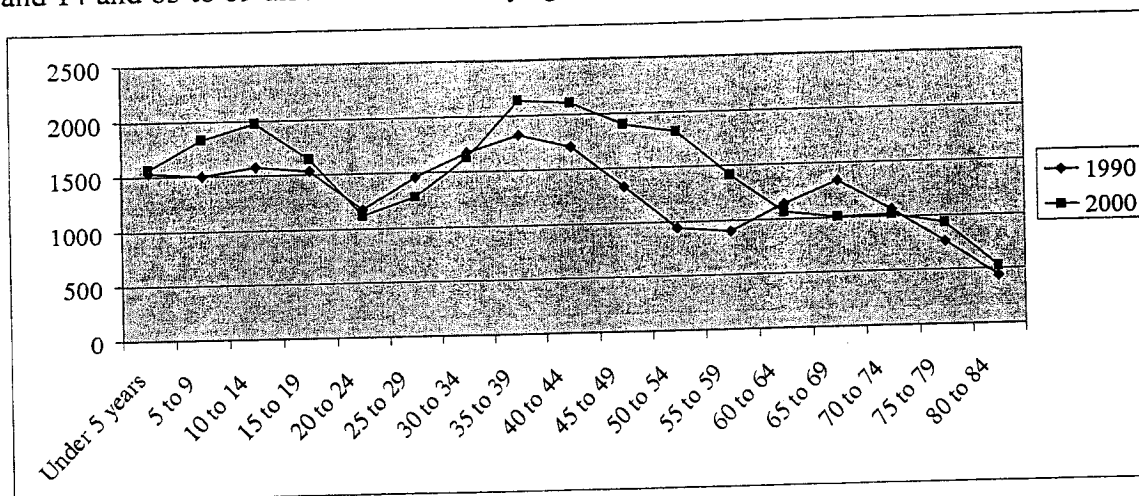
<sup>1</sup> Unless otherwise indicated, all data was obtained from the U.S. Census Bureau.

**Table 2**

**Age Cohorts for Lacey Township, 1990 and 2000**

| Age       | 1990  | 2000  | Number Change | Percent Change |
|-----------|-------|-------|---------------|----------------|
| Under 5   | 1,530 | 1,565 | 35            | 2.3%           |
| 5 to 19   | 4,613 | 5,450 | 837           | 18.1%          |
| 20 to 44  | 7,815 | 8,268 | 453           | 5.8%           |
| 45 to 59  | 3,178 | 5,143 | 1,965         | 61.8%          |
| 60 to 74  | 3,543 | 3,095 | -448          | -12.6%         |
| 75 to 85+ | 1,462 | 1,825 | 363           | 24.8%          |

While residents aged 45 to 59 saw the greatest increase between 1990 and 2000, all residents between the ages of 30 and 60 saw increases. Residents between the ages of 5 and 14 and 65 to 69 also had noteworthy age fluctuations, as shown in the graph below.



### Median Household Income

In Lacey, the median household income increased by over 50 percent, from \$37,397 in 1989 to \$55,938 in 1999. Between 1989 and 1999, the household income ranges of \$100,000 to \$149,000, and \$150,000 or more, increased the most, at 531 and 334 percent respectively. Households producing incomes of \$50,000 to \$99,999 also experienced percent increases of 39.6 and 192.7 percent respectively. All households producing incomes less than \$50,000 decreased in percent.

**Table 3**  
**Household Income, Lacey Township, 1989 and 1999**

| Household Income                | 1989         | 1999         | Number Change | Percent Change |
|---------------------------------|--------------|--------------|---------------|----------------|
| Less than \$10,000              | 662          | 355          | -307          | -46.4%         |
| \$10,000 to \$14,999            | 490          | 365          | -125          | -25.5%         |
| \$15,000 to \$24,999            | 1,390        | 914          | -476          | -34.2%         |
| \$25,000 to \$34,999            | 1,134        | 1,016        | -118          | -10.4%         |
| \$35,000 to \$49,999            | 1,909        | 1,459        | -450          | -23.6%         |
| \$50,000 to \$74,999            | 1,716        | 2,395        | 679           | 39.6%          |
| \$75,000 to \$99,999            | 521          | 1,525        | 1,004         | 192.7%         |
| \$100,000 to \$149,999          | 173          | 1,093        | 920           | 531.8%         |
| \$150,000 or more               | 53           | 230          | 177           | 334.0%         |
| <b>Total</b>                    | <b>8,048</b> | <b>9,352</b> | <b>1,304</b>  | <b>16.2%</b>   |
| Median household income in 1989 | \$37,397     |              |               |                |
| Median household income in 1999 | \$55,938     |              |               |                |

## 6.0 Housing Characteristics

Between 1990 and 2000, the number of occupied housing units increased by 4.6 percent, and the number of vacant units simultaneously decreased by 4.6 percent. These changes indicate a healthy housing market in the Township. Homeowner vacancy rate decreased significantly from 3.2 to 0.9 percent, and rental vacancy rates decreased significantly between 1990 and 2000, from 5.7 to 3.7 percent.

**Table 4**

**Number of Occupied and Vacant Housing Units, Lacey Township, 1990 and 2000**

|                        | 1990         |             | 2000          |             |
|------------------------|--------------|-------------|---------------|-------------|
|                        | Number       | Percent     | Number        | Percent     |
| Occupied Housing Units | 7,957        | 83.6%       | 9,336         | 88.2%       |
| Vacant Housing Units   | 1556         | 16.4%       | 1,244         | 11.8%       |
| <b>Total</b>           | <b>9,513</b> | <b>100%</b> | <b>10,580</b> | <b>100%</b> |
|                        | <b>1990</b>  | <b>2000</b> |               |             |
| Homeowner Vacancy Rate | 3.2          | 0.9         |               |             |
| Rental Vacancy Rate    | 5.7          | 3.7         |               |             |

### Number of Units in Structure

In Lacey, there are a total of 10,580 housing units. The greatest majority (98 percent) are single-family detached. The next largest unit type is single-family attached, and then multi-family housing (2-4 units per structure) both with less than 1 percent of the total. The majority of single-family attached and detached units are owner-occupied while most multi-family units are rentals.

**Table 5**

**Housing Units by Number of Units in Structure and Tenure, 2000**

| Number of Units           | Owner-Occupied | Rental     | Vacant       | Total         | Percent     |
|---------------------------|----------------|------------|--------------|---------------|-------------|
| 1, Detached               | 8,418          | 804        | 1,194        | 10,416        | 98.4%       |
| 1, Attached               | 41             | 25         | 9            | 75            | 0.7%        |
| 2 to 4                    | 6              | 24         | 16           | 46            | 0.4%        |
| 5 to 9 units in structure | 0              | 18         | 0            | 18            | 0.2%        |
| 10 or more                | 0              | 0          | 0            | 0             | 0.0%        |
| Mobile                    | 0              | 0          | 25           | 25            | 0.2%        |
| Home / Trailer / Other    | 0              | 0          | 0            | 0             | 0.0%        |
| <b>Total</b>              | <b>8,465</b>   | <b>871</b> | <b>1,244</b> | <b>10,580</b> | <b>100%</b> |

### Age of Housing

Since 1930, the number of units built in Lacey has increased steadily until 1980. In fact, a major boom in housing development occurred from 1970 to 1979, which created 3,432 units or 32 percent of the total housing stock. Lacey continued to grow, but at a lesser rate than in the 70's, with 2,823 units built (27 percent of the total stock) between 1980 and 1990, and 1,526 units built between 1990 and March 2000. The median year of the housing age is 1977.

**Table 6**

**Age of Housing Stock**

| <b>Year Built</b>               | <b>Total Units</b> | <b>Percent of Total</b> |
|---------------------------------|--------------------|-------------------------|
| 1990 to March 2000              | 1,526              | 14.4%                   |
| 1980 to 1989                    | 2,823              | 26.7%                   |
| 1970 to 1979                    | 3,432              | 32.4%                   |
| 1960 to 1969                    | 1,453              | 13.7%                   |
| 1940 to 1959                    | 1,084              | 10.2%                   |
| 1939 or earlier                 | 262                | 2.5%                    |
| <b>Total</b>                    | <b>10,580</b>      | <b>100%</b>             |
| 2000 to 2003 Estimate           |                    |                         |
| Total 1939 to 2003              |                    |                         |
| <b>Median Year Built - 1977</b> |                    |                         |

**Housing Value**

In Lacey, nearly 65 percent of specified owner-occupied housing units are valued between \$100,000 to \$199,000. Median housing value in the Township (50 percent are lower and 50 percent are higher) is \$131,900.

**Table 7**

**Housing Value, 2000**

| <b>Specified Owner-Occupied Units*</b> | <b>Number</b> | <b>Percent</b> |
|----------------------------------------|---------------|----------------|
| Less than \$50,000                     | 26            | 0.3%           |
| \$50,000 to \$99,999                   | 1,614         | 19.5%          |
| \$100,000 to \$149,999                 | 3,690         | 44.5%          |
| \$150,000 to \$199,999                 | 1,648         | 19.9%          |
| \$200,000 to \$299,999                 | 1,044         | 12.6%          |
| \$300,000 to \$499,999                 | 238           | 2.9%           |
| \$500,000 to \$999,999                 | 30            | 0.4%           |
| \$1,000,000 or more                    | 8             | 0.1%           |
| <b>Total</b>                           | <b>8,298</b>  | <b>100%</b>    |
| <b>Median Value: \$131,900</b>         |               |                |

\*Total number of owner-occupied housing units described as either a one family home detached from any other house or a one family house attached to one or more houses on less than 10 acres with no business on the property. This is a U.S. Census Bureau distinction.

## **Contract Rents**

The median contract rent for rental units is \$763 with over 70 percent of renters paying between \$500 to \$999 monthly. Only 7 percent of the renters pay less than \$500 a month on contract rent.

**Table 8**

**Contract Rents, 2000**

| <b>Renter Occupied<br/>Units</b>  | <b>Number</b> | <b>Percent</b> |
|-----------------------------------|---------------|----------------|
| Less than \$250                   | 14            | 1.6%           |
| \$250 to \$499                    | 46            | 5.4%           |
| \$500 to \$749                    | 272           | 31.7%          |
| \$750 to \$999                    | 349           | 40.7%          |
| \$1,000 or more                   | 33            | 3.9%           |
| No Cash Rent                      | 143           | 16.7%          |
| <b>Total</b>                      | <b>857</b>    | <b>100.0%</b>  |
| <b>Median Contract Rent \$763</b> |               |                |

## **Quality Indicators**

Housing quality is generally evaluated by several indicators, as follows:

- Age. Units built before 1940 are considered to have a significant age factor.
- Overcrowding. Units containing more than 1.0 persons per room are considered to be overcrowded.
- Plumbing facilities. Units lacking complete plumbing for exclusive use are considered deficient.
- Kitchen facilities. Units lacking a sink with piped water, a stove and a refrigerator are considered deficient.
- Heating facilities. Units lacking central heat are considered deficient.

Only 2.5 percent of Lacey's housing stock is 60 years or older. Less than 1 percent of housing units can be considered overcrowded, lack plumbing, kitchen facilities or central heating. In general, it appears that the quality of the Township's housing stock is very good.

**Table 9**

**Quality Indicators, Housing Stock, 2000**

|                                     | Number        | Percent of Total |
|-------------------------------------|---------------|------------------|
| Built before 1940                   | 262           | 2.5%             |
| Overcrowded                         | 97            | 0.9%             |
| Lacking complete plumbing           | 17            | 0.2%             |
| Lacking complete kitchen facilities | 10            | 0.1%             |
| Lacking central heating             | 57            | 0.5%             |
| <b>Total Housing Units</b>          | <b>10,580</b> | <b>100.0%</b>    |

## 7.0 NJTPA POPULATION AND EMPLOYMENT PROJECTIONS:

The New Jersey Transportation Planning Authority (NJTPA) has completed employment and population projections for 2005 – 2015 for Lacey Township. The population of the Township is expected to increase by 1,950 households. COAH assumes that of the 1,950 housing units built to accommodate these new households, one in eight will be affordable. To calculate growth share, COAH divides the number of new housing units by 9 to account for the affordable unit. Therefore the projected growth share corresponding to the 1,950 new housing units is 217 affordable units.

NJTPA projects that the number of jobs in Lacey Township will increase by 510. COAH rules require one affordable unit for every 25 new jobs developed. Therefore the NJTPA forecasts that Lacey Township's job growth will require the provision of 20 affordable housing units.

To summarize, Growth Share projections based on the NJTPA estimates equal 217 units from residential growth + 20 units from non-residential growth = 237 affordable units.

The NJTPA projections are estimates that represent to COAH the minimal amount of residential and non-residential growth that will occur in the municipality between 2005 and 2015. These projections must be compared with estimates prepared by the municipality using data and projections based on Certificates of Occupancy issued, or expected to be issued, between 2004 and 2014.

Municipal growth projections that are consistent with those of the NJTPA will have a presumption of validity in any petition before COAH. If the growth projections are not consistent with those of the NJTPA, COAH may reject the petition unless the municipality demonstrates the validity of the analysis and the Office of Smart Growth Executive Director recommends the municipality's alternate projections.

## **8.0 MUNICIPAL POPULATION AND EMPLOYMENT PROJECTIONS**

The NJTPA population and employment projections must be compared to population and employment projections compiled by the municipality. This analysis requires the following data: 1) a detailed review of the history of Certificate of Occupancy (C.O.'s) and demolitions from 1995 to 2003; 2) data on actual C.O.'s and demolitions that occurred in 2004 and 2005; 3) data on approved development applications, pending development applications, anticipated development applications and demolitions between 2005 and 2014. Non-residential C.O.'s and demolitions must be presented by "use group." The tables below present the required data.

**Table 10**  
**Historic Trend of Residential Certificates of Occupancy**  
**And Demolition Permits**  
**Lacey Township, Ocean County**

|             | '95 | '96 | '97 | '98 | '99 | '00 | '01 | '02 | '03 |
|-------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| CO's issued |     | 111 | 149 | 144 | 162 | 140 | 139 | 129 | 88  |
| Demolitions |     | 5   | 7   | 8   | 9   | 8   | 8   | 18  | 16  |
| Net         |     | 106 | 142 | 136 | 153 | 132 | 131 | 111 | 72  |

\*data for 1995 is not available

Annual records show that the township issued an average of 129 Certificates of Occupancy from 1996-2004. The Township issued an average of nine residential demolition permits during this period.

**Table 11**  
**Anticipated Developments and Number of Residential Units**  
**Based on CO's Minus Demolitions (2004 - 2014)**

|                                              | <b>Total<br/>2005 - 2014</b> |
|----------------------------------------------|------------------------------|
| <b>Approved Development Applications:</b>    |                              |
| 2004/05: Certificates of Occupancy           | 249                          |
| 2004/05: approved or under construction      | 682                          |
| <b>Anticipated Development Applications:</b> |                              |
| Proposed                                     | 640                          |
| <b>Demolitions</b>                           |                              |
| 2004/05 Demolitions                          | (9)                          |
| <b>Net Projected Residential Growth</b>      | <b>1,562</b>                 |

COAH rules at N.J.A.C. 5:94-2.4(a)(4) allow a municipality to subtract affordable units from net residential growth and to exclude market rate units in an inclusionary development that were part of a certified second round plan. COAH assumes that market-rate units are generated at a rate of four times the number of affordable units generated on any particular site. Since Lacey Township's Second Round Plan did not include any inclusionary development, no units are eligible for exclusion.

The Township's final net residential growth is 1,562 units. COAH's growth share rules require one affordable unit to be built for every 8 market rate units. As shown in Table 14, the growth share generated by these 1,562 market rate residential units is therefore 195.25 affordable units, which must be provided by 2014.

**Table 12**  
**Residential Growth Share Obligation**

|                                                         | <b>Total</b>                        |
|---------------------------------------------------------|-------------------------------------|
| Final Net Residential                                   | 1,562                               |
| Residential Growth<br>Share Obligation<br>(Divide by 8) | $1,562/8 = 195.25$ affordable units |

COAH's Growth Share Methodology has both residential and non-residential components. The tables below show data required to calculate the Township's non-residential growth share component.

**Table 13**  
**Historic Trend of Non-Residential Certificates of Occupancy**  
**And Demolition Permits by Square Feet**  
**Lacey Township, Ocean County**

|                                    | '96<br>Sq Ft | '97<br>Sq Ft | '98<br>Sq Ft | '99<br>Sq Ft | '00<br>Sq Ft | '01<br>Sq Ft | '02<br>Sq Ft | '03<br>Sq Ft |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| CO's Issued<br>B-Office            | 96,164       | 19,417       | 12,750       | 5,360        | 121,371      | 1,538        | 13,017       | 30,825       |
| CO'S Issued<br>M-Retail            |              |              |              |              |              |              |              | 12,115       |
| CO's Issued<br>I-<br>Institutional |              |              |              |              |              |              |              |              |
| CO's Issued<br>S-Storage           |              |              |              | 1,680        | 8,400        |              |              | 2,401        |
| CO's Issued<br>E-<br>Educational   |              |              | 105,335      |              |              |              | 9,779        |              |
| CO's<br>I-Industrial               |              |              |              |              |              |              |              |              |
| CO's<br>A-<br>Assembly             |              | 6,615        |              | 7,271        | 4,397        |              |              |              |
| Demolitions                        |              |              |              |              |              |              |              |              |
| Office                             |              | 1            | 1            |              |              |              |              |              |
| Assembly                           |              | 1            | 1            |              |              |              |              |              |
| Retail                             |              |              |              |              |              | 1            |              |              |

The data from 1995 to 2003 is presented to demonstrate trends only. Net C.O.'s issued during these years do not generate a growth share. However, net C.O.'s for 2004, 2005 and beyond will generate a growth share.

Data provided by the Township show that non-residential development that was issued Certificates of Occupancy in 2004/05 or are anticipated to be issued Certificates of Occupancy by January 1, 2014 will generate a growth share of 36.40 affordable units. The data are shown in the Tables below:

**Table 14**  
**Lacey Township**  
**Actual and Anticipated Retail Development**  
**1 job per 1,000 square feet**  
**January 1, 2004 to January 1, 2014**

| <b>Project name</b> | <b>Block/Lot</b>     | <b>Square Footage</b> |
|---------------------|----------------------|-----------------------|
| Advanced Auto Parts | 314/28               | 6,781                 |
| Ryan Auto Repair    | 630/7.02             | 5,500                 |
| CVS                 | 739/2.04             | 18,000                |
| Nappa Auto Parts    | 1526.01/4.01         | 6,000                 |
| South Beach Marina  | 102/2.02             | 45,400                |
| Home Depot          | 314/29               | 298,737               |
| Walmart             | 629/1-5/10-12        | 142,047               |
| Lacey Land          | 630.01/1             | 6,195                 |
|                     |                      |                       |
|                     | Total Square Footage | 528,660               |
|                     | Total Number of Jobs | 528.66                |
|                     |                      |                       |

**Table 15**  
**Lacey Township**  
**Actual and Anticipated Office Development**  
**3 jobs per 1,000 square feet**  
**January 1, 2004 to January 1, 2014**

| <b>Project name</b> | <b>Block/Lot</b>     | <b>Square Footage</b> |
|---------------------|----------------------|-----------------------|
| Kearney Savings     | 739/2.03             | 3,210                 |
| Joseph Caucino      | 1527/17.01           | 5,500                 |
| Milco               | 1549/1.01            | 11,020                |
| Ridgemont           | 1465/1.01            | 7,700                 |
| Fieldcrest Commons  | 1665/1-18 30-80      | 32,742                |
| Dr. Wyman           | 739/9                | 4,788                 |
| New Vista           | 1837.01/8.01         | 55,750                |
|                     |                      |                       |
|                     | Total Square Footage | 120,710               |
|                     | Total Number of Jobs | 362.13                |
|                     |                      |                       |

**Table 16**  
**Lacey Township**  
**Actual and Anticipated Storage Development**  
**.2 jobs per 1,000 square feet**  
**January 1, 2004 to January 1, 2014**

| <b>Project Name</b> | <b>Block/Lot</b>     | <b>Square Footage</b> |
|---------------------|----------------------|-----------------------|
| CavBurt             | 1002/4.04            | 14,000                |
| CavBurt             | 1002/4.01-4.02       | 22,000                |
| Club Pro            | 1002/4.03            | 10,200                |
|                     |                      |                       |
|                     | Total Square Footage | 46,200                |
|                     | Total Number of Jobs | 9.24                  |

**Table 17**  
**Lacey Township**  
**Actual and Anticipated Education Development**  
**1 job per 1,000 square feet**  
**January 1, 2004 to January 1, 2014**

| <b>Project Name</b> | <b>Block/Lot</b>     | <b>Square Footage</b> |
|---------------------|----------------------|-----------------------|
| Goddard School      | 1601/5               | 12,420                |
|                     |                      |                       |
|                     | Total Square Footage | 12,420                |
|                     | Total Number of Jobs | 12.42                 |

**Table 18**  
**Lacey Township**  
**Non-Residential Growth Share**

| <b>Use Group</b>             | <b>Number of Jobs</b> |
|------------------------------|-----------------------|
| Retail                       | 528.66                |
| Office                       | 362.13                |
| Storage                      | 9.24                  |
| Education                    | 12.42                 |
|                              |                       |
| Total number of jobs         | 912.45                |
| Non-Residential Growth Share | $912.45/25 = 36.49$   |

**Table 19**  
**Total Net Non-Residential Growth in Jobs (Sum of Actual and Projected Growth)**  
**January 1, 2004 to January 1, 2014**

| Net ACTUAL<br>Non-Residential<br>Growth 2004-2005<br>(in jobs) | + | Net PROJECTED<br>Non-Residential<br>Growth to 2014<br>(in jobs) | = | Total Net<br>Non-Residential<br>Growth<br>(in Jobs) | Growth Share<br>Obligation<br>(Jobs/25) |
|----------------------------------------------------------------|---|-----------------------------------------------------------------|---|-----------------------------------------------------|-----------------------------------------|
| <b>65.97 jobs =<br/>2.64 affordable units</b>                  | + | <b>846.48 jobs =<br/>33.85 affordable units</b>                 |   | <b>912.45 jobs</b>                                  | <b>36.49<br/>affordable<br/>units</b>   |

Lacey Township's total Growth Share is calculated by adding its residential and non-residential growth share components as presented above. The Table below shows the total housing obligation generated by residential and non-residential development between 2004 and 2014.

**Table 20**  
**GROWTH SHARE TABLE**  
**Total Projected Affordable Housing Obligation Generated by**  
**Residential and Non-Residential Development 2004-2014**

|                 | <b>Total Growth<br/>Share Obligation</b> |
|-----------------|------------------------------------------|
| Residential     | 195.25                                   |
| Non-Residential | 36.49                                    |
| <b>Total</b>    | <b>231.74 rounded up<br/>to 232</b>      |

The Township's projection of 232 affordable units is less than the 237-unit projection estimated by the NJTPA. Since the municipal growth projections are

less than those of the NJTPA, the Township will use the NJTPA projections. By doing so, COAH will grant the Township's growth projections a presumption of validity. To rebut the presumption of validity, objectors shall have the burden of proof to demonstrate by clear and convincing evidence that the municipal growth projections are invalid and will not result in a realistic opportunity for the provision of low and moderate income housing within the housing region.

## 9.0 LACEY'S AFFORDABLE HOUSING OBLIGATION

COAH's Third Round methodology includes a *rehabilitation share*, a recalculated obligation from COAH's two *prior rounds*, and the future *growth share*. Lacey's Third Round Obligation can be summarized as follows:

|                          |     |                                           |
|--------------------------|-----|-------------------------------------------|
| The Rehabilitation Share | 1   | (See appendix C at N.J.A.C. 5:94. et seq) |
| Prior Round Recalculated | 580 | (See appendix C at N.J.A.C. 5:94. et seq) |
| Growth Share             | 237 | (See Section 8.0 of this report)          |

## 10.0 LACEY'S THIRD ROUND COMPLIANCE PLAN

### The Rehabilitation Share: 1 unit

COAH has established that there is one substandard housing unit occupied by low and moderate-income households in Lacey Township. Lacey can claim credits for any low or moderate income rehabilitation projects funded through the Ocean County Housing Rehabilitation Program and completed since January 1, 2000 (provided the average cost of the projects is \$8,000 and all code violations on the property have been abated.) Since 2000, six units have been rehabilitated through the Ocean County Housing Rehabilitation Program at an average cost of \$15,550.00. The projects are listed in the table below:

Table 21  
Units Completed Through the  
Ocean County Housing Rehabilitation Program

| Case Number | Address            | Lien Date and Duration | Lien Amount |
|-------------|--------------------|------------------------|-------------|
| L-114-1691  | 1627 Woodland Road | 6 years: 4/17/03       | \$7,830.00  |
| L-119-1777  | 1011 Sarasota Dr.  | 8 years: 4/12/04       | \$24,900.00 |
| L-120-1784  | 600 Adolphus St    | 8 years: 4/07/04       | \$19,435.00 |
| L-117-1767  | 15 Jones Rd        | 6 years: 6/23/04       | \$11,050.00 |
| L-102-1790  | 311 Sinclair Ave   | 6 years: 9/15/04       | \$15,000.00 |
| L-126-1868  | 1802 Binnacle Dr   | 10 years: 8/16/05      | \$15,000.00 |

**Prior Round Recalculated Component: 580 units**

Lacey's prior round obligation (1987-1999), as recalculated by COAH, is 580 units. The formulas for the Prior Round Recalculated component of the Third Round Plan are essentially the same as that of the second round. The only difference is "recalculated need plus the rehabilitation share" replaces "precredited need" in the formulas. Second round rules at *N.J.A.C. 5:93, et seq.* apply to this component of the Third Round Plan.

The formulas for the Prior Round Recalculated component are as follows:

- Maximum Regional Contribution Agreement =  $.5 [( \text{recalculated need} + \text{rehabilitation share} ) - \text{prior cycle credits} - 20\% \text{ cap} - 1,000 \text{ unit cap} - \text{rehabilitation credits}] - \text{any units transferred through a previous RCA} = .5 [(580 + 1) - 258 - 0 - 0 - 1] - 0 = .5 (322) = 161$  maximum number of RCA's for Second Round.
- Minimum Rental Obligation =  $.25 (\text{recalculated need} + \text{rehabilitation share}) - \text{prior cycle credits} - 20\% \text{ cap} - 1000 \text{ unit cap} - \text{rehabilitation share} = .25 [(580 + 1) - 258 - 0 - 0 - 1] = .25 (322) = 80.5$  rounded up to 81 rental units.

For the Second Round:

- A rental unit available to the general public receives one rental bonus;
  - An age-restricted unit receives a .33 rental bonus, but no more than 50 percent of the rental obligation shall receive a bonus for age-restricted units; and
  - No rental bonus is granted in excess of the rental obligation
- Maximum Number of Age Restricted units =  $.25 [( \text{recalculated need} + \text{rehabilitation share}) - \text{prior cycle credits} - \text{rehabilitation credits} - 20\% \text{ cap} - 1,000 \text{ unit cap}] - \text{age-restricted units addressing 1987-1993 housing obligation} = .25 [(580 + 1 - 258 - 0 - 0 - 1) - 0] = .25(322) = 80.5 \text{ rounded up to } 81 \text{ age-restricted units.}$

#### **Satisfying the Prior Round Recalculated Component:**

Lacey will satisfy its 580-unit Prior Round Recalculated as follows:

#### **CREDITS WITHOUT CONTROLS:**

COAH has approved 258 prior cycle credits that the Township earned through a Credits Without Controls Survey implemented in 1999. Each of these 258 units:

- Was issued a Certificate of Occupancy between April 1, 1980 and December 15, 1986
- Was certified to be in sound condition as the result of an exterior inspection called a "Structural Conditions Survey"
- Was occupied by a low or moderate income household at the time of the survey
- Was documented to be affordable to income eligible households at the time of the survey

**[258 prior cycle credits]**

#### **ALTERNATIVE LIVING ARRANGEMENTS:**

The Township is requesting credits for the following group home facilities as shown in Table 22 below. All of the group homes are licensed and funded by the New Jersey Department of Human Services and are deed restricted in accordance with State requirements. All of the group homes are in sites owned,

and not rented, by the parent company. None of the facilities is age-restricted.

**[32 rental credits + 32 rental bonuses = 64 credits]**

**Table 22**  
**Alternative Living Facilities**

| Name of Facility                   | Address               | # of bedrooms | CO Date  |
|------------------------------------|-----------------------|---------------|----------|
| Ocean Mental Health Services       | 916 Pensacola Rd      | 2             | 3/29/01  |
| Community Options Inc.             | 204 Nautilus Blvd     | 2             | 10/6/98  |
| Ocean Housing Development 1, Inc   | 771 Maple Road        | 3             | 3/10/04  |
| Assoc. for Multiple Impaired Blind | 1965 Sweetwood Dr.    | 4             | 7/29/02  |
| Assoc. for Multiple Impaired Blind | 15 Emerald Court      | 9             | 6/2/03   |
| Community Options Inc              | 1529 Sommerell Ave    | 4             | 6/22/99  |
| Outlook America NJ c/o Res-Care    | 645 Deerhead Lake Dr. | 5             | 10/21/97 |
| Ocean Mental Health Services       | 240 Oak Lane          | 3             | 10/24/05 |

#### **ASSISTED LIVING UNITS:**

The Township is requesting credit for 17 age-restricted rental credits for affordable units at the "Spring Oaks at Forked River," an assisted living facility that was partially funded by the New Jersey Housing and Mortgage Finance Agency. The facility is subject to NJHMFA affordability controls and deed restrictions, and it received its Certificate of Occupancy on February 14, 2000. NJHMFA income qualifies all income eligible applicants for the deed restricted units. **[17 age-restricted rental credits]**

#### **INCLUSIONARY ZONING SITE :**

Toll Brothers Developers plans to build a senior development on Block 1901, Lot 18 on the Lacey Township tax map. As part of this inclusionary development, Toll Brothers partnered with an affordable housing developer named Community Investment Strategies, Inc. (CIS) to construct a 100 unit affordable senior rental project on Lot 1, Block 1901.25 as shown on the official tax map. The site is located in State

Planning Area 2. Toll Brothers sold CIS the site for \$1.00. The site has final site plan approvals from the Township, except for public water. The Lacey Township Municipal Utility Authority is upgrading its plant per a Developer's Agreement with Toll Brothers. CIS has already been issued a CAFRA permit for its site.

Toll Brothers has agreed to provide a \$3.5 million subsidy toward the construction of the 100 affordable units. CIS has also been approved for an HMFA permanent mortgage to partially finance the project. It also has a commitment for 4% Low Income Housing Tax Credit Funding. CIS anticipates additional funding from Home Express. Lacey Township has approved the CIS project for a Payment In Lieu of Taxes. Due to age-restricted affordable housing maximums, the Township is asking for 27 credits at this time and will use the other 73 units to partially satisfy its Third Round Obligation.

**[27 age-restricted rental credits]**

#### **ZONING FOR 100 PERCENT AFFORDABLE:**

The Township owns a 1.23 acre parcel on Old Shore Road and Route 9, identified on the tax map as Block 1002.01, Lot 1.01. The site is designated as State Planning Area 2 and is in the town center. Currently in the M1 (industrial zone), the Township proposes to allow affordable alternative living facilities as a permitted use. The permitted use will allow a maximum of 50 u/ac with a height restriction of five (5) stories. The first story will be reserved for underground parking. The estimated yield is 60 affordable units, each with two bedrooms. The Township will work with a non-profit or for-profit developer that specializes in providing housing for developmentally disabled adults. The Township is requesting credits by the bedroom (as permitted by COAH) for a total of 120 credits. This site will also generate 49 rental bonuses. **[120 alternative living rental credits + 49 rental bonuses = 169 credits]**

## REGIONAL CONTRIBUTION AGREEMENT

The Township plans to enter an agreement with a receiving municipality to transfer 45 affordable housing units at \$35,000 per unit. Per COAH guidelines, and as discussed as a constraint above, the Township may transfer no more than 161 units to a receiving municipality. The proposal to transfer 45 units is within this limit. Lacey will use available funding from its Affordable Housing Trust Fund to offset the cost of the RCA and will bond for the remainder. [45 credits]

### Summary

Based on the foregoing, and as illustrated in the table below, the Township has totally satisfied the recalculated component of its Third Round obligation with 580 credits.

**Table 23**  
**Lacey Township**  
**Compliance Plan to Satisfy Recalculated Second Round Component**  
**Total Obligation = 580 units**

| Project                                      | Units      | Rental Bonuses | RCA Units | Subtotal Units & Credits |
|----------------------------------------------|------------|----------------|-----------|--------------------------|
| Credits Without Controls                     | 258        | —              | —         | 258                      |
| Alternative Living Units                     | 32         | 32             | —         | 64                       |
| Spring Oaks Assisted Living                  | 17         | —              | —         | 17                       |
| Community Investment Strategies              | 27         | —              | —         | 27                       |
| B 1002.10, Lot 1.01 Alternative Living Units | 120        | 49             | —         | 169                      |
| Regional Contribution Agreement              | —          | —              | 45        | 45                       |
| <b>TOTAL</b>                                 | <b>454</b> | <b>81</b>      | <b>45</b> | <b>580</b>               |

### Future Growth Share

Lacey has calculated its future growth share to be 232 affordable units. This growth share estimate is slightly less than the growth share projection put forth by the New Jersey Transportation Planning Authority (NJTPA). Therefore the Township will adopt the 237 unit affordable housing projection put forth by the NJTPA.

COAH's Future Growth Share formulas and rules are different from those which apply to the Recalculated Prior Round presented previously in this report. The formulas for the Future Growth Share component of the Third Round are as follows:

- $\text{RCA maximum} = .50 (\text{growth share obligation}) = .50 (237) = 118.5$  units rounded down to 118 per the Fair Housing Act.
  - Not more than 50% of the units transferred may be met with age-restricted units in the receiving municipality's project plan
- $\text{Rental obligation} = .25 (\text{growth share obligation}) = .25 (237) = 59.25$  rounded down to 59 rental units.
  - Rental bonuses only apply to rental units that exceed the rental obligation.
  - Age-restricted rental units are not eligible for rental bonuses to address the third round growth share.
  - Not more than 50 percent of the third round rental obligation may be met with age-restricted units.
- $\text{Age-restricted cap} = .50 (\text{growth share obligation}) = .50 (237) = 118.5$  rounded down to 118 units.
  - Up to 50% of the growth share obligation addressed within your municipality may be met with age-restricted housing. If a township chooses to enter an RCA, then the number of RCA units must be subtracted from the growth share number before the maximum number of age-restricted units is calculated. [Example:  $237 \text{ growth share} - 118 \text{ RCA's} = 119 \times .50 = 59 \text{ maximum age-restricted}$ ]

### **Satisfying the Growth Share Component**

Lacey Township 's Growth Share Component of 237 units will be met as follows:

#### **INCLUSIONARY DEVELOPMENT**

As discussed previously, Community Investment Strategies will build a 100 percent age-restricted affordable rental project on Block 1901, Lot 18. Lacey has already applied 27 credits from this project to partially satisfy the recalculated second round obligation. The balance of 73 credits will be used to satisfy the 73 unit growth share generated by the Toll Brothers site ( $580/8 = 72.5$  rounded up to 73). **[73 age-restricted rental credits]**

#### **Growth Share Ordinance**

The Township will adopt a Growth Share Ordinance that will require a 14% residential setaside equivalent to one affordable unit for every seven market rate units developed and one affordable unit for every 25 new jobs developed in the municipality. This setaside is slightly higher than the 1 affordable unit for every eight market rate units required by COAH. The additional affordable units will satisfy the 33 unit affordable housing obligation that Lacey has already accrued since January 1, 2004.

Once adopted, any future growth in market rate residential units or growth in non-residential square footage that generates a future growth share will be automatically satisfied by the developer or will be satisfied by a non-profit developer funded by *in lieu* contributions. **[33 credits plus future growth share]**

## **FAIR SHARE PLAN**

## **Appendix 1**

### **Resolutions**

**Planning Board Resolution**  
**Adopting the Housing Element and Fair Share Plan**

**WHEREAS**, the Planning Board of Lacey, Ocean County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on \_\_\_\_\_; and

**WHEREAS**, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b(3); and

**WHEREAS**, N.J.A.C. 5:94-2.2(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

**WHEREAS**, N.J.A.C. 5:94-4.1(a) requires the preparation of a Fair Share Plan in accordance with the Housing Element of the Master Plan; and

**WHEREAS**, N.J.A.C. 5:94-4.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of Lacey held a public hearing(s) on the Housing Element and Fair Share Plan on \_\_\_\_\_; and

**WHEREAS**, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Lacey \_\_\_\_\_ Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of Lacey, Ocean County, State of New Jersey, that the Planning Board hereby adopts the \_\_\_\_\_ 2005 Housing Element and Fair Share Plan.

\_\_\_\_\_  
Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of Lacey, Ocean County, on \_\_\_\_\_.

\_\_\_\_\_  
Planning Board Secretary

**Governing Body Resolution Petitioning with an  
Adopted Housing Element and Fair Share Plan**

**WHEREAS**, the Planning Board of Lacey , Ocean County, State of New Jersey, adopted the Housing Element of the Master Plan on \_\_\_\_\_; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on \_\_\_\_\_;  
and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Lacey , Ocean County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Lacey Planning Board ; and

**BE IT FURTHER RESOLVED** that the Governing Body of Lacey pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

**BE IT FURTHER RESOLVED** that all owners of sites in the Housing Element and Fair Share Plan have received notice of the petition; and

**BE IT FURTHER RESOLVED** that notice of this Petition for Substantive Certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven (7) days of issuance of the notification letter from the Council On Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Lacey Municipal Clerk's office located at 818 W. Lacey Road, during the hours of 8:30 a.m. and 4:30 p.m. on Monday through Friday for a period of forty-five (45) days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

Municipal Clerk: \_\_\_\_\_ Date: \_\_\_\_\_

**RESOLUTION OF GOVERNING BODY OF INTENT TO BOND FOR SHORTFALL**

**WHEREAS**, Lacey in Ocean County has petitioned the Council On Affordable Housing (COAH) for substantive certification of its adopted housing element and fair share plan; and

**WHEREAS**, COAH has determined that Lacey must allocate funds for the RCA; and

**WHEREAS**, Lacey anticipates that funding will come from the following sources to satisfy said obligation: its affordable housing trust fund and bonding;

**WHEREAS**, in the event that the above funding sources prove inadequate to meet Lacey's funding obligation, Lacey shall provide sufficient funding to address any shortfalls.

**NOW THEREFORE BE IT RESOLVED** by the governing body of Lacey, Ocean County, State of New Jersey, that the governing body does hereby agree to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that said shortfall shall be funded by bonding if there are no other resources.

Adopted: \_\_\_\_\_

Certified by: \_\_\_\_\_

**RESOLUTION OF GOVERNING BODY OF INTENT TO BOND FOR SHORTFALL**

**WHEREAS**, Lacey in Ocean County has petitioned the Council On Affordable Housing (COAH) for substantive certification of its adopted housing element and fair share plan; and

**WHEREAS**, COAH has determined that Lacey must allocate funds for the RCA; and

**WHEREAS**, Lacey anticipates that funding will come from the following sources to satisfy said obligation: its affordable housing trust fund and bonding;

**WHEREAS**, in the event that the above funding sources prove inadequate to meet Lacey's funding obligation, Lacey shall provide sufficient funding to address any shortfalls.

**NOW THEREFORE BE IT RESOLVED** by the governing body of Lacey, Ocean County, State of New Jersey, that the governing body does hereby agree to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that said shortfall shall be funded by bonding if there are no other resources.

Adopted: \_\_\_\_\_

Certified by: \_\_\_\_\_

Intent to Bond

**RESOLUTION OF THE GOVERNING BODY TO APPOINT A  
MUNICIPAL HOUSING LIAISON**

**WHEREAS**, Lacey Township in Ocean County has petitioned the Council On Affordable Housing (COAH) for substantive certification of its adopted housing element and fair share plan;

**WHEREAS**, COAH requires the Township to adopt a resolution appointing a municipal employee as the affordable housing liaison;

**WHEREAS**, the affordable housing liaison shall supervise the consultant who has been retained to serve as the affordable housing administrative agent to administer affordability controls and the affirmative marketing plan and be responsible for the administration of all of the Township's affordable housing programs.

**NOW THEREFORE BE IT RESOLVED** by the governing body of Lacey Township, Ocean County, State of New Jersey that the governing body does hereby agree to appoint John Curtin as its municipal housing liaison.

Adopted: \_\_\_\_\_

Certified by: \_\_\_\_\_

COAH liaison

## **Governing Body Resolution Requesting Review and Approval of Development Fee Ordinance**

**WHEREAS**, the Governing Body of Lacey, Ocean County petitioned the Council on Affordable Housing (COAH) for substantive certification on \_\_\_\_\_; and

**WHEREAS**, N.J.A.C. 5:94-6.1 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council On Affordable Housing that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees consistent with N.J.A.C. 5:94-6.8; and
2. A description of the amount and nature of the fees imposed, not to exceed the limits established in N.J.A.C. 5:94-6.6 and 6.7; and

**WHEREAS**, Lacey has prepared a development fee ordinance that is consistent with N.J.A.C. 5:94-6.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Lacey, Ocean County requests that COAH review and approve Lacey 's development fee ordinance.

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Municipal Clerk

## **Governing Body Resolution Requesting Review and Approval of Development Fee Spending Plan**

**WHEREAS**, the Governing Body of Lacey , Ocean County petitioned the Council On Affordable Housing (COAH) for substantive certification on \_\_\_\_\_; and

**WHEREAS**, Lacey received approval from COAH on \_\_\_\_\_ of its development fee ordinance; and

**WHEREAS**, N.J.A.C. 5:94-6.2(c) requires a municipality with an adopted development fee ordinance, payments that have been received in lieu of constructing affordable housing pursuant to the terms of a developer's agreement and/or funds from the sale of units with extinguished controls to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

**WHEREAS**, N.J.A.C. 5:94-6.5 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historic development activity;
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
3. A description of the anticipated use of all development fees, payments in lieu of constructing affordable housing units on site, and/or funds from the sale of units with extinguished controls, pursuant to N.J.A.C. 5:94-6.12;
4. A schedule for the expenditure of all development fees, payments in lieu of constructing affordable units on site, and/or funds from the sale of units with extinguished controls;
5. A schedule for the creation or rehabilitation of housing units;
6. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions being responsible for public sector or non-profit construction of housing; and
7. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

**WHEREAS**, Lacey has prepared a spending plan consistent with N.J.A.C. 5:94-6.5.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Lacey ,  
Ocean County requests that COAH review and approve Lacey 's spending plan.

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Municipal Clerk

**Appendix 2**  
**Implementing Ordinances**

## ORDINANCE 2005 - 15

### AN ORDINANCE ADDING A GROWTH SHARE SECTION TO THE LAND USE ORDINANCE IN CHAPTER 12, AS WELL AS AMENDING THE TOWNSHIP'S FEE ORDINANCE IN CHAPTER 14

**WHEREAS**, the New Jersey Council on Affordable Housing adopted Third Round Regulations in December of 2004, which added a requirement for municipalities to comply with "Growth Share". To address the Growth Share component of the COAH's Third Round Regulations, the Lacey Township Committee desires to adopt this Ordinance which imposes Growth Share requirements consistent with the COAH regulations on residential and non-residential developments within the Township.

**BE IT ORDAINED** by the Township Committee of the Township of Lacey as follows:

#### **Section 1. Growth Share.**

The Growth Share requirements contained in this ordinance shall be applied to all construction within Lacey Township. Responsibility for constructing an affordable housing unit shall be as provided for under this ordinance. Furthermore, this ordinance shall apply regardless of whether a minor subdivision, major subdivision or site plan is involved in the creation of the lot under construction or if the construction is on a pre-existing lot. The obligation for growth share construction shall apply regardless of whether or not the property owner or developer has obtained preliminary or final approval for the construction. For buildings currently under construction, the property owner is responsible for complying with the Growth Share requirements in this ordinance if a certificate of occupancy for the construction has not been issued prior to the adoption of this ordinance. For all other construction, the triggering mechanism for Growth Share responsibility shall be the issuance of a building permit for new construction.

#### **Section 2. Affordable Units Required for Residential Developments.**

Except for residential "inclusionary" developments which are otherwise required by ordinance to have a set-aside of "low" and "moderate" income units, any applicant for a residential development in Lacey Township that includes eight (8) or more residential lots and/or dwelling units shall be required to provide the number of affordable housing units equivalent to twelve and one-half percent (14.0%) of the total number of market rate units which will result from the proposed development, with any decimal amount rounded to the next highest whole number: All residential lots and/or dwelling units created from sub portions of an original tract of land during the time period between January 1, 2004 and December 31, 2014 shall be added together for the purposes of this ordinance provision, even if an individual

Growth Share Ord

subdivision and/or site plan created less than eight (7) residential lots and/or dwelling units.

### **Section 3. Affordable Units Required for Non-Residential Developments.**

Any applicant for a non-residential development in Lacey Township that includes the creation of new jobs shall be required to provide the number of affordable housing units equivalent to one (1) affordable housing unit for every twenty-five (25) new jobs created by the development, with any decimal amount rounded to the next higher round number. In accordance with the "Substantive Rules" of the New Jersey Council on Affordable Housing (COAH) the calculation of the number of new jobs shall be in accordance with "Appendix E" to COAH's "Substantive Rules" (N.J.A.C. 5:94-1, et seq.), which is entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share.

### **Section 4. "Low" & "Moderate" Income Split.**

Fifty percent (50%) of the affordable housing units required to be produced in accordance with Subsections 2 & 3 hereinabove shall be available to "low" income households and fifty percent (50%) shall be available to "moderate" income households, provided that any single remaining unit shall be available to a "low" income household.

### **Section 5. Compliance With COAH's Rules.**

All affordable housing units shall fully comply with all applicable "Substantive Rules" and policies of the New Jersey Council on Affordable Housing (COAH) including, unless modified above, but not limited to, bedroom distribution, controls on affordability, household income qualification and eligibility, range of affordability, affirmative marketing and the construction phasing of the market versus the affordable housing units.

### **Section 6. Payment Calculation**

For residential development which proposes less than eight residential units or non-residential construction that calculates to less than 25 jobs, the developer shall be required to provide a cash contribution for each new housing unit or 25 jobs, but in no event would a cash contribution for residential construction be less than \$17,750, which for the purposes of this ordinance is determined to be 1/8 of the cost of constructing an affordable housing unit, or no less than 1% of the equalized assessed value of non-residential development. For those developments proposing more than eight residential units, or more than 25 jobs in non-residential construction, the developer shall be required to provide onsite production of affordable housing and for any fractional or partial obligation remaining after the production of the mandated affordable housing units, shall pay the pro rata contribution as stated above.

## **Section 7. Alternative Methods of Compliance.**

Except for major subdivision or site plan approvals involving eight or more units or 25 or more jobs where onsite production of affordable housing units is required, and further provided the applicant obtains advanced written permission from the Lacey Township Committee, the applicant may choose to satisfy its affordable housing obligation calculated in accordance with Sections 2. and 3. in accordance with one or more of the following alternatives as permitted by COAH's "Substantive Rules" as set forth below:

- i. Onsite production of affordable housing units;
- ii. The purchase of an existing market rate dwelling unit within the municipality and its conversion to an affordably priced unit;
- iii. The purchase of an existing market rate dwelling unit within the municipality and its conversion to an "alternative living arrangement" facility (i.e., group home); and/or
- iv. Participation in gut rehabilitation and/or buy down/write down or buy-down/rent down programs.
- v. Payment in accordance with Section 6.

## **Section 8. Application Review and Approval**

Applicant shall obtain written permission from the Township Committee endorsing the applicant's plan for satisfying the affordable housing obligation created by the proposed development which shall be submitted to the Planning Board at the time the application for development is submitted for review and approval and shall be considered a condition for the application being determined "complete".

## **Section 9. Other Design Considerations.**

- a. Permitted housing types for affordable units. More than one affordable unit may be on a building lot. Single-family, duplex and triplex structures, which are affordable housing units, are permitted in Lacey Township.
- b. The affordable housing structures shall be consistent in size and architectural features with the neighborhood or as approved by the Planning Board.
- c. Septic systems for the affordable housing units on the same lot may only share the leach field and shall be maintained with an annual maintenance fee from each unit, at the discretion of the Planning Board. Each owner shall maintain other septic system components. Any septic system arrangement under this provision is subject to the Ocean County Board of Health approval.

## **Section 10. In Lieu of Cash Contributions.**

In lieu of construction of an affordable unit for a partial obligation, i.e. 5/7 or 13 jobs for example, each residential unit will be responsible for the payment of 1/7 and each non-residential unit will be obligated to pay 1/25 of the cash contribution. For purposes of this ordinance, the cash contribution for residential development shall be \$142,000. The cash contribution for non-residential development shall be 1% of the equalized assessed value. The cash contribution for residential development is presumptively the cost of an affordable unit either in a single family subdivision setting including land, or one unit in a multi-family setting including land. The Planning Board may adjust from time to time the presumptive amount based upon the evidence.

## **Section 11. Construction of Affordable Units.**

The residential units shall be constructed on a schedule in accordance with Section 4.4(f) of the COAH regulations:

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

Non-residential development shall be constructed based upon the same percentages above by substituting non-residential development for market rate units.

## **Section 12.**

Growth share housing is a permitted use in every residential zone and a conditionally permitted use in every non-residential zoning district to the extent that production of affordable housing units is mandated by this Ordinance. Mandatory onsite production of affordable units shall not increase the density permitted in any residential district. The applicant must satisfy the growth share requirements within the existing density. In non-residential zones, the residential density shall be the minimum required by COAH to satisfy the COAH obligation.

## **Section 13.**

The Municipal Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all other entities thereto pursuant to the provisions of N.J.S.A. 40:55D-15. The Municipal Clerk is further directed to refer this Ordinance to the Lacey Planning Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after

public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance, as finally adopted, with the Ocean County Planning Board , as required by N.J.S.A. 40:55D-16.

**Section 14. Severability.**

If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

**Section 15. Repealer.**

All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 16. Effective Date.**

This ordinance shall take effect after publication and passage according to law.

**B. Section 17 Notice Requirements**

The Municipal Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Chapter to the County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Chapter, after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this Chapter, as finally adopted, with the Ocean County Planning Board as required by N.J.S.A. 40:55D-16.

## FAIR SHARE ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF LACEY CHAPTER \_\_\_\_\_ IN ORDER TO ADDRESS REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) RELATED TO LACEY 'S THIRD ROUND SUBSTANTIVE CERTIFICATION OF ITS HOUSING ELEMENT AND FAIR SHARE PLAN.

BE IT ORDAINED by the Mayor and Committee of Lacey Township, Ocean County that Chapter, \_\_\_\_\_ entitled Affordable Housing Provisions of the general ordinances/ zoning ordinances of Lacey is hereby amended to address Lacey 's constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with the provisions of N.J.A.C. 5:95 et. seq. and N.J.A.C. 5:80-26.1 as effective on December 20, 2004, and pursuant to the New Jersey Fair Housing Act of 1985.

The Lacey Planning Board adopted the Housing Element pursuant to the MLUL at N.J.S.A. 40:55D-1 et seq. on November 28, 2005. A Fair Share Plan was prepared by Schoor Depalma that is consistent with this Housing Element and which was adopted by the Planning Board on December 12, 2005 and endorsed by the Governing Body on December 14, 2005. This Fair Share Plan describes the methods by which Lacey will address its Fair Share obligation as determined by the Housing Element. This ordinance implements and incorporates that Fair Share Plan and addresses the requirements of N.J.A.C. 5:94 et. seq. Lacey annually files a monitoring report with the Committee delineating the status of its certified plan and this report is available to the public at the municipal building of Lacey and from the Council On Affordable Housing at P.O. Box 813, Trenton, New Jersey 08625-0813.

Lacey has determined that it will satisfy its affordable housing obligation with alternative living credits, a Regional Contribution Agreement, senior rentals and a Growth Share Ordinance.

### Section 1. Municipal Fair Share Obligation

The fair share obligation in Lacey consists of a 1 unit rehabilitation obligation, a 580 unit prior round obligation, and a growth share obligation of 237 units that represents one (1) affordable unit for every eight (7) market rate residential units receiving a certificate of occupancy subsequent to January 1, 2004 plus one affordable housing unit for every twenty-five (25) jobs created through the expansion or creation of non-residential development in accordance with the schedule determined by the New Jersey Council On Affordable Housing (COAH).

### Section 2. Definitions

Section b. entitled "Definitions and Rules of General Applicability" is hereby amended and defines the following terms:

“Administrative agent” means the entity responsible for administering the affordability controls of this ordinance with respect to specific restricted units, as designated pursuant to N.J.A.C. 5:80-26.14.

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

“Affordable” means, 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 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.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“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.) and in, but not of, the DCA.

“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 where the head of the household is a minimum age of either 62 years, or 55 years and meets the provisions of the 42 U.S.C. §§3601 et seq., except that due to death, a remaining spouse of less than 55 years of age shall be permitted to continue to reside.

“Assisted living residence” means a facility 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 offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Balanced Housing” means the Neighborhood Preservation Balanced Housing Program of the DCA as set forth at N.J.S.A. 52:27D-320 and N.J.A.C. 5:43.

“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 in, but not of, the DCA, established under 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.

“Fair Share Round” means any one of three (3) periods in time during which the Committee established municipal obligations to provide affordable housing and the first round was from 1987-1993 and the second round was from 1993-1997 and the third round is for 1999-2014.

"HAS" means the Housing Affordability Service, formerly known as the "Affordable Housing Management Service," in the Department of Community Affairs, Division of Housing.

"Low-income household" means a household with a total gross annual household income equal to fifty (50%) percent or less of the median income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Median income" means the median income by household size for an applicable county, as adopted annually by COAH.

"Moderate-income household" means a household with a total gross annual household income in excess of fifty (50%) percent but less than eighty (80%) percent of the median income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"MONI" means the Agency's Market Oriented Neighborhood Investment Program, as it may be authorized from time to time by the Agency.

"95/5 unit" means a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, before October 1, 2001.

"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 (1) 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 affordable to a four-person household with an income at or above eighty (80%) percent of the regional median as defined by the Committees annually adopted income limits.

"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 ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, but does not include a market-rate unit financed under UHORP or MONI.

"UHORP" means the Agency's Urban Homeownership Recovery Program.

The following general guidelines apply to ALL DEVELOPMENTS that contain proposed low-and moderate-income units, as listed below, and any future developments that may occur.

### Section 3. Rehabilitation

The rehabilitation program

1. Lacey 's rehabilitation program is designed to renovate deficient housing units occupied by low and moderate-income households and after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
2. Lacey has designated Ocean County Housing Rehabilitation Program as the administrator of the rehabilitation program.
3. Both renter occupied and owner occupied units are eligible for rehabilitation funds.
4. Both renter occupied and owner occupied units must remain affordable to low and moderate-income households for a period of ten (10) years and for owner occupied units this control period will be enforced with lien and for renter occupied units the control period will be enforce with a deed restriction and a lien.
5. Lacey will dedicate a minimum of \$10,000 for units rehabilitated through this program.
6. Lacey abides by a rehabilitation manual for this rehabilitation program, which is available for inspection at the County Administration Building.

### Section 4. Zoning

Lacey has adopted a Growth Share Ordinance [Optional – As these zones do not allow for an increase in the density to accommodate affordable housing and require a maximum of 1 of every 7 market rate residential units or one unit for every 25 jobs created to be affordable to low- and moderate-income households.

This ordinance provides for a set-aside of affordable housing (one (1) affordable unit for every eight (7) market rate units). Any payments in lieu of development will be used within Lacey for the creation of affordable housing units.

In zones where affordable housing units must be built, as opposed to where there is an option to pay for units instead of building, the following schedule shall be followed:

| <u>Percentage of Market-Rate<br/>Units Completed</u> | <u>Minimum Percentage (%) of Low- and<br/>Moderate-Income Units Completed</u> |
|------------------------------------------------------|-------------------------------------------------------------------------------|
| 25                                                   | 0                                                                             |
| 25+1                                                 | 10                                                                            |
| 50                                                   | 50                                                                            |
| 75                                                   | 75                                                                            |
| 90                                                   | 100                                                                           |

#### Section 5. New Construction

##### A. Bedroom Distribution of affordable housing units:

1. The fair share obligation shall be divided equally between low- and moderate-income households.
2. In each affordable development, at least fifty (50%) percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - a. The combined number of efficiency and one (1) bedroom units is no greater than twenty (20%) percent of the total low- and moderate-income units;
  - b. At least thirty (30%) percent of all low- and moderate-income units are two (2) bedroom units;
  - c. At least twenty (20%) percent of all low- and moderate-income units are three (3) bedroom units; and
  - d. The remainder may be allocated at the discretion of the developer;
  - e. Age-restricted low- and moderate-income units may utilize a modified bedroom distribution and at a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development.

##### B. Accessible Townhouse Units

No accessible townhomes are planned

##### C. Design Standards

Affordable units shall be designed to include all amenities, facade treatments and living area found in comparable market-rate units located within the same development.

#### D. Maximum Rents and Sales Prices

1. Lacey hereby establishes that the maximum rent for affordable units within each affordable development shall be affordable to households earning no more than sixty (60%) percent of median income and the average rent for low- and moderate-income units shall be affordable to households earning no more than fifty-two (52%) percent of median income.
2. The developers and/or municipal sponsors of restricted rental units shall establish at least one (1) rent for each bedroom type for both low-income and moderate-income units, provided that at least ten (10%) percent of all low- and moderate-income units shall be affordable to households earning no more than thirty-five (35%) percent of median income.
3. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70%) percent of median income and each affordable development must achieve an affordability average of fifty (50%) percent for restricted ownership units and in achieving this affordability average, moderate-income ownership units must be available for at least three (3) different prices for each bedroom type, and low-income ownership units must be available for at least two (2) different prices for each bedroom type.
4. The provisions of this ordinance shall not apply to affordable developments financed under UHORP or MONI or to assisted living residences, which shall comply with applicable Agency policies, guidelines and regulations.

#### Section 6. Utilities

1. Affordable units shall utilize the same type of heating source as market units within the affordable development.
2. Those tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

#### Section 7. Occupancy Standards

Occupancy standards for affordable housing units are pursuant to N.J.A.C. 5:80-26.4.

## Section 8. Control Periods for Ownership Units and Enforcement Mechanisms

Control periods for ownership units are pursuant to N.J.A.C. 5:80-26.5 and each restricted ownership unit shall remain subject to the requirements of this ordinance until Lacey elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1 and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 for at least thirty (30) years.

1. At the time of the first sale of the unit, the 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 requirements of 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.

2. All conveyances of restricted ownership units shall be made by deeds and restrictive covenants pursuant to N.J.A.C. 5:80-26.1 and each purchaser of a 95/5 unit, in addition, shall execute a note and mortgage, incorporated herein by reference.

3. 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.

## Section 8. Price Restrictions for Ownership Units and Resale Prices

Price restrictions for ownership units are pursuant to N.J.A.C. 5:80-26.1, including;

1. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent. The initial purchase price for all restricted ownership units except those financed under UHORP or MONI shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95 (95%) percent of the purchase price and the Federal Reserve HR15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight (28%) percent of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

2. The initial purchase price of a restricted ownership unit financed under UHORP or MONI shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve HR15 rate of interest),

taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight (28%) percent of the eligible monthly income of a household whose income does not exceed forty-five (45%) percent of median income, in the case of a low-income unit, or seventy-two (72%) percent of median income, in the case of a moderate-income unit, and that is of an appropriate household size as determined under N.J.A.C. 5:80-26.4.

3. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

4. The master deeds of affordable 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, although condominium units subject to a municipal ordinance adopted before October 1, 2001, which provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection shall have such fees and assessments governed by said ordinance.

5. The owners of ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom.

#### Section 9. Buyer Income Eligibility

Buyer income eligibility for ownership units is pursuant to N.J.A.C. 5:80-26.1, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to fifty (50%) percent of median income and moderate income ownership units shall be reserved for households with a gross household income less than eighty (80%) percent of median income.

1. 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 unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees as applicable) does not exceed thirty-three (33%) percent of the household's eligible monthly income.

2. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the municipal building inspector stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a).

## Section 10 Rental Units Control Period

Each restricted rental unit shall remain subject to the requirements of this ordinance until Lacey elects to release the unit from such requirements, however, prior to such a municipal election, a restricted rental unit must remain subject to the requirements of this ordinance for a period of at least thirty (30) years.

1. 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 and a copy of the filed document shall be provided to the administrative agent within thirty (30) days of the receipt of a certificate of occupancy.

2. 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; and/or,
- c. the entry and enforcement of any judgment of foreclosure.

## Section 11 Price Restrictions for Rental Units and Rent Increase; leases

The initial rent for a restricted rental unit shall be approved by the administrative agent and shall be calculated so as not to exceed thirty (30%) percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

1. Rents may be increased annually based on the Housing Consumer Price Index for the United States, and these figures are published annually by COAH. Rents may not be increased more than once a year.

2. A written lease is required for all restricted rental units, except for units in an assisted living residence, and tenants are responsible for security deposits and the full amount of the rent as stated on the lease.

3. No additional fees or charges may be added to the approved rent (except, in the case of units in an assisted living residence, for the customary charges for food and services) without the express written approval of the administrative agent. Application fees (including the charge for any credit check) may not exceed five (5%) percent of the monthly rental of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls in this ordinance as applicable to the unit.

Section 12 Tenant income eligibility will be enforced pursuant to N.J.A.C. 5:80-26.1.

Section 13 Administrative agent for Lacey 's affordable housing units

The affordability controls set forth in this ordinance shall be administered and enforced by the administrative agent. The primary responsibility of the administrative agent shall be to ensure that the restricted units under administration are sold or rented, as applicable, only to low and moderate-income households.

1. The administrative agent shall create and shall publish in plain English, and in such other languages as may be appropriate to serving its client base, a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants of N.J.A.C. 5:80-26.18 and for releasing restricted units promptly at the conclusion of applicable control periods. The administrative agent shall have authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth in N.J.A.C. 5:80-26.16
2. The administrative agent shall establish and maintain a ready database of applicant households as a referral source for certifications to restricted units, and shall establish written procedures to ensure that selection among applicant households be via the database, and in accordance with a uniformly applied random selection process and all applicable State and Federal laws relating to the confidentiality of applicant records.
3. The municipality in which restricted units are located shall select one or more administrative agents for those units. A municipality itself (through a designated municipal employee, department, Board, agency or committee) may elect to serve as the administrative agent for some or all restricted units in the municipality, or the municipality may select HAS or an experienced private entity approved by the Division, the Agency or COAH to serve as administrative agent for some or all restricted units in the municipality. The foregoing approval by COAH or the Division is to be based on the private entity's demonstration of the ability to provide a continuing administrative responsibility for the length of the control period for the restricted units. The Agency shall select the administrative agents for restricted units receiving UHORP or MONI funding.
4. The administrative agent shall have the authority to discharge and release any or all instruments, as set forth in the Appendices of this ordinance, filed of record to

establish affordability controls.

#### Section 14 Affirmative Marketing

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 COAH Housing Region in which the municipality is located and covers the period of deed restriction.

1. The administrative agent shall assure the affirmative marketing of affordable units.
2. If the municipality does not designate a municipal staff person, it shall contract with other experienced administrative agents approved by COAH to administer the affirmative marketing plan. Where the municipality contracts with another administrative agent to administer the affirmative marketing plan, the municipality shall appoint a housing officer who shall supervise the contracting administrative agent. In addition, where the contracting administrative agent is not responsible for the entire affirmative marketing plan, the municipality shall outline who or what municipal agent is responsible for the remaining portion of the affirmative marketing plan. The municipality has the ultimate responsibility for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and re-rentals.
3. In implementing the affirmative marketing plan, administrative agents shall designate an experienced staff person approved by COAH 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.
4. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In developing the plan, the administrative agent shall consider the use of language translations.
5. The affirmative marketing process for available affordable units shall begin at least four (4) months prior to expected occupancy.
6. Applications for affordable housing shall be available in several locations, including, at a minimum, the county administrative building and/or the county library for each county within the housing region; the municipal administrative building(s) and the municipal library in the municipality in which the units are

located; and the developer's sales office. Applications shall be mailed to prospective applicants upon request.

7. COAH shall review and assess the effectiveness of Lacey 's affirmative marketing program.

#### Section 15 Household certification and referral; related project information

No household may be referred to a restricted unit, or may receive a commitment with respect to a restricted unit, unless that household has received a signed and dated certification and has executed a certificate.

1. The sources of income considered by the administrative agent shall be the types of regular income reported to the Internal Revenue Service and which can be used for mortgage loan approval.

2. If the 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 unless the applicant's existing monthly housing costs exceed thirty-eight (38%) percent of the household's eligible monthly income.

3. The administrative agent shall employ a random selection process when referring households for certification to affordable units.

#### Section 16 Enforcement of Affordable Housing Regulations

By accepting State funds for affordable housing purposes, or by submitting to the jurisdiction of COAH, a municipality shall be deemed to have delegated to its administrative agent the day-to-day responsibility for implementing practices and procedures designed to ensure effective compliance with the controls set forth in this ordinance. The municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with this ordinance.

Administrative agent practices and procedures shall include, but shall not necessarily be limited to, the following:

1. 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.

2. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates.

3. 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 can be made.

4. If the unit is owner-occupied:

a. That the unit may be resold only to a household that has been approved in advance and in writing by the administrative agent.

b. That no sale of the unit shall be lawful, unless approved in advance and in writing by the administrative agent, and that no sale shall be for a consideration greater than regulated maximum permitted resale price, as determined by the administrative agent.

c. That no refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt secured by the unit may be incurred except as approved in advance and in writing by the administrative agent, and that at no time will the administrative agent approve any debt, if incurring the debt would make the total of all such debt exceed ninety-five (95%) percent of the then applicable maximum permitted resale price.

d. That the owner of the unit shall at all times maintain the unit as his or her principal place of residence, which shall be defined as residing at the unit at least two hundred sixty (260) days out of each calendar year.

e. That, except as set forth in N.J.A.C. 5:80-26.18(c)4vii, at no time shall the owner of the unit lease or rent the unit to any person or persons, except on a short-term hardship basis, as approved in advance and in writing by the administrative agent.

f. That the maximum permitted rent chargeable to affordable tenants is as stated in the notice required to be posted in accordance with N.J.A.C. 5:80-26.18(d)3 of this ordinance, a copy of which shall be enclosed, and that copies of all leases for affordable rental units must be submitted annually to the administrative agent.

g. Banks and other lending institutions are prohibited from issuing any loan secured by owner-occupied real property subject to the affordability controls set forth in this ordinance, if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located.

Section 17 Appeals

Appeals from all decisions of an administrative agent appointed pursuant to this ordinance shall be filed in writing with the Executive Director of the Agency.

Types of affordable housing programs are as follows:

1. Municipal Zoning
2. New Construction
3. Municipally Sponsored and 100 percent affordable programs
4. Regional Contribution Agreement
5. Alternative Living Arrangements
6. Accessory Apartments
7. Write Down Buy Down
8. Municipally Sponsored Rental Programs
9. ECHO units
10. Assisted Living Residences
11. Affordable Housing Partnership Programs
12. Expanded Crediting Opportunities

Date of Introduction and First Reading: \_\_\_\_\_

Date of Introduction and Second Reading: \_\_\_\_\_

I certify the foregoing Ordinance is a true and accurate copy of an Ordinance adopted by the Lacey Township Committee on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Township Clerk

TOWNSHIP OF LACEY  
ORDINANCE NO. 2005-  
AN ORDINANCE OF THE TOWNSHIP OF LACEY ,  
COUNTY OF OCEAN COUNTY AND STATE OF NEW JERSEY,  
AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP  
OF LACEY FOR THE ESTABLISHMENT OF A NEW SECTION \_\_\_\_\_  
ENTITLED "AFFIRMATIVE MARKETING ORDINANCE"

Lacey , Ocean County has a fair share obligation of twenty one 580 recalculated prior round affordable units, zero (1) rehabilitation unit and 237 growth share units which will be satisfied through group home credits, an RCA, rental units and a growth share ordinance. This Ordinance will apply to all new apartments that are built and any future development that contain proposed low and moderate income units that may occur:

The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan will address the requirements of N.J.A.C. 5:94 et.al. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. Lacey is in the housing region consisting of Ocean County, Ocean County, and Mercer Counties. The affirmative marketing program is a continuing program and will meet the following requirements:

- All newspaper articles, announcements and requests for applications for low and moderate income units will appear in the following daily newspapers/publications. (One regional newspaper is sufficient as long as the combined outreach efforts attract sufficient applicants.) Traditionally, municipalities place at least one (1) ad

in a regional newspaper, one (1) ad in a countywide newspaper and one (1) ad in a local newspaper.

- The following newspapers will be utilized:

Asbury Park Press

The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis. The advertisement will include the:

- street address
- direction to housing units;
- number of bedrooms per unit;
- range of selling prices/rents;
- size of units;
- household income limits and
- location of applications including business hours and where/how applications may be obtained.

All newspaper articles, announcements and requests for applications for low and moderate income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications or organizational newsletters within the region:

If applicable, the following regional radio and/or cable television station(s) will be used:

- 101.5 FM

The following is the location of applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region:

- Municipal Building
- Libraries in Ocean County, Monmouth and Mercer Counties

The following is a list of community organization(s) 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:

- County Offices on Aging in Ocean, Monmouth and Ocean Counties

The following is a description of the random selection method that will be used to select occupants of low and moderate income housing: There will be a period in which to complete and submit applications. The names of households that have completed applications in that timeframe and who are income eligible will be randomly selected to see the apartments. The housing administrator will select the renter from the eligible list of applicants.

Lacey is ultimately responsible for administering the affirmative marketing program. Lacey will delegate this responsibility to a housing administrator which will income qualify low and moderate income households; place income eligible households in low and moderate income units upon initial occupancy; provide for the initial occupancy of low and moderate income units with income qualified households; continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; assist with advertising and outreach to low and moderate income households if in contract; and enforce the terms of the deed restriction and mortgage loan as per the Uniform Housing Affordability Controls (UHAC). The Township will also designate a housing officer to act as liaison to the housing administrator. The housing administrator will provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, responsibilities of homeownership, rental lease requirements and landlord/tenant law.

Applications will be mailed to prospective applicants upon request.

Households who live or work in the COAH-established housing region may be given preference to rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. Lacey intends to comply with UHAC.

Developers of low and moderate income housing units may assist in the marketing of the affordable units in their respective developments if so designated by Lacey .

The marketing program will commence at least one hundred twenty (120) days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.

Lacey will comply with monitoring and reporting requirements as per N.J.A.C. 5:94-7.3.

Date of Introduction and First Reading: \_\_\_\_\_

Date of Introduction and Second Reading: \_\_\_\_\_

I certify the foregoing Ordinance is a true and accurate copy of an Ordinance adopted by the Lacey Township Governing Body on \_\_\_\_\_. 2005.

\_\_\_\_\_  
Township Clerk

## **Amended Development Fee Ordinance**

### **1. Purpose**

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council On Affordable Housing's (COAH's) adoption of rules. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees.

### **2. Basic requirements**

- a) *Lacey* shall not increase development fees until COAH has approved a plan for spending such fees and *Lacey* has received third round substantive certification from COAH or a judgment of compliance.

### **3. Definitions**

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
  - ii. "COAH" means the New Jersey Council On Affordable Housing.
  - iii. "Development fee" means funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.
  - iv. "Equalized assessed value" means the value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained

utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

**4. Residential Development fees**

- a) In accordance with COAH's Substantive Rules at 5:94 et.al., all new development of residential dwelling units with the Township of Lacey , not exempt from the collection of development fees in accordance with the provisions specified in Subsection 19-609 D of this ordinance hereinbelow, shall pay a fee of one percent of the equalized assessed value for residential development provided no increased density is permitted.
- b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized for each additional rental unit.

**5. Non-residential Development fees**

- a) In accordance with COAH's Substantive Rules at 5:94 et.al., all new development of residential dwelling units with the Township of Lacey , not exempt from the collection of development fees in accordance with the provisions specified in Subsection 19-609 D of this ordinance hereinbelow, all new development of non-residential buildings shall pay a fee of two percent of the equalized assessed value for non-residential development.
- b) If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six percent percent of the equalized assessed value for non-residential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

**6. Eligible exactions, ineligible exactions and exemptions**

- a) Affordable housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees unless exempted below.

- b) Development fees shall not be collected for the expansion of an existing residential dwelling unit and/or for the construction of an accessory structure.
- c) Regarding minor subdivisions approved prior to May 1, 2001, any residential dwelling unit to be constructed on a lot created by the approved minor subdivision (as set forth at N.J.S.A. 40:55 as amended) *if the Construction Permit for the selling unit is issued within two (2) years from the date on which the Resolution of minor subdivision approval was adopted*, or with such further time if an extension has been granted pursuant to the Municipal Land Use Law.
- d) Regarding minor site plans approved prior to May 1, 2001, any principal nonresidential building to be constructed as part of the approved minor site plan (as set forth at N.J.S.A. 40:55d-46.1, as amended) *shall be exempt from paying development fees if the Construction Permit for the building is issued within two (2) years from the date on which the Resolutions for minor site plan approval was adopted* or within such further time if an extension has been granted pursuant to the Municipal Land Use Plan.
- e) Regarding preliminary major subdivisions and/or preliminary major site plans approved prior to May 1, 2001, any residential dwelling unit and/or principal nonresidential building to be constructed as part of the approved development shall be exempt from paying development fees if the following two (2) conditions have been met:
  - i. *The subject development received final major subdivision and/or final major site plan approval prior to the expiration of the vesting period of three (3) years* (as set forth at N.J.S.A. 40:55d-49, as amended) from the date on which the Resolution of preliminary approval was adopted, or within such further time if an extension has been granted pursuant to the Municipal Land Use Law; and
  - ii. *The Construction Permit is issued within two (2) years* (as set forth at N.J.S.A. 40:55d-52, as amended) from the date on which the Resolution of final major subdivision and/or final major site plan approval was adopted, or within such further time if an extension has been granted pursuant to the Municipal Land Use Law.
  - iii. Regarding final major subdivisions and/or final major site plans approved prior to May 1, 2001, any residential dwelling unit and/or any principal nonresidential building to be constructed as part of the approved development *shall be exempt from paying development fees if the Construction Permit is issued within two (2) years* (as set forth at N.J.S.A.

40:55D-52, as amended) from the date on which the Resolution of final subdivision and/or final site plan approval was adopted, or within such further time if an extension has been granted pursuant to the Municipal Land Use Law.

## **7. Collection of fees**

- a) Fifty percent of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy. The Township Tax Assessor shall re-estimate the equalized assessed value and the required development fee at the time of the issuance of the Certificate of Occupancy, again with the understanding that the estimate of the equalized assessed value is not intended to establish the equalized assessed value for tax purposes. The developer shall be responsible for paying the difference between the development fee calculated at the time of the issuance of the Certificate of occupancy and the amount paid at the time of the issuance of the Construction Permit.
- b) Thereafter, when the final equalized value is determined by the Township Tax Assessor for tax purposes, the Construction Code Official shall be so noticed by the Township Tax Assessor and the following actions shall be taken:
  - i. If the developer overpaid the development fee at the time of issuance of the Certificate of Occupancy, the developer shall receive a refund of the amount overpaid from the "Housing Trust Fund," i.e., the difference between the development fee as previously calculated based upon the estimated equalized value and the development fee as calculated based upon the equalized assessed value as finally determined.
  - ii. If additional fees are due, the developer shall be so noticed by the Construction Code Official. Within ten (10) days from receipt of the notice, the developer shall pay to the Township Construction Code Official any additional development fees as may be required; i.e., the difference between the development fee as previously calculated based upon the estimated equalized value and the development fee as calculated based upon the equalized assessed value as finally determined.

## **8. Contested fees**

- a) Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by Lacey. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

**9. Affordable Housing trust fund**

- a) There is hereby created a separate, interest-bearing housing trust fund in Commerce Bank for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this ordinance shall be deposited into this fund.
- b) Within seven days from the opening of the trust fund account, Lacey shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, Commerce Bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).
- c) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

**10. Use of funds**

- a) Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the municipal fair share. Such activities include, but are not limited to: rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d), ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan. The expenditure of all funds shall conform to a spending plan approved by COAH.
- b) Funds shall not be expended to reimburse Lacey for past housing activities.
- c) After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the Lacey affordable housing obligation, at least 30 percent of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability

assistance to those households earning 30 percent or less of median income by region.

- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, and rental assistance.
- ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the third round municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle Lacey to bonus credits pursuant to N.J.A.C. 5:94-4.22.
- iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Lacey may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- e) No more than 20 percent of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

## **11. Monitoring**

- a) Lacey shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

**12. Ongoing collection of fees**

The ability for Lacey to impose, collect and expend development fees shall expire with its substantive certification on January 1, 2014 unless Lacey has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Lacey fails to renew its ability to impose and collect development fees prior January 1, 2014, *it* may resume the imposition and collection of development fees only by complying with the requirements of N.J.A.C. 5:94-6. Lacey shall not impose a development fee on a development that receives preliminary or final approval after the expiration of its substantive certification or judgment of compliance on January 1, 2014, nor will Lacey retroactively impose a development fee on such a development. Lacey will not expend development fees after the expiration of its substantive certification or judgment of compliance on *January 1, 2014*.

## Spending Plan Ordinance

### INTRODUCTION

Lacey has a development fee ordinance that was approved by the Council On Affordable Housing (COAH) on \_\_\_\_\_. This spending plan is prepared in accordance with N.J.A.C. 5:94-6.2(c) and 6.5 and includes the following:

1. Projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historic rate of development activity.
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues.
3. A description of the anticipated use of all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, pursuant to N.J.A.C. 5:94-6.12, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions.
4. A schedule for the creation and/or rehabilitation of housing units.
5. If the municipality is including a municipally sponsored or 100 percent affordable program, a new construction alternative living arrangement or an affordable housing partnership program, a pro-forma statement of the anticipated costs and revenues associated with the development.
6. The manner in which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

To date, Lacey has collected \$10,000.00 in its affordable housing trust fund. All development fees collected and interest generated by the fees are deposited in a separate interest-bearing account in \_\_\_\_\_ Bank for the purposes of affordable housing.

### **1. PROJECTION OF REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated between January 1, 2005 and the expiration of substantive certification on January 1, 2014, Lacey considered the following:

- (a) Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals are anticipated to provide \$ 25,000 in development fees at issuance of building permits and/or certificates of occupancy during the period of substantive certification.

- (b) All projects currently before the planning and zoning Boards for development approvals that may apply for building permits and certificates of occupancy are anticipated to provide \$ 25,000 in development fees during the period of substantive certification.
- (c) Development projected to begin construction based on historic rates of development is anticipated to provide an additional \$25,000 in development fees during the period of substantive certification. (Growth Share Ordinance to replace dev fee)
- (d) Payments in lieu of construction from developers pursuant to N.J.A.C. 5:94-4.4(b-e) are anticipated to provide \$ 0 in development fees during the period of substantive certification. (Growth Share to replace dev fee)
- (e) Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of loans for rehabilitation or affordability assistance, and voluntary contributions are anticipated to provide \$0 in fees during the period of substantive certification.
- (f) Interest on the projected revenue in the housing trust fund at the current average interest rate is anticipated to provide \$ 10,000 to accrue to the affordable housing trust fund during the period of substantive certification.

*Lacey* projects a total of \$85,000 in revenue to be collected between the date of COAH's certification and the expiration of substantive certification. When the total revenue projected of \$ 85,000 is added to the amount collected to date of \$ 10,000 a total of \$ 95,000 will be collected prior to the expiration of substantive certification. All development fees, payments in lieu of construction and other funds listed above will be deposited in a separate interest-bearing account in \_\_\_\_\_ Bank and all interest earned on the account will accrue to the account to be used only for the purposes of affordable housing.

## **2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

The following procedural sequence for the collection and distribution of development fee revenues will be followed by *Lacey* :

### **a) Collection of development fee revenues:**

The developer will pay up to 50 percent of the estimated development fee to the Construction Code Official at the time the building permit is issued. The funds are then forwarded to the Chief Financial Officer and deposited in the affordable housing trust fund.

The balance of the development fee will be paid by the developer to the Construction Code Official at the issuance of the certificate of occupancy. The

funds are then forwarded to the Chief Financial Officer and deposited in the affordable housing trust fund.

(b) Distribution of development fee revenues:

The Finance Office is instructed by the Planning Board on the expenditure of development fee revenues as set forth in this spending plan. The Chief Financial Officer releases the funds.

### 3. DESCRIPTION OF ANTICIPATED USE OF DEVELOPMENT FEES

- (a) Lacey will dedicate \$95,000 towards its Regional Contribution Agreement which is exempt from the affordability assistance requirement.

**Rehabilitation program: \$ 0**

Lacey has satisfied its rehabilitation obligation

- (b) After funding its RCA if there are excess funds available, Lacey will dedicate 30 percent or about \$0 from the affordable housing trust fund to render units more affordable, including \$0 to render units more affordable to households earning 30 percent or less of median income by region, as follows: It is anticipated the balance will be zero.

*[NOTE: N.J.A.C. 5:94-6.12(c) specifies that, after subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the municipality's affordable housing obligation, at least 30 percent of the balance remaining must be devoted to affordability assistance to low- and moderate-income households in affordable units in the municipality's Fair Share Plan, such as down payment assistance, security deposit assistance, low interest loans, and rental assistance. Additionally, one-third of the affordability assistance requirement must be used to assist to very low-income households, earning 30 percent or less of median income by region.]*

- (c) Lacey will dedicate 0 percent or about \$0 of the current balance in revenues from the affordable housing trust fund to be used for administrative purposes.

*[NOTE: N.J.A.C. 5:94-6.12(e) stipulates that, after subtracting fees used to fund an RCA, a maximum of 20 percent of development fees, payments in lieu of construction, and interest collected each year may be utilized for administrative purposes such as salaries and benefits for municipal employees or consultant fees necessary to develop or implement municipal housing programs such as rehabilitation, new construction, RCAs, housing elements and/or affirmative marketing programs. Administrative funds may be used to income qualify*

*households and monitor implementation. Development fees may be used to defray the costs of staff or consultants that are preparing or implementing a fair share plan.]*

- (d) The remaining 80 percent of the affordable housing trust fund will be used as follows: To fund the RCA[NOTE: N.J.A.C. 5:94-6.12(a) specifies what activities a municipality may undertake with development fees.]

| <b>SPENDING PLAN CALCULATION SUMMARY</b>                                                               |                      |
|--------------------------------------------------------------------------------------------------------|----------------------|
| Existing Balance                                                                                       | \$10,000.00          |
| Pending fees due upon issuance of building permit and/or CO                                            | + \$25,000.00        |
| Projects awaiting approval                                                                             | + \$25,000.00        |
| Projection based on historic development activity                                                      | + \$25,000.00        |
| Payments in lieu of construction                                                                       | + 0                  |
| Projected Interest                                                                                     | + \$10,000.00        |
| Other                                                                                                  | +                    |
| <b>TOTAL PROJECTED REVENUE</b>                                                                         | <b>= \$95,000.00</b> |
| Funds used for Rehabilitation, RCA or New Construction (not including administration of such programs) | - \$95,000.00        |
| <b>TOTAL SUBJECT TO AFFORDABILITY</b>                                                                  | <b>= 0</b>           |
| <b>ASSISTANCE REQUIREMENT</b>                                                                          |                      |
| Affordability Assistance (minimum of 30% of above total)                                               | - 0                  |
| Affordability Assistance to Very Low Income Households (minimum of 1/3 of above allotment)             | 0                    |
| Administration (maximum of 20% of total projected revenue minus RCA contribution)                      | - 0                  |
| <b>C. REMAINING FUNDS FOR OTHER HOUSING ACTIVITY</b>                                                   | <b>= 0</b>           |
| 1.                                                                                                     | -                    |
| 2.                                                                                                     | -                    |
| 3.                                                                                                     | - \$                 |
|                                                                                                        | = \$                 |

#### 4. SCHEDULE FOR CREATION AND/OR REHABILITATION OF HOUSING UNITS

Lacey intends to use development fee revenues for a 48 unit RCA. The creation/rehabilitation schedule will parallel the schedule set forth in the Housing Element and Fair Share Plan as follows: The apartments will be created as follows:

| PROGRAM | NUMBER<br>OF<br>UNITS | <u>FUNDS REQUIRED</u> |          |          |          |          |          |          |          |          |           |
|---------|-----------------------|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
|         |                       | (YEAR)                |          |          |          |          |          |          |          |          |           |
|         |                       | <u>1</u>              | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8</u> | <u>9</u> | <u>10</u> |
| 1.      |                       |                       |          | 6        | 6        | 6        | 6        | 6        | 6        | 6        | 6         |
| 2.      |                       |                       |          |          |          |          |          |          |          |          |           |
| 3.      |                       |                       |          |          |          |          |          |          |          |          |           |
| 4.      |                       |                       |          |          |          |          |          |          |          |          |           |
| 5.      |                       |                       |          |          |          |          |          |          |          |          |           |
| 6.      |                       |                       |          |          |          |          |          |          |          |          |           |
| 7.      |                       |                       |          |          |          |          |          |          |          |          |           |

#### 6. UNEXPECTED SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Lacey has adopted a resolution agreeing to fund any shortfall of funds required for implementing an accessory apartment program. In the event that a shortfall of anticipated revenues occurs, Lacey will bond for the funds. A copy of the adopted resolution is attached.

*[NOTE: COAH requires a municipality to pass a resolution of intent to bond or a resolution appropriating funds from general revenue for any unanticipated shortfall in a rehabilitation program or municipal construction project.]*

#### SUMMARY

*Lacey* intends to spend development fee revenues pursuant to N.J.A.C. 5:94-6.12 and in conjunction with the housing programs outlined in the housing element and fair share plan dated \_November 2005.

*Lacey* has collected \$ 10,000 to date of which it has spent \$0 on affordable housing activity. It has a balance of \$10,000 in its account and anticipates an additional \$85,000 in revenues before the expiration of substantive certification for a total of \$95,000. The municipality will dedicate all of the balance towards a 48 unit RCA and \$0 to administrative costs. Any shortfall of funds will be offset by bonding .

## Escrow Agreement for Housing Trust Fund

This Escrow Agreement made this \_\_\_\_ day of \_\_\_\_\_, 2005, by and between the Council On Affordable Housing (COAH) and Lacey and \_\_\_\_\_ Bank (the Bank).

**WHEREAS**, a municipality may impose, collect and spend development fees, payments in lieu of constructing affordable units on-site and funds from the sale of units with extinguished controls in accordance with the regulations of COAH at N.J.A.C. 5:94-6.1 et seq., and with the approval of COAH; and

**WHEREAS**, on \_\_\_\_\_, 2005 COAH approved the Lacey Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and requiring that funds shall only be applied directly toward implementation of Lacey's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

**WHEREAS**, on \_\_\_\_\_ the governing body of Lacey adopted Ordinance #\_\_\_\_\_, the Development Fee Ordinance of Lacey, amending the Municipal Code; and

**WHEREAS**, COAH has not yet approved a spending plan for Lacey, Lacey acknowledges that no expenditure of development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls may occur prior to COAH's approval of a spending plan; and

**WHEREAS**, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:94-6.12; and

**WHEREAS**, COAH's approval of the Development Fee Ordinance further requires Lacey, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:94-6.11(a) to enable COAH to monitor disbursement of collected development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls and to direct expenditure of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:94-6.16(a) and the spending plan approved by COAH; and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance and approved spending plan, COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval.

NOW THEREFORE, COAH, Lacey and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and Lacey hereby designate \_\_\_\_\_ Savings Bank (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls collected by Lacey (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the Chief Financial Officer of Lacey consistent with the spending plan approved by COAH.

2. Escrow Account

Lacey shall deposit all development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as Affordable Housing Trust Fund Account (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls received from Lacey. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by Lacey or any other party, (b) any other obligation owed to the escrow agent by Lacey or any other party, or (c) any claim which the escrow agent may have against Lacey or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of Lacey as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the Chief Financial Officer of Lacey, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Direction of Disbursements by COAH  
COAH shall have the authority to halt disbursements by Lacey from the Account upon written notice to the Bank and to direct all further disbursements. COAH shall have such authority if it determines, after notice to Lacey, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:94-6.16(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by Lacey until further written notice from COAH. The Bank will allow disbursements by COAH on behalf of Lacey. COAH shall provide the Lacey municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:94-6.16(a) occur, COAH shall be authorized on behalf of Lacey and consistent with its rules, to direct the manner in which all development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be expended:

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
  - b. Failure to address COAH's conditions for approval of a plan to spend development fees, payments in lieu of constructing affordable units on site and funds from re-sales of units with extinguished controls within the deadlines imposed by COAH;
  - c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
  - d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:94-6.13(a) within the time limits imposed by COAH;
  - e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan;
  - f. Expenditure of development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls on activities not permitted by COAH;
  - g. Revocation of certification; or
  - h. Other good cause demonstrating that the revenues are not being used for the approved purpose.
5. Standard of Care; Indemnification  
The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. Lacey shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.
6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and Lacey, or their respective designees, at any reasonable time. Lacey shall provide COAH with reports on an annual basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

- a. If to COAH:                   Executive Director  
New Jersey Council On Affordable Housing  
101 South Broad Street  
PO Box 813  
Trenton, NJ 08625-0813
- b. If to Municipality:       Municipal Clerk and Chief Financial Officer  
818 W. Lacey Rd  
Forked River, NJ 08731
- c. If to Bank:

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act and the rules of COAH set forth at N.J.A.C. 5:94-6.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement as of the date set forth above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk, on behalf of Lacey

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lucy Voorhoeve, Executive Director  
on behalf of the New Jersey Committee  
on Affordable Housing (COAH)

\_\_\_\_\_  
Date

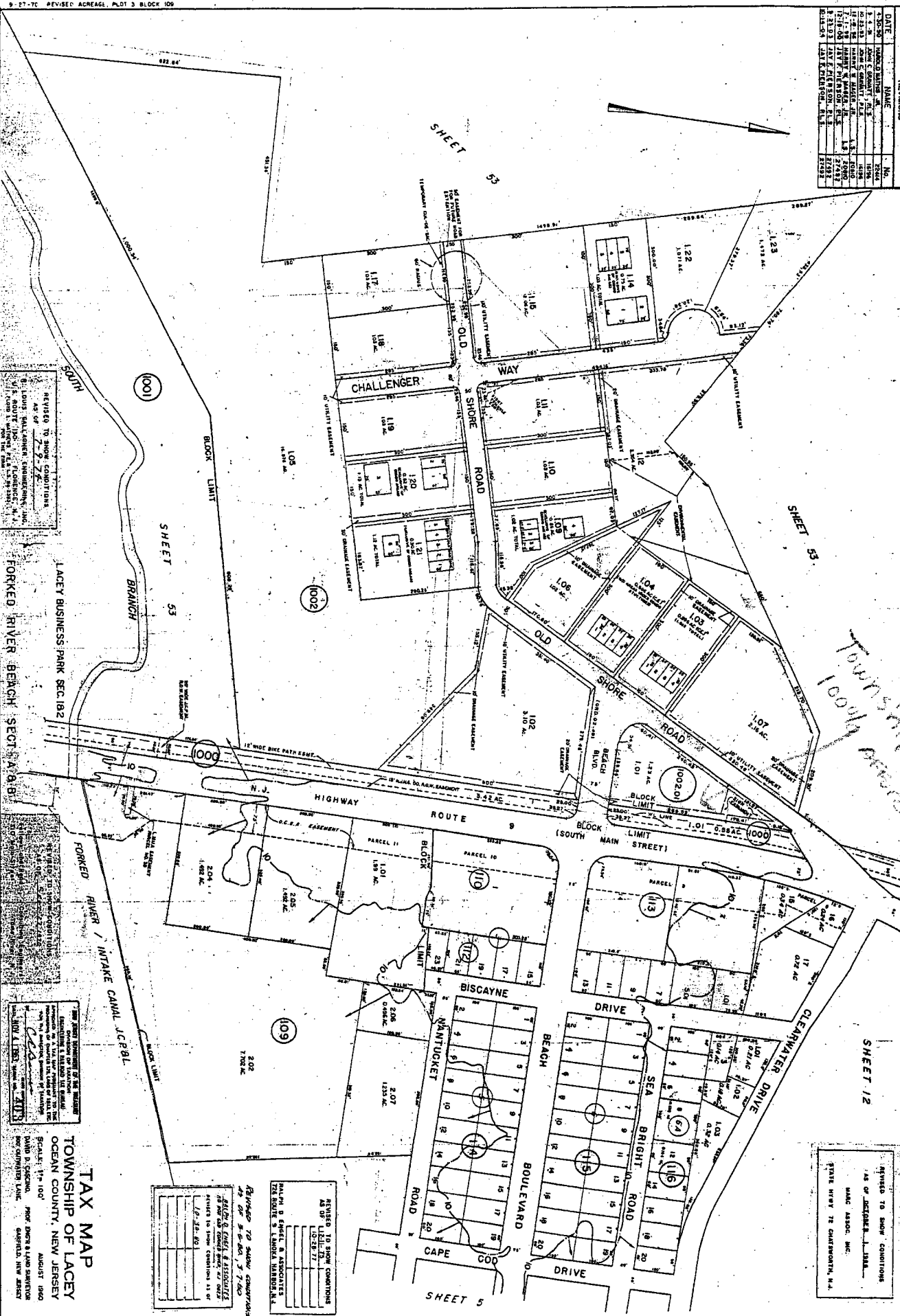
\_\_\_\_\_  
Bank Representative

**APPENDIX THREE**  
**MAP**

12-09-01 ADDCD 14 PARCEL RTO LOTS 15,16, BLK 113  
 12-09-02 BLOCK 1002 LOT 1 C1 Dfs NW 07-69  
 12-09-03 BLOCK 1002 LOT 11,13; MN, SUB  
 12-11-75 MNOR SUB, REMOVE LOT 5, 10,12 BLOCK 46, ADD NEW LOT 6,12  
 7-9-74 ADDCD SOUTH MAIN ST TO N.W. HWY. RT 0  
 3-23-73 ADDCD PLOT 2A OUT OF PLOT 3 BLK 109  
 3-23-73 REVISED ACREAGE PLOT 3 BLOCK 109  
 1-21-72 REVISED ACREAGE, PLOT 2 BLOCK 109  
 4-21-72 REVISED LOT 24 BLOCK 112  
 0-07-70 REVISED ACREAGE, PLOT 3 BLOCK 109

3-7-80 CONSOLIDATED LOTS 16,18,20,22,24 BLOCK 1 2 B LOT 1 BLOCK 110  
8 SOUTHERN PORTION CATALINA DRIVE INTO NEW LOT 1 BLOCK NC  
3-5-80 ADDED 10' CONTOUR LINE.  
10-23-79 ADDED O.C.S.A. EASEMENT TO PLOT 1, BLOCK 106.  
10-26-77 CONSOLIDATED LOTS 2,4,6,8,10,12,14 BLOCK 113 & LOT 1 BLOCK 111  
& NORTHERN 450' OF CATALINA DRIVE INTO NEW LOTS 2,4,6 BLOCK 113

9-12-86 BENNYEE C.R.A. CO. OF  
 9-12-86 ANCO COND. UNITS BLOCK 1007 LOTS 1.03, 1.04  
 75-89 LCT CONSOLIDATION BLOCK 1002 LOT 1  
 75-89 LOT CONSOLIDATION BLOCK 1002 LOT 1.5  
 10-1-87 MINOR SUBDIVISION BLOCK 1003 LOTS 2A, 2B, 2C  
 10-1-87 SUPERVISOR BLDG 113 LOTS 1.3, 1.5, 2.0, 2.1, 2.2  
 10-1-87 MAJOR SUBDIVISION BLOCK 1002 LOTS 1.01, 1.02  
 10-1-84 MINOR SUBDIVISION B CONSOLIDATION OF LOTS 1, 2 & 3 BLOCK 1002  
 10-1-84 ANCO LACEY M.M.A. EASEMENT TO PLOT 2 BLOCK 109

[illegible]

REVISED TO SHOW CONDITIONS  
AS OF OCTOBER 1, 1988  
MAAC ASSOC. INC.  
STATE HWY 72 CHATEAUX, N.D.

**TAX MAP**  
**TOWNSHIP OF LACEY**  
**OCEAN COUNTY, NEW JERSEY**

SCALE: 1"=100'

AUGUST 1960

DAVID D. CASCIANO, PROJ. ENGR & LAND SURVEYOR  
BOB CUNYAN, LDC. GARDEN, NEW JERSEY

REVISED TO SHOW CONDITIONS  
AS OF: 1-21-73  
10-28-77  
  
  
  
  
  
  
  
  
  
RALPH D ENGEL & ASSOCIATES  
724 ROUTE 9 LANDAKA HARBOR, N.J.

ADVISED TO MEET CONTACT  
AT OF 3-6-62, 3-7-62

DAIRY O. ENGL & ASSOCIATES  
AS NOTED THROUGH FILE, NO DATA  
RESULTS TO SHOW CONDITIONS AS OF

10-30-60

4

4

**Property Detail Report**

For Property Located At

RealQuest.com

**OLD SHORE RD, FORKED RIVER NJ 08731****Owner Information:**

Owner Name: TOWNSHIP OF LACEY  
 Mailing Address: 818 LACEY RD, FORKED RIVER NJ 08731-1302 R011  
 Phone Number: Vesting Codes: / /

**Location Information:**

Legal Description: 1.23 ACRES  
 County: OCEAN, NJ  
 Census Tract/Block: 7320.02 / 5  
 Township-Range-Sect:  
 Legal Book/Page:  
 Legal Lot: 1  
 Legal Block: 1002  
 Market Area:  
 Neighbor Code:  
 APN: 13-01002-0001-00001-0001  
 Alternate APN:  
 Subdivision:  
 Map Reference: /  
 Tract #:  
 School District:  
 Munic/Township: LACEY TWP

**Owner Transfer Information:**

Recording/Sale Date: /  
 Sale Price:  
 Document #: Deed Type:  
 1<sup>st</sup> Mtg Document #:

**Last Market Sale Information:**

Recording/Sale Date: /  
 Sale Price:  
 Sale Type:  
 Document #:  
 Deed Type:  
 Transfer Document #:  
 New Construction:  
 Title Company:  
 Lender:  
 Seller Name:  
 1<sup>st</sup> Mtg Amount/Type: /  
 1<sup>st</sup> Mtg Int. Rate/Type: /  
 1<sup>st</sup> Mtg Document #:  
 2<sup>nd</sup> Mtg Amount/Type: /  
 2<sup>nd</sup> Mtg Int. Rate/Type: /  
 Price Per SqFt:  
 Multi/Split Sale:

**Prior Sale Information:**

Prior Rec/Sale Date: /  
 Prior Sale Price:  
 Prior Document #:  
 Prior Deed Type:  
 Prior Lender:  
 Prior 1<sup>st</sup> Mtg Amt/Type: /  
 Prior 1<sup>st</sup> Mtg Rate/Type: /

**Property Characteristics:**

|                     |                    |                 |
|---------------------|--------------------|-----------------|
| Gross Area:         | Parking Type:      | Construct Type: |
| Living Area:        | Garage Area:       | Heat Type:      |
| Tot Adj Area:       | Garage Capacity:   | Exterior wall:  |
| Above Grade:        | Parking Spaces:    | Porch Type:     |
| Total Rooms:        | Basement Area:     | Patio Type:     |
| Bedrooms:           | Finish Bsmnt Area: | Pool:           |
| Bath(F/H): /        | Basement Type:     | Air Cond:       |
| Year Built / Eff: / | Roof Type:         | Style:          |
| Fireplace: /        | Foundation:        | Quality:        |
| # of Stories:       | Roof Material:     | Condition:      |
| Other Improvements: |                    |                 |

**Site Information:**

|                        |                    |                            |
|------------------------|--------------------|----------------------------|
| Zoning: M1             | Acres: 1.23        | County Use:                |
| Flood Zone:            | Lot Area: 53,579   | State Use: PUBLIC PROPERTY |
| Flood Panel:           | Lot Width/Depth: x | Site Influence:            |
| Flood Panel Date:      | Res/Comm Units: /  | Sewer Type:                |
| Land Use: PUBLIC (NEC) |                    | Water Type:                |

**Tax Information:**

|                               |                     |                |
|-------------------------------|---------------------|----------------|
| Total Value: \$58,100         | Assessed Year: 2005 | Property Tax:  |
| Land Value: \$58,100          | Improve %:          | Tax Area:      |
| Improvement Value:            | Tax Year:           | Tax Exemption: |
| Total Taxable Value: \$58,100 |                     |                |

## Service List

Municipal Clerk  
Berkeley Township  
PO Box B  
Bayville, NJ 08721

Municipal Clerk  
Barnegat Township  
900 W. Bay Avenue  
Barnegat, NJ 08005

Municipal Clerk  
Ocean Township  
50 Railroad Avenue  
Waretown, NJ 08758

Joseph Coronato, Esq.  
Lacey Twp Planning Board Attorney  
12 Madison Avenue  
Toms River, NJ 08754

Maureen Fullaway  
Schoor DePalma  
PO Box 1429  
Brick, NJ 08723

Lacey Township  
818 W. Lacey Township  
Forked River, NJ 08731

Planning Board Secretary  
Lacey Township  
818 W. Lacey Township  
Forked River, NJ 08731

David McKeon, Ass't Director  
Ocean County Dept. of Planning  
PO Box 2191  
Toms River, NJ 08754

George Gilmore, Esq.  
Lacey Township Counsel  
10 Allen Street  
Toms River, NJ 08753

Barbara Schoor  
Community Investment Strategies  
201 Crosswicks St  
Bordentown, NJ 08505