

**Planning Board, Lacey Township
Resolution Adopting an Amendment to the Housing
Element and Fair Share Plan**

WHEREAS, the Planning Board of Lacey Township, Ocean County, State of New Jersey, adopted its current Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28 on December 12, 2005; and

WHEREAS, the Governing Body endorsed the Housing Element and Fair Share Plan on December 13, 2005; and

WHEREAS, the Governing Body petitioned the Council on Affordable Housing for substantive certification on December 19, 2005; and

WHEREAS, Lacey Township has not yet received substantive certification from the Council on Affordable Housing; and

WHEREAS, the Planning Board has determined to amend the Housing Element and Fair Share Plan; and

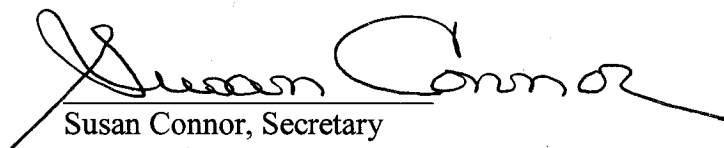
WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing(s) on the amended Housing Element and Fair Share Plan on December 8, 2008; and

WHEREAS, the Planning Board has determined that the amendment to the Housing Element and Fair Share Plan is consistent with the goals and objective of the Lacey Township's 1991 Master Plan and that adoption and implementation of the amendment to 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 Township, Ocean County, State of New Jersey, that the Planning Board hereby adopts the amended Housing Element and Fair Share Plan.

CERTIFICATION

I, **Susan Connor**, Secretary to the Planning Board of the Township of Lacey, County of Ocean, State of New Jersey, do hereby certify that I am duly authorized to certify Resolutions. I certify that the foregoing Resolution is a true copy adopting the amended Housing Element and Fair Share Plan of Lacey Township, Ocean County adopted by the Planning Board of the Township of Lacey at a meeting held on the 8th day of **December 2008**.


Susan Connor, Secretary
Lacey Township Planning Board

Township Of Lacey Master Plan Housing Element and Fair Share Plan

Prepared For:
Mayor and Committee
And
Lacey Township Planning Board

*

Township of Lacey
Ocean County, New Jersey

Prepared By:

AFFORDABLE HOUSING ADMINISTRATORS

Maureen Fullaway
President

Amy Sarrinikolaou, P.P., AICP
New Jersey License No. 05965

Adopted by Resolution by the Lacey Township Planning Board on: _____

Endorsed by the Lacey Township Committee on: _____

The original of this master plan was signed and sealed in accordance with N.J.S.A. 45:14A-12.

HONORABLE DAVID MOST, MAYOR

TOWNSHIP COMMITTEE - 2008

John Parker, Deputy Mayor
Gary Quinn, Committeeman
Brian A. Reid, Committeeman
Mark Dykoff, Committeeman

**

PLANNING BOARD - 2008

Stephen Kennis, Chair
Charles Wood, Vice-Chair
David Most, Mayor
Gary Quinn, Committeeman
John Curtin, Member
William Boehm, Member
Daniel Cortese, Member
Micki Montanelli, Member
Robert Nosti, Member
Vincent Layton, Alternate 1
John Slota, Alternate 2

TABLE OF CONTENTS

I. Introduction	1
Plan Requirements	1
II. Housing Element.....	3
Demographic Analysis	3
Population.....	3
Age	3
Median Household Income.....	4
Housing Inventory	5
Housing Units and Occupancy.....	6
Number of Units in Structure.....	6
Age of Housing.....	7
Housing Value.....	7
Contract Rents.....	8
Analysis of Sub-Standard Housing	8
Employment Analysis.....	9
At Place Employment	9
Business Size	10
Jobs Location.....	11
Employment Status of Population.....	12
Fair Share Obligation	13
Rehabilitation Share	13
Prior Round Obligation	13
Growth Share Obligation.....	13
Analysis of Existing Conditions	14
Fair Share Plan.....	15
Rehabilitation Share	16
Prior Round Obligation	16
Growth Share Obligation.....	20

I. INTRODUCTION

Pursuant to the Municipal Land Use Law (40:55D-28.b(3)), a Master Plan may, where appropriate, contain a Housing Element. Pursuant to section 10 of P.L. 1985, c. 222 (C. 5 2:27D-310), a municipality's Housing Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.

COAH adopted third round rules which went into effect on December 20, 2004. In 2005, the Township prepared a Housing Element and Fair Share Plan consistent with the new regulations. On December 12, 2005, the Township Planning Board adopted a Housing Element and Fair Share Plan, and on December 13, 2005, the Township Council endorsed the Housing Element and Fair Share Plan. The Township petitioned COAH for substantive certification on December 19, 2005.

Prior to COAH action on the Township's petition, COAH's third round regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007). On May 6, 2008 COAH adopted revised Third Round regulations in response to the Appellate Division Decision, and became effective on June 2, 2008. Municipalities that are currently under COAH's jurisdiction, like Lacey Township, have until December 31, 2008 to file a Revised Housing Element and Fair Share Plan with COAH or re-petition COAH with a Revised Housing Element and Fair Share Plan for substantive certification to remain under COAH's jurisdiction and retain protection from a builder's remedy suit.

This 2008 Housing Element and Fair Share Plan addresses Lacey's Third Round housing obligation in accordance with the new regulations.

PLAN REQUIREMENTS

Pursuant to Section 10 of P.L. 1985, C. 222 (C:52:27D-310) a Housing Element must contain at least the following:

- a. 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;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing , for the next ten (10) years, taking into account , but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;

- e. 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;
- f. 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;

In addition to the requirements of the Municipal Land Use Law and Section 10 of P.L. 1985, C. 222 (C:52:27D-310), N.J.A.C. 5:97-2.3 requires that the Housing Element include the following:

- 1. The household projection for the municipality as provided in Appendix F;
- 2. The employment projection for the municipality as provided in Appendix F;
- 3. The municipality's prior round obligation (from Appendix C);
- 4. The municipality's rehabilitation share (from Appendix B);
- 5. The projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4; and
- 6. An inventory of all non-residential space by use group that was fully vacant as of the date of petition, to the extent feasible.

Supporting information to be submitted to COAH shall include:

- 1. A copy of the municipal master plan;
- 2. A copy of the most recently adopted municipal zoning ordinance; and
- 3. A copy of the most up-to-date tax maps of the municipality, electronic if available, with legible dimensions.

This 2008 Housing Element and Fair Share Plan replaces all previously adopted housing elements and fair share plans, and is hereby incorporated into the Township's comprehensive master plan as the official Housing Element.

II. HOUSING ELEMENT

The Housing Element provides an inventory of Lacey Township's housing stock, and an analysis of the Township's demographic and employment characteristics.

DEMOGRAPHIC ANALYSIS

Historically, Lacey Township and Ocean County have continuously grown in population.¹ 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

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

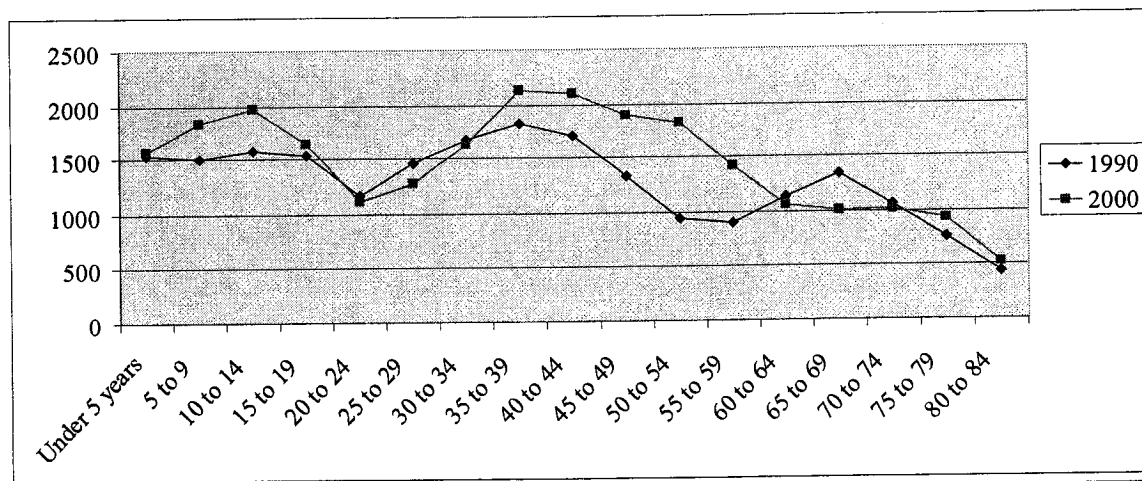
occurred in the age cohorts above age 45, and can be attributed in general to the aging of the baby boom generation, and also to the construction of age-restricted housing.

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%
Total	8,048	9,352	1,304	16.2%
<i>Median household income in 1989</i>	<i>\$37,397</i>			
<i>Median household income in 1999</i>	<i>\$55,938</i>			

HOUSING INVENTORY

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%
Total	9,513	100%	10,580	100%
	1990	2000		
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%
Total	8,465	871	1,244	10,580	100%

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.

*Township of Lacey, Ocean County
Master Plan Housing Element and
Fair Share Plan*

Table 6
Age of Housing Stock

Year Built	Total Units	Percent of Total
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%
Total	10,580	100%
2000 to 2003 Estimate		
Total 1939 to 2003		
Median Year Built - 1977		

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

Specified Owner-Occupied Units*	Number	Percent
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%
Total	8,298	100%
Median Value: \$131,900		

*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

Renter Occupied Units	Number	Percent
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%
Total	857	100.0%
Median Contract Rent \$763		

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%

*Township of Lacey, Ocean County
Master Plan Housing Element and
Fair Share Plan*

Lacking complete plumbing	17	0.2%
Lacking complete kitchen facilities	10	0.1%
Lacking central heating	57	0.5%
Total Housing Units	10,580	100.0%

EMPLOYMENT

Introduction

This analysis looks at employment in two ways: through an analysis of at-place employment and employment characteristics of residents within Lacey Township. At-place takes into account all businesses and employed workers within Lacey. Resident employment characteristics are taken from the US Census, and include all residents of Lacey, even if they work elsewhere.

At-Place Employment

The US Census reported that in 2006, there were 854 businesses located in Lacey (and vicinity) employing 6,982 people. Construction, Retail Trade and Health Care and Other Services (except public administration) were the top four industries located in the Lacey area accounting for 54.3% of the 854 establishments.

Table 10
At-Place Employment
Lacey Township, 2006

Jurisdiction	Number of Businesses	Number of Employees
Lacey Township*	854	6,982

Source: US Census, 2006 ZIP Code Business Patterns (NAICS);

*The employment data above is for informational purposes and is taken from NAICS data using the 08734, 08731, 08005 ZIP codes and might not adhere to municipal boundary lines.

Table 11
Types of Businesses
Lacey Township, 2006

Type of Industry	Number	Percent
Forestry, fishing, hunting, and agricultur	5	0.6%
Mining	4	0.5%
Utilities	4	0.5%
Construction	173	20.3%
Manufacturing	15	1.8%
Wholesale trade	32	3.7%
Retail trade	115	13.5%
Transportation & warehousing	25	2.9%
Information	9	1.1%
Finance & insurance	47	5.5%
Real estate & rental & leasing	25	2.9%
Professional, scientific & technical service	65	7.6%
Management of companies & enterprises	2	0.2%

Township of Lacey, Ocean County
Master Plan Housing Element and
Fair Share Plan

Type of Industry	Number	Percent
Admin, support, waste mgt, remediation service	50	5.9%
Educational services	12	1.4%
Health care and social assistance	88	10.3%
Arts, entertainment & recreation	17	2.0%
Accommodation & food services	77	9.0%
Other services (except public administration)	87	10.2%
Unclassified establishments	2	0.2%
Total	854	100.0%

Source: US Census, 2006 ZIP Code Business Patterns (NAICS);

*The employment data above is for informational purposes and is taken from NAICS data using the 08734, 08731, 08005 ZIP codes and might not adhere to municipal boundary lines.

Table 12
Businesses Size by Number of Employees
Lacey Township, 2006

Industry	'1-4'	'5-9'	'10-19'	'20-49'	'50-99'	'100-249'	'250-499'
	Percent of Businesses						
Forestry, fishing, hunting, and agriculture	0	0	0	0	0	0	0
Mining	0	0	0	0	0	0	0
Utilities	0	0	0	0	0	0	0
Construction	14	4	2	0	0	0	0
Manufacturing	1	0	0	0	0	0	0
Wholesale trade	3	0	0	0	0	0	0
Retail trade	6	3	2	1	0	0	0
Transportation & warehousing	2	1	0	0	0	0	0
Information	1	0	0	0	0	0	0
Finance & insurance	2	2	1	0	0	0	0
Real estate & rental & leasing	2	0	0	0	0	0	0
Professional, scientific & technical services	5	1	1	1	0	0	0
Management of companies & enterprises	0	0	0	0	0	0	0
Admin, support, waste mgt, remediation services	5	0	0	0	0	0	0
Educational services	1	0	0	0	0	0	0
Health care and social assistance	4	4	2	0	0	0	0
Arts, entertainment & recreation	1	1	0	0	0	0	0
Accommodation & food services	5	2	1	1	0	0	0
Other services (except public administration)	7	1	2	1	0	0	0
Unclassified establishments	0	0	0	0	0	0	0
Total	59.8%	20.5%	12.3%	5.5%	1.1%	0.6%	0.1%

Source: US Census, 2006 ZIP Code Business Patterns (NAICS);

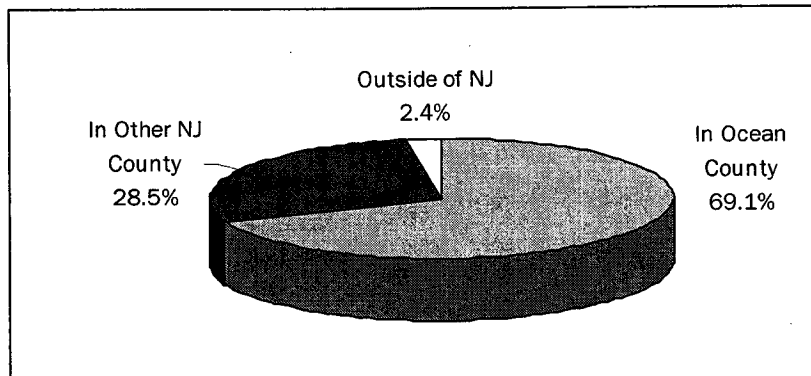
*The employment data above is for informational purposes and is taken from NAICS data using the 08734, 08731, 08005 ZIP codes and might not adhere to municipal boundary lines.

More than half (59.8%) of the business establishments in the Lacey vicinity employ between one to four persons. One fifth of the businesses within the Township employ five to nine people, while only 7.3% of businesses employ 20 or more people.

Job Locations

In 2000, the majority of Lacey residents (69.1%) worked within Ocean County. Only 2.5 percent worked outside of the State, and over one quarter (28.5%) worked in another New Jersey County.

Table 13
Job Location
Lacey Township, 2000



Source: US Census 2000, Summary File 3 (SF3)

Employment Characteristics

The following table presents characteristics of Lacey's labor force, including the most common occupations and industries of Lacey residents, in addition to their median earnings. Noteworthy statistics from the 2000 US Census include:

- 64% of residents were in the labor force;
- The Township had a 2.7% unemployment rate;
- The most common occupation was *Management, professional, and related* accounting for 30% of residents' occupations. The second most common occupation was *Sales and office*, accounting for 29.3% of residents' occupation;
- The most common industry classification was *Educational, health and social services* accounting for 22.6%;
- The median earnings for a full-time male employee in Lacey was \$47,406;
- The median earnings for a full-time female employee in Lacey was \$30,088.

Table 14
Employment Status of Population

	Number	Percent
EMPLOYMENT STATUS		
Population 16 years and over	19,565	100
In labor force	12,594	64.4
Civilian labor force	12,542	64.1
Employed	12,006	61.4
Unemployed	536	2.7
Percent of civilian labor force	4.3	(X)
Armed Forces	52	0.3
Not in labor force	6,971	35.6
OCCUPATION		
Management, professional, and related occupations	3,584	29.9
Service occupations	1,975	16.5
Sales and office occupations	3,519	29.3
Farming, fishing, and forestry occupations	0	0
Construction, extraction, and maintenance occupations	1,719	14.3
Production, transportation, and material moving occupations	1,209	10.1
INDUSTRY		
Agriculture, forestry, fishing and hunting, and mining	0	0
Construction	1,053	8.8
Manufacturing	730	6.1
Wholesale trade	363	3
Retail trade	1,680	14
Transportation and warehousing, and utilities	1,126	9.4
Information	408	3.4
Finance, insurance, real estate, and rental and leasing	764	6.4
Professional, scientific, management, administrative, and waste management services	1,048	8.7
Educational, health and social services	2,717	22.6
Arts, entertainment, recreation, accommodation and food services	829	6.9
Other services (except public administration)	531	4.4
Public administration	757	6.3

*Township of Lacey, Ocean County
Master Plan Housing Element and
Fair Share Plan*

CLASS OF WORKER		
Private wage and salary workers	9,355	77.9
Government workers	2,096	17.5
Self-employed workers in own not incorporated business	555	4.6
Unpaid family workers	0	0
MEDIAN EARNINGS		
Male full-time, year-round workers	\$47,406	-
Female full-time, year-round workers	\$30,088	-

Source: US Census 2000, Summary File 3 (SF3)

Employment Outlook

The New Jersey Transportation Planning Authority (NJTPA) has completed employment projections for 2005 - 2030 for Lacey Township. NJTPA projects that the number of jobs in Lacey will increase by 1,470 from 5,730 jobs in 2005 to 7,200 jobs in 2030.

FAIR SHARE OBLIGATION

This section includes a determination of the Township's present and prospective fair share for low and moderate income housing, and with that, an analysis of how the Township will accommodate its fair share.

Rehabilitation Share

The rehabilitation share is the number of existing housing units in a municipality as of April 1, 2000 that are both deficient and occupied by households of low or moderate income. As indicated in N.J.A.C. 5:97-1 et seq. Appendix B, Lacey's rehabilitation share is 25 units.

Prior Round Obligation

As indicated in N.J.A.C. 5:97-1 et seq. Appendix C, the prior round housing obligation for Lacey is 580 units.

Growth Share Obligation

The growth share obligation is initially calculated based on projections. The projections are based on New Jersey Department of Labor and Workforce Development county projections, which are allocated to the municipal level based on historical trends for each municipality and the extent to which each municipality approaches its physical growth capacity. The projections of household and employment growth are converted into projected growth share affordable housing obligations by applying a ratio of one (1) affordable unit among five (5) residential units projected, plus one (1) affordable unit for every 16 newly created jobs projected. Based on the household and employment projections for Lacey indicated in the table COAH prepared entitled "Total Projected Growth Share, proposed 6/16/08", and before accounting for exclusions as per NJAC 5:97-2.5, the Township's projected growth share obligation is 507 affordable units (see Table 15 below).

Township of Lacey, Ocean County
Master Plan Housing Element and
Fair Share Plan

Table 15
COAH 2004-2018 Projections and Growth Share Obligation,
Lacey Township (Ocean County)

COAH 2004-2018 Projections	Ratio	Growth Share Obligation (in affordable units)
1,776 units	1 affordable unit per 5 residential units	355
2,425 jobs	1 affordable unit per 16 jobs	152
Total		507

Source: COAH's table entitled "Rehabilitation Share, Prior Round Obligation & Growth Projections based on amendments to NJAC 5:97 adopted September 22, 2008."

Lacey may subtract exclusions under NJAC 5:97-2.4(a)1 and NJAC 5:97-2.4(b)1 from their household and employment projections. See Worksheet A in Appendix for this calculation. After accounting for the allowable exclusions, the Township's total growth share obligation is 469 units (see Table 16):

Table 16
Growth Share Obligation
Lacey Township (Ocean County)

Residential Growth Share	Plus	Non-Residential Growth Share	Total Growth Share
317.60	+	151.56	469

Analysis of Existing Conditions

The Township's existing and future conditions in terms of infrastructure, land uses, economic development policies, and environmental constraints must be considered first as a basis for the Township's plan to accommodate its fair share.

Infrastructure

As indicated in the 2004 Master Plan Reexamination, east of the Garden State Parkway, Lacey Township has a fully developed infrastructure. Remaining vacant lands east of the Parkway are generally within planned infrastructure service areas and accessible by public roadways. West of the Parkway, all lands are within the Pinelands Protection Area (PA Zone). Southwest of the Parkway the lands are also governed by the Pinelands Commission and are zoned Forest (FA Zone) and South of Lacey Road to just past Dover Road the land is zoned as Town Village (RVR Zone), which is also governed by the Pinelands Commission. All zones governed by the Pinelands Commission are prohibited from the installing public water and sewer.

Land Uses

Lacey Township's 2003 Master Plan Reexamination identifies the following land use objectives:

- 1) Establish a coordinated and comprehensive approach to development to preserve and enhance the character of the community
- 2) Promote a diverse and efficient land development pattern including providing for mixed-use patterns of development as well as multi-family uses.
- 3) Recognize and implement appropriate statutory regulations and authorities of other reviewing agencies to protect and preserve natural resources
- 4) Establish and promote an open space system for active and passive recreational use

Economic Development Policy

The economic development policies of the Township seek to establish a coordinated and comprehensive approach that is appropriate and compatible. This includes:

- 1) Encouraging mixed-used patterns of development in appropriate locations and densities
- 2) Expanding the economic base by introducing ratables while maintaining economically and environmentally compatible growth. In recent years much commercial development has occurred along Lacy Road and in particular along the Route 9 corridor where stores such as Walmart, Staples, Home Depot, and Kohls are under construction or open for business. Recently an Appleby's Restaurant also opened.
- 3) Encourage energy efficiency and resource recycling programs.
- 4) Achieve Plan Endorsement from the Office of Smart Growth and reclaim status as a CAFRA center.

Environmental Constraints

All of the lands west of the Garden State Parkway are within the N.J. Pinelands Protection Area and subject to the provisions of the Pinelands Comprehensive Management Plan. East of the Parkway, Lacey Township is predominantly (more than 60% developed as of 2000) with a fully developed infrastructure.

The Township's 2003 Master Plan Reexamination identified the following objectives:

- 1) Identify and protect all natural resources
- 2) Ensure environmentally sensitive areas are given high priority for public acquisition
- 3) Prevent the degradation of, and maintain and enhance the capability of water resources
- 4) Ensure that development will have safe and adequate wastewater treatment facilities
- 5) Ensure that development will have safe and adequate potable water sources by working with the Lacey Municipal Utilities Authority in the development of appropriate well head protection ordinances

FAIR SHARE PLAN

The following provides a plan indicating how the Township will meet its fair share obligation.

Rehabilitation Share

Lacey Township participates in the Ocean County CDBG and HOME Housing Rehabilitation Programs. The purpose of these programs to bring dwellings, including owner-occupied and rental units, up to local and state building codes. At least one major system must be replaced in order to participate in

*Township of Lacey, Ocean County
Master Plan Housing Element and
Fair Share Plan*

the programs. Since 2005, all funding under this program is in the form of a ten-year deferred loan. Since April 1, 2000, fifteen units have been rehabilitated in Lacey, at an average cost of \$16,832.00 per unit. The information in the table below is the information provided to the Township from the County. The Township is claiming 15 rehabilitation credits towards its rehabilitation share. The Township intends to remain a participant in the County's program in order to satisfy the remainder of its 25 unit rehabilitation share.

Table 17
Number of Units Rehabilitated Under Ocean County Housing Program in
Lacey Township (Ocean County) since April 1, 2000

<u>Street Address</u>	<u>Year</u>	<u>Lien Duration</u>	<u>Date of Lien</u>	<u>Amount</u>
427 Wynnewood Rd	2000	6 years		\$ 15,000.00
2422 Capshaw Rd	2000	6 years		\$ 43,775.00
1627 Woodland Rd	2003	6 years		\$ 7,580.00
410 Lawrence Dr	2002	6 years		\$ 15,270.00
15 Jones Rd	2004	6 years	9/15/04	\$ 11,050.00
600 Adolphus St	2004	6 years	4/7/04	\$ 19,435.00
1011 Sarasota Dr	2004	8 years	4/12/04	\$ 24,900.00
311 Sinclair Ave	2004	6 years	9/15/04	\$ 15,000.00
1802 Binnacle Dr	2005	10 years		\$ 15,000.00
Naprawnik	2007	10 years		\$ 24,350.00
Zabrowskie	2007	10 years		\$ 16,750.00
Kaspar	2007	10 years		\$ 15,000.00
Rivera	2008	10 years		\$ 4,950.00
Gilhool	2008	10 years		\$ 9,420.00
Cimmino	2008	10 years		\$ 15,000.00
Total: 15 units at an average of \$16,832.00 per unit				\$ 252,480.00

Prior Round Obligation

The following provides narratives of projects that will be used to satisfy the Township's 580-unit prior round obligation.

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 19 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]

Table 18
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
Community Options	802 Orlando	2	1/09

100% Affordable Housing :

Toll Brothers Developers is currently building a senior development on Block 1901, Lot 18 on the Lacey Township tax map. As part of this 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. 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 80 credits at this time and will use the other 20 units to partially satisfy its Third Round Obligation.

[80 age-restricted rental credits]

ZONING FOR 100 PERCENT AFFORDABLE:

Background Information

The Lacey Nursing Home property consists of four lots, Block 1838 Lots 8.01-8.02 and Block 1837.01 Lots 3 and 4, and totals 13.67 acres. The Township has purchased the property and is set to close on it in early 2009. A small strip-style retail center and forested land bounds the property to the west, additional forested land forms the northern border, Township-owned land forms the eastern border across Municipal Lane, and Lacey Road bounds the property to the south. The site is mostly wooded, and houses a nursing home with parking. A 20' cleared utility easement traverses Lot 8.02 in an east-west direction at the end of Municipal Lane.

Proposal

Community Investment Strategies, a potential developer, proposes to demolish the nursing home and construct 100 family rental units in its place. Lacey Township has decided to investigate site suitability for the purpose of constructing affordable housing.

Site Suitability Analysis

Consistency with NJ State Plan: The site is located in the Suburban Planning Area (PA-2), and is within the Lacey – Forked River Proposed Town (PT) Center Boundary. PA-2 is land intended for growth accommodation

Access: The site has access to an improved public street on Lacey Road and Municipal Lane.

Utilities: The site is located in an existing sewer service area: there are adequate existing utilities (water/sewer pipes, electrical lines, etc.) along Lacey Avenue to serve the site.

Zoning: According to Lacey Township's zoning map, dated July 2000, the site is located in the Residential and Office Park (RO-150) zone. Permitted uses in the RO-150 zone include detached one-family dwellings, office buildings, personal and business service establishments, corporate headquarters, research laboratories, commercial office parks, municipal buildings, nursing homes, assisted living facilities and senior citizen community resource centers. The Township will rezone the property for multi-family use.

Historical Significance: Per NJDEP Historic Preservation Office, updated 7/22/2008, historically or architecturally important sites listed on the State or National Register of Historic Places are not located on the site.

Environmental Constraints: There are no known contaminated sites on the subject property.

- Per NJDEP – No wetlands exist on the site
- Per FEMA – The site is not located within a 100-year flood hazard area.

- Per NJDEP – iMapNJ online (2.1 Landscape Project Mapping for Threatened and Endangered (T&E) Species & Habitats), the northern portion of the site is occupied by state endangered forested land (level 3), that provides habitat to Barred Owl, Cooper's Hawk, Dotted Skipper, Eastern Box Turtle, Forest Core, Northern Pine Snake, and the Pine Barrens Treefrog.
- Per NJDEP – iMapNJ online mapping, the site is not located within 300 feet of a currently designated Category One water body.
- The site is located within an existing sewer service area. Public water and sewer lines are currently in place on River Road.
- Slopes in excess of 15 percent are not located on the site.

[100 family rentals + 81 rental bonuses = 181 credits]

**

A summary of the Township's prior round obligation is presented in Table 20 below. The following parameters are applicable to the Township's prior round obligation:

Table 19
Parameters for Prior Round Obligation
Lacey Township (Ocean County)

	Affordable Units
Prior Round Obligation	580
Min. Rental Requirement	81
Max. Rental Bonus	81
Max. Age-Restricted	80

Township of Lacey, Ocean County
Master Plan Housing Element and
Fair Share Plan

Table 20
Satisfaction of Prior Round Obligation
Lacey Township (Ocean County)

CREDITS	Satisfaction of Prior Round Obligation				Citation for Bonuses
	Project Type	Credits	Bonus (see Citation for Bonuses)	Total	
Credits without Control	n/a	258	0	258	-
Alternative Living Arrangements	34 group home non-age restricted low income rentals	34	0	34	-
Seabreeze at Lacey	80 age-restricted low/mod rental units	80	0	80	-
Community Investment Strategies Family Rental Complex	100 family rentals	100	81	181	(NJAC 5:97-3.5) : 2 units of credit for 81 rental units
Municipally sponsored group homes	27 group home non-age restricted low income rentals	27		27	
Total				580	

NOTES:

Seabreeze at Lacey: 20 units carried forward

Growth Share Obligation 2004-2018

The Council On Affordable Housing projects that Lacey Township's Third Round Growth Share Obligation is 507 affordable units. This includes 355.2 units from residential growth and 151.6 units from non-residential growth. Lacey Township has accrued a growth share of 151 affordable units to date. If we will add in growth share from residential and commercial site plan approvals which are not built, the Township's current growth share increases by 16 units for a total of 167.

The following provides narratives of projects that will be used to satisfy the Township's 464-unit Growth Share Obligation.

Spring Oaks Assisted Living

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]

Seabreeze at Lacey

See project narrative provided under Prior Round Obligation. The township is carrying forward 20 units from the second round.

Allies Special Needs Housing

The Township has entered an agreement with Allies Inc., a developer of supportive housing to build a 60 bedroom special needs project. The Township will donate 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 planned town center. Currently in the M1 (Industrial zone), the Township proposes to allow affordable alternative living facilities as a permitted use. The estimated yield is 60 affordable bedrooms for developmentally disabled adults. [60 alternative living rental credits]

Accessory Apartment Program

The township will adopt an accessory apartment ordinance that will allow the development of 50 accessory apartments affordable to low and moderate income renters. Lacey will provide a subsidy of \$20,000 per unit to create each moderate-income accessory apartment and \$25,000 per unit to create each low income accessory apartment. All units shall comply with NJAC 5:97-9 and UHAC with the following exceptions:

1. Control periods for accessory apartments will have 10-year controls on affordability
2. Bedroom distributions will not apply, however, the ordinance shall not restrict the number of bedrooms per unit.
3. Accessory apartments are exempt from the requirement that at least 50 percent of the units shall be affordable to households earning 50 percent or less of area median income.
4. Accessory apartments are exempt from affordability averages set forth in UHAC. However, the maximum rent for a moderate income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income.

Fair Share Inclusionary Ordinance

Please see draft Inclusionary Ordinance in Appendix

★★

A summary of the Township's growth share obligation is presented in Table 21 below. The following parameters are applicable to the Township's prior round obligation:

Table 21
Parameters for Growth Share Obligation
Lacey Township (Ocean County)

	Affordable Units
Growth Share Obligation	507
Min. Family Housing Requirement	254
Min. Rental Requirement	127
Min. Family Rental Units	64
Max. Rental Bonus	Unlimited once the rental requirement is met
Max. Age-Restricted	127
Min. Very Low-Income	76

Table 22
Satisfaction of Growth Share Obligation
Lacey Township (Ocean County)

	Satisfaction of Growth Share Obligation				Citation for Bonuses
CREDITS	Project Type	Credits	Bonus (see Citation for Bonuses)	Total	
Spring Oaks Assisted Living	17 Age-restricted affordable rentals	17		17	
Seabreeze at Lacey	20 Age-restricted affordable rentals	20		20	
Allen Special Needs Housing	60 very low income rental supportive housing units	60		60	
Accessory Apartment Program	50 non-age restricted rentals	50	20	70	
Credits for post-2004 Second Round Units				38	
Creditable Demolitions	69 units/5=13.8 rounded up to 14			14	
Inclusionary Zoning Ordinance				268	
Total				507	

Appendix 1

Workbook A: Growth Share Determination Using Published Data
(Using Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections Must be used in all submissions
--

Municipality Name:

Lafayette Township

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	1,776	2,425
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	27	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	161	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	1,588	2,425
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	317.60 Affordable Units	151.56 Affordable Units
6 Total Projected Growth Share Obligation		469 Affordable Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name:

Lafayette Township

Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

Development Type

**Number of COs
Issued and/or Projected**

Supportive/Special Needs Housing

27

Accessory Apartments

Municipally Sponsored and 100% Affordable

161

Assisted Living

Other

Total

188

Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

[Return To Workbook A Summary](#)

**COAH Revised Third Round Rules
Demo's Exempt from Growth Share Obligation
New Jersey Council on Affordable Housing
Proposed Amendment: N.J.A.C. 5:97-2.5
11/17/08**

2004

21 Demolitions exempt from Growth Share
\$3,994,235.31 increase in equalized assessed value subject to Development Fee

2005

18 Demolitions exempt from Growth Share
\$3,939,608.56 increase in equalized assessed value subject to Development Fee

2006

13 Demolitions exempt from Growth Share
\$1,887,854.38 increase in equalized assessed value subject to Development Fee

2007

14 Demolitions exempt from Growth Share
\$1,652,689.51 increase in equalized assessed value subject to Development Fee

2008

3 Demolitions exempt from Growth Share
\$704,047.62 increase in equalized assessed value subject to Development Fee

10 units
5169
59

TOWNSHIP OF LACEY

ORDINANCE NO. ____

**AN ACCESSORY APARTMENT ORDINANCE TO FACILITATE THE
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING REVISED
ROUND THREE GROWTH SHARE RULES IN CONNECTION WITH
RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT**

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized in So. Burlington Co. NAACP v. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I"); So. Burlington Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA") that New Jersey municipalities have responsibilities concerning the need to provide affordable housing for low- and moderate-income households; and

WHEREAS, the Legislature conferred upon the New Jersey Council on Affordable Housing ("COAH") "primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State." (N.J.S.A. 52:27D-304 (a)); and

WHEREAS, in Mount Laurel II, the New Jersey Supreme Court ruled that municipalities had the power to address the Mount Laurel responsibilities that the Court had created through "inclusionary devices" and rejected the notion "that inclusionary measures amount to a taking without compensation." (see Mount Laurel II at 271); and

WHEREAS, in Mount Laurel II, the New Jersey Supreme Court also stated, "[z]oning does not require that land be used for maximum profitability and, on occasion, the goals may require something less." (see Mount Laurel II at 274 n. 34); and

WHEREAS, COAH promulgated regulations governing the municipal fair-share obligation during 1987 to 1993 (Round One); 1993 to 1999 (Round Two); and 1999 to 2014 (Round Three); and

WHEREAS, COAH delayed promulgation of its Round Three regulations until December 2004, which regulations introduced the concept of "growth share," a methodology requiring that each municipality's provision of affordable housing coincide with its obligation generated by actual residential and non-residential growth, rather than assigning a specific

numerical obligation to the Township of Lacey as had occurred with the regulations pertaining to the prior rounds; and

WHEREAS, the Round Three regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007); and

WHEREAS, on May 6, 2008, COAH voted to adopt revised Round Three regulations in response to the Appellate Division's decision, In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007); and

WHEREAS, the revised Round Three regulations are effective June 2, 2008; and

WHEREAS, the revised Round Three regulations, as adopted, increase housing need statewide for low- and moderate-income households from 52,000 units (under the prior Round Three regulations from 1999 to 2014) to 115,000 (under the revised Round Three regulations from 1999 to 2018) and, *inter alia*, require residential developers to construct one (1) affordable housing unit for every four (4) market-rate residential units projected to be constructed (N.J.A.C. 5:94-2.4 (a)(2)); and

WHEREAS, COAH projects Lacey Township's Growth Share obligation to be 507 units of affordable housing; and

WHEREAS, COAH allows ten percent of a municipal housing obligation to be satisfied with credits for Accessory Apartments;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lacey, County of Ocean, State of New Jersey as follows:

Section 1. Accessory Apartments

A. Purpose. The purpose of this Ordinance is to facilitate the provision of affordable housing in connection with residential and mixed-use development in compliance with the requirements of statutory law and COAH's Revised Round Three Rules, as same may be amended from time to time.

Notwithstanding any provision of the Land Development Ordinance to the contrary, affordable accessory apartments shall be permitted in all residential and mixed-use zoning districts. The affordable accessory apartment shall be located within a detached single-family dwelling, as an addition to a detached single family dwelling, above a garage or other

suitable structure on the premises, and on the upper floors of retail/commercial structures provided the lot meets the Schedule of Area and Bulk Regulations as specified for the zoning district within which it is located.

B. Definitions.

- (1) Accessory apartment shall be defined as a self-contained residential dwelling unit with a kitchen, complete sanitary facilities, sleeping quarters and a private entrance which is created to be occupied by a low or moderate income household in accordance with the applicable provisions of the substantive rules of the New Jersey Council on Affordable Housing (COAH) as stated in NJAC 5:97-1 et.seq.
- (2) "Affordable" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (3) Any references to "affordable housing unit(s)" shall mean residential unit(s) affordable to low- or moderate-income households, as those terms are defined herein.
- (4) "Household" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (5) "Low-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (6) "Mixed use development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.
- (7) "Moderate-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (8) "Non-residential development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.

C. Conditions.

- (1) All affordable accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes.
- (2) The affordable accessory apartment shall be rented only to a household which is either a low- or a moderate-income household at the time of initial occupancy of the unit. However, accessory apartments are exempt from the requirement that at least 50 percent of the units shall be affordable to households earning 50 percent or less of area median income.
- (3) The affordable accessory apartment shall, for a period of at least 10 years from the date of the issuance of a certificate of occupancy, be rented only to low- or moderate-income households.
- (4) Accessory apartments are exempt from affordability averages set forth in UHAC. However, the maximum rent for a moderate income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income and shall specifically include an allowance for utilities in accordance with said rules.
- (5) The maximum number of affordable accessory apartments to be developed in the borough under the provisions of this ordinance shall be 9.
- (6) Bedroom distributions will not apply, however, the ordinance shall not restrict the number of bedrooms per unit.
- (7) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the affordable accessory apartment is located running with the land and limiting its subsequent rental or sale within the requirements of Subsections C and D herein above.
- (8) The Township will provide a subsidy of \$20,000 per unit to create each moderate-income accessory apartment and \$25,000 per unit to create each low income accessory apartment.

D. Administration of the affordable accessory apartment program.

- (1) The Committee of the Township of Lacey shall designate an administrator of the affordable accessory apartment program in accordance with the following:
- (2) The administrator shall be responsible for all administrative aspects of the affordable accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy,

securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions, monitoring reports and affirmative marketing.

(3) The administrator shall only deny an application for an affordable accessory apartment if the project is not in conformance with COAH's requirements and/or provisions of this ordinance. All denials shall be in writing with the reasons clearly stated.

(4) In accordance with N.J.A.C. 5:97-1 et.seq., the Township of Lacey shall provide at least \$20,000 to subsidize physical creation of a moderate income accessory apartment and \$25,000 to subsidize physical creation of a low income accessory apartment conforming to the requirements of this section. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Township of Lacey ensuring that the subsidy shall be used to create the accessory apartment and the apartment shall meet the requirements of this ordinance and COAH regulations. Funding will be provided through the Township's Affordable Housing Trust Fund.

E. Application procedures. Each application for the creation of an affordable accessory apartment shall submit the following information to the administrator:

(1) A sketch of floor plan(s) showing the location, size and relationship of both the affordable accessory apartment and the primary dwelling within the building.

(2) Rough elevations showing the modification of any exterior building facade to which changes are proposed.

(3) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; along with the minimum building setback lines, the required parking spaces for both dwelling units; and any natural or man-made condition which might affect construction.

Section 2. Schedule.

The Accessory Apartment Program will be implemented when market rate residential and non-residential development pushes the growth share beyond the 15 units provided by SCARC and Woodland Farms.

Section 3. Codification. This Ordinance may be renumbered for codification purposes.

Section 4. Severability. All Ordinances and parts of Ordinances inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. If any section, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance shall be held to be invalid by any court, such decision shall not invalidate any remaining portion of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect upon passage and publication as soon as practicable and in the manner provided by law.

_____, Municipal Clerk of the Township of Lacey

Mayor Richard Hughes

[illegible]

Council on Affordable Housing

Affordable Housing Trust Fund Spending Plan

INTRODUCTION

Lacey Township, Ocean County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on April 13, 2005 and adopted by the municipality on April 11, 2002 and amended on March 10, 2005. The ordinance establishes the Lacey Township affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Lacey Township has collected \$ 1,057,479, expended \$ 0, resulting in a balance of \$ 1,057,479. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Lakeland Savings and Loan for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Lacey Township considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: \$0

(c) Other funding sources:

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:												
1. Approved Development	1,037,779	128,800										1,166,579
2. Development Pending Approval	0	22,000										22,000
3. Projected Development	0		30,000	30,000	30,000	30,000	40,000	40,000	40,000	40,000	40,000	320,000
(b) Payments in Lieu of Construction	0											
(c) Other Funds (Specify source(s))	0											
(d) Interest	19,718	2,850	570	570	570	570	760	760	760	760	760	28,648
Total	1,057,497	153,650	30,570	30,570	30,570	30,570	40,760	40,760	40,760	40,760	40,760	1,537,227

Lacey projects a total of \$ 1,537,227 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall 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 shall be followed by Lacey Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Lacey's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The affordable housing liaison instructs the CFO to release a certain amount of funding to a recipient entity.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

Lacey will dedicate up to \$1,500,000 plus administration to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$0

New construction project(s): \$1,500,000 total

1. Community Investment Strategies: \$100,000 for engineering on the former nursing home site
2. Municipally sponsored group homes: \$270,000
3. Accessory Apartments: approximately \$1,130,000

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/08		1,037,779
Actual interest earned through 7/17/2008	+	19,718
Development fees projected* 2008-2018	+	470,800
Interest projected* 2008-2018	+	7,930
Less housing activity expenditures through 2018	-	1,500,000
Total	=	37,227
30 percent requirement	$\times 0.30 =$	11,168
Less Affordability assistance expenditures through 12/31/2004	-	0
PROJECTED MINIMUM Affordability Assistance	=	11,168

Requirement 1/1/2005 through 12/31/2018		
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	$\div 3 =$	3,722

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

Lacey Township will dedicate \$11,168 from the affordable housing trust fund to render units more affordable, including \$ 3,722 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

1. Rental assistance for the accessory apartment program

(c) Administrative Expenses (N.J.A.C. 5:97-8.9)

Lacey projects that \$26,059 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

1. Payment to consultants to prepare amended plan
2. Administration of accessory apartment program
3. COAH monitoring

4. EXPENDITURE SCHEDULE

Lacey intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Program		Funds Expended and/or Dedicated	PROJECTED EXPENDITURE SCHEDULE 2009 -2018											
		2005- July 17, 2008		2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Rehabilitation	0													
Accessory apts	50			45,000	45,000	115,000	115,000	135,000	135,000	135,000	135,000	135,000	135,000	1,130,000
Community investment strategies	100					100,000								100,000
Group Homes	27			20,000	20,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	20,000	270,000
Total Programs				65,000	65,000	245,000	145,000	165,000	165,000	165,000	165,000	165,000	155,000	1,500,000
Affordability Assistance	11,168													
Administration	26,059													
Total	37,227			65,000	65,000	245,000	145,000	165,000	165,000	165,000	165,000	165,000	155,000	1,537,227

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Lacey Township will adopt a resolution of intent to fund any shortfall of funds required for implementing the accessory apartment program, Community Investment Strategies, group homes, affordability assistance programs and consulting. In the event that a shortfall of anticipated revenues occurs, Lacey will adopt a resolution of intent to bond for the shortfall. The resolution is not yet adopted.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for an unnamed program to generate more credits, program administration and preparation of a fourth round plan.

SUMMARY

Lacey intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated December 8, 2008.

Lacey has a balance of \$ 1,057,479 as of November 24, 2008 and anticipates an additional \$479,748 in revenues before the expiration of substantive certification for a total of \$1,537,227. The municipality will dedicate \$ 1,130,000 toward accessory apartments, \$100,000 to Community Investment Strategies for the old nursing home site, \$270,000 to group home development, \$11,168 for affordability assistance to render units more affordable, and \$26,059 to administrative costs. Any shortfall of funds will be offset by bonding. The municipality will dedicate any excess funds toward an unnamed program to generate more credits, program administration and preparation of a fourth round plan.

SPENDING PLAN SUMMARY	
Balance as of November 19, 2008	\$1,057,497
PROJECTED REVENUE	
Development fees	+ \$470,800
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$7,930
TOTAL REVENUE	= \$1,537,227
EXPENDITURES	
Funds used for Rehabilitation	- \$0
Funds used for New Construction	
1. Community Investment Strategies	- \$ 100,000
2. Accessory apartments	- \$1,130,000
3. Municipally sponsored group homes	- \$ 270,000
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$ 11,168
Administration	- \$ 26,059
Excess Funds for Additional Housing Activity	= \$0
TOTAL PROJECTED EXPENDITURES	= \$1,537,227
REMAINING BALANCE	= \$0.00

TOWNSHIP OF LACEY

ORDINANCE NO. ____

**A FAIR SHARE INCLUSIONARY ZONING ORDINANCE TO
FACILITATE THE NEW JERSEY COUNCIL ON AFFORDABLE
HOUSING REVISED ROUND THREE GROWTH SHARE RULES IN
CONNECTION WITH RESIDENTIAL AND NON-RESIDENTIAL
DEVELOPMENT**

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized in So. Burlington Co. NAACP v. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I"); So. Burlington Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA") that New Jersey municipalities have responsibilities concerning the need to provide affordable housing for low- and moderate-income households; and

WHEREAS, the Legislature conferred upon the New Jersey Council on Affordable Housing ("COAH") "primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State." (N.J.S.A. 52:27D-304 (a)); and

WHEREAS, in Mount Laurel II, the New Jersey Supreme Court ruled that municipalities had the power to address the Mount Laurel responsibilities that the Court had created through "inclusionary devices" and rejected the notion "that inclusionary measures amount to a taking without compensation" (see Mount Laurel II at 271); and

WHEREAS, in Mount Laurel II, the New Jersey Supreme Court also stated, "[z]oning does not require that land be used for maximum profitability and, on occasion, the goals may require something less." (see Mount Laurel II at 274 n. 34); and

WHEREAS, COAH promulgated regulations governing the municipal fair-share obligation during 1987 to 1993 (Round One); 1993 to 1999 (Round Two); and 1999 to 2014 (Round Three); and

WHEREAS, COAH delayed promulgation of its Round Three regulations until December 2004, which regulations introduced the concept of "growth share," a methodology requiring that each municipality's provision of affordable housing coincide with its obligation generated by actual residential and non-residential growth, rather than assigning a specific numerical obligation to the Township of Lacey as had occurred with the regulations pertaining to the prior rounds; and

WHEREAS, the Round Three regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007); and

WHEREAS, on May 6, 2008, COAH voted to adopt revised Round Three regulations in response to the Appellate Division's decision, In Re Adoption of N.J.A.C. 5:94 and 5:95 by the

New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied. 192 N.J. 72 (2007); and

WHEREAS, the revised Round Three regulations are effective June 2, 2008; and

WHEREAS, the revised Round Three regulations, as adopted, increase housing need statewide for low- and moderate-income households from 52,000 units (under the prior Round Three regulations from 1999 to 2014) to 115,000 (under the revised Round Three regulations from 1999 to 2018) and, *inter alia*, require residential developers to construct one (1) affordable housing unit for every four (4) market-rate residential units projected to be constructed (N.J.A.C. 5:94-2.4 (a)(2)); and

WHEREAS, on July 17, 2008, Governor Corzine signed the "Statewide Non-residential Development Fee Act," P.L. 2008, c.46, into law; and

WHEREAS, the Statewide Non-residential Development Fee Act generally precludes municipalities from imposing affordable housing requirements on non-residential developers and instead requires the uniform assessment of a development fee in the amount of two and one-half percent (2.5%) of equalized assessed value; and

WHEREAS, the Township of Lacey wishes to ensure that as developers build residential and non-residential projects, they address affordable housing in a manner consistent with statutory law, COAH's regulations and policies described above, policies soundly rooted in New Jersey Supreme Court precedent;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lacey, County of Ocean, State of New Jersey as follows:

Section 1. Affordable Housing.

A. **Purpose.** The purpose of this Ordinance is to facilitate the provision of affordable housing in connection with residential and non-residential development in compliance with the requirements of statutory law and COAH's Revised Round Three Rules, as same may be amended from time to time.

B. **Definitions.**

(1) "Affordable" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.

(2) Any references to "affordable housing unit(s)" shall mean residential unit(s) affordable to low- or moderate-income households, as those terms are defined herein.

(3) "Household" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.

(4) "Low-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.

- (5) "Mixed use development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.
- (6) "Moderate-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (7) "Non-residential development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.

C. Applicability. This Ordinance sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within all zoning districts within the Township.

This Ordinance shall not apply to any parcel within the Township which would not accommodate five (5) or more dwelling units where the zoning would require a twenty percent (20%) set-aside. Pursuant to N.J.A.C. 5:97-6.4 (b)7., this Ordinance shall apply to any parcel within the Township which would accommodate five (5) or more dwelling units as a result of a "d" variance pursuant to N.J.S.A. 40:55D-70, where the zoning would require a twenty percent (20%) set-aside.

Section 2. Zoning for Inclusionary Development

A. Residential Growth Share Provisions

- (1) Quantification of Affordable Housing Obligation for Residential Developers. In those circumstances where a developer seeks to develop land for residential purposes, with projects of five (5) or more units, said developer shall provide and develop on-site one (1) affordable housing unit for every four (4) market-rate residential units constructed (20 percent). Residential developers shall fully integrate the affordable housing units with the market-rate residential units. As an alternative to providing the required affordable housing unit(s) on-site, a developer shall have the option of either (i) providing the required affordable housing unit(s) elsewhere in the Township; or (ii) making a payment in lieu pursuant to section 5 of this Ordinance.
- (2) Projects Financed with State Funds. Notwithstanding anything in this Ordinance to the contrary, a developer of a project consisting of newly-constructed residential units being financed in whole or in part with State funds, including, but not limited to, transit villages designated by the Department of Transportation, units constructed on State-owned property, and urban transit hubs as defined pursuant to N.J.S.A. 34:1B-208, shall reserve at least twenty percent (20%) of the residential units constructed for occupancy by low- or moderate-income households with affordability controls as required under the rules of COAH. Any such project shall be otherwise excluded from the provisions of this Ordinance, except that any such project which also consists of non-residential development shall not be excluded from section 2.(B) of this Ordinance.

B. Statewide Non-residential Development Fee Program. This provision is intended to facilitate the requirements of the statewide non-residential development fee program created by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7. Pursuant to the Statewide Non-residential Development Fee Act at N.J.S.A. 40:55D-8.4, a fee is imposed on all construction resulting in non-residential development as follows:

- a. A fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots; or
- b. A fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value, of the additions to existing structures to be used for non-residential purposes.
- c. A developer of a mixed use development shall be required to pay the Statewide non-residential development fee relating to the non-residential development component of a mixed use development subject to the provisions of N.J.S.A. 52:27D-329.1, et seq.
- d. Pursuant to N.J.S.A. 40:55D-8.4, the developer must pay such fee to the Treasurer of the State of New Jersey. A certificate of occupancy for the subject non-residential development will not issue unless and until the Treasurer of the State of New Jersey has furnished the Township of Lacey with certified proof concerning the payment.
- e. Upon COAH authorization, and notwithstanding section 2(B)d. of this Ordinance, the developer shall pay such fee such directly to the Township rather than to the Treasurer of the State of New Jersey.
- f. This section 2.B shall not apply to any project which is exempt from the Statewide Non-residential Development Fee Act pursuant to N.J.S.A. 40:55D-8.4, or to which the Statewide Non-residential Development Fee Act does not apply, as determined in accordance with N.J.S.A. 40:55D-8.6.

C. Mixed Use Growth Share Provisions.

- (1) For all mixed use development, the affordable housing requirements for the residential component of the project is set forth in section 2.A(1) of this Ordinance.
- (2) For all mixed use development, the affordable housing requirements for the non-residential component of the project is set forth in section 2(B) of this Ordinance.

Section 3. Density and Affordable Housing Set-Asides

A. Density and Affordable Housing Set-Aside Standards. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, the gross density and affordable housing set-aside for any residential development shall be as follows:

- i. Inclusionary zoning in Planning Area 1 shall permit residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;
 - ii. Inclusionary zoning in Planning Area 2 and designated centers shall permit residential development at a presumptive minimum gross density of six units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;
 - iii. Inclusionary zoning in existing or proposed sewer service areas outside of Planning Areas 1 or 2 shall permit residential development at a presumptive minimum gross density of four units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;
 - iv. Inclusionary zoning outside of a sewer service area in Planning Areas 3, 4 and 5 shall permit a presumptive density increase of 40 percent over the existing zoning. The presumptive maximum affordable housing set-aside shall be 20 percent of the total number of units in the development; and
- (1) Inclusionary zoning outside of a sewer service area in Planning Areas 3, 4 and 5 shall permit a presumptive density increase of 40 percent over the existing zoning. The presumptive maximum affordable housing set-aside shall be 20 percent of the total number of units in the development.

Section 4. Financial Incentives.

- A. The Township intends to encourage developers to provide affordable housing through inclusionary development. Toward that end, the Township may, in its discretion, make available to a developer any financial incentives, including, but not limited to, tax abatements, which are permitted by law.

Section 5. Payment In Lieu

- A. Pursuant to section 2A(1) of this Ordinance, and upon COAH authorization, a developer may elect to make payment to the Township in lieu of constructing the required affordable housing units subject to the following:
 - (1) The developer shall make such payment to the Township in the amount of \$152,227 per each affordable housing unit required.
 - (2) The affordable housing requirements set forth in this Ordinance shall be rounded up. Payments in lieu of construction of affordable housing units are permitted in the event that calculation of the developer's affordable housing obligation pursuant to section 2 of this Ordinance results in an obligation on the part of the developer to construct fractional affordable housing units. In such event, the payment to be made by the developer to the Township shall be prorated.
 - (3) Payments in lieu of constructing affordable housing units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:94-8.1 and 8.4.

- (4) Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Upon approval by COAH of the Township's Development Fee ordinance, zoning that does not require an affordable housing set-aside or payment in lieu shall be subject to the Township's Development Fee Ordinance.

Section 6. **Schedule.** Affordable housing units shall be built in accordance with the following schedule:

Percentage of Market-Rate Units	Percentage of Moderate-Income Units
Completed	Completed
25	0
25 + 1 unit	10
50	50
75	75
90	100

Section 7. **Design**

- A. The design of inclusionary and mixed-use developments providing affordable housing units shall be consistent with the general policies and implementation mechanisms regarding design in the State Development and Redevelopment Plan.
- B. To the extent feasible, developers shall fully integrate affordable housing units with market-rate units.
- C. Affordable housing units shall have access to all community amenities available to market-rate units that are subsidized in whole by associated fees and utilize the same heating source as market units within the inclusionary development.
- D. The first floor of all of all townhouse dwelling units and all other multistory dwelling units shall comply with the accessibility and adaptability requirements of N.J.A.C. 5:94-3.14.
- E. Affordable housing units shall comply with N.J.A.C. 5:97-9 and the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.
- F. The following documentation shall be submitted prior to marketing the completed units:
 - (1) A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
 - (2) An affirmative marketing plan in accordance with Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
 - (3) Designation of an experienced administrative agent, including a statement of his/her qualifications, in accordance with N.J.A.C. 5:95-18.

Section 8. **Codification.** This Ordinance may be renumbered for codification purposes.

Section 9. **Severability.** All Ordinances and parts of Ordinances inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. If any section, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance shall be held to be invalid by any court, such decision shall not invalidate any remaining portion of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect upon passage and publication as soon as practicable and in the manner provided by law.

I hereby certify that this Ordinance was duly adopted by the Township Council of the Township of Lacey at a meeting of said Township Council held on _____, 2008

Municipal Clerk of the Township of Lacey

I hereby approve this Ordinance.

Mayor

ROLL CALL VOTE

MAYOR & Committee	YES	NO	ABSTAIN	ABSENT

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

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

2. Describe the random selection process that will be used once applications are received.

There will be a defined period during which applications will be taken. After that period, applications will be randomly selected and analyzed for completeness. Applicants will be given a time period to cure deficiencies. Those that are deemed complete and eligible first will be given first priority to view apartments. Homeowners have the right to pick which renter they wish to enter a contract with.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic)

☒ Black (non-Hispanic)

☒ Hispanic

☐ American Indian or Alaskan Native

☐ Asian or Pacific Islander

☐ Other group:

3b. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS PARTIAL COAH REGION 4			
Daily Newspaper			
☒	As needed	Trenton Times	Mercer
☐		Trentonian	Mercer
☒	As needed	Asbury Park Press	Monmouth, Ocean
☐		Ocean County Observer	Ocean
Weekly Newspaper			
☐		Ewing Observer	Mercer
☐		Hopewell Valley News	Mercer
☐		Lawrence Ledger	Mercer
☐		Pennington Post	Mercer
☐		Princeton Town Topics	Mercer
☐		Tempo Mercer	Mercer
☐		Trenton Downtowner	Mercer
☐		Windsor Heights Herald	Mercer
☐		West Windsor-Plainsboro News	Mercer, Middlesex
☐		Princeton Packet	Mercer, Middlesex, Somerset
☐		Messenger-Press	Mercer, Monmouth, Ocean
☐		Woodbridge Sentinel	Middlesex
☐		Atlanticville	Monmouth
☐		Coaster	Monmouth

☐		Courier	Monmouth
☐		Examiner	Monmouth
☐		Hub, The	Monmouth
☐		Independent, The	Monmouth
☐		News Transcript	Monmouth
☐		Two River Times	Monmouth
☐		Coast Star, The	Monmouth, Ocean
☐		Beach Haven Times	Ocean
☐		Beacon, The	Ocean
☐		Berkeley Times	Ocean
☐		Brick Bulletin	Ocean
☐		Brick Times	Ocean
☐		Jackson Times	Ocean
☐		Lacey Beacon	Ocean
☐		Manchester Times	Ocean
☐		New Egypt Press	Ocean
☐		Ocean County Journal	Ocean
☐		Ocean Star, The	Ocean
☐		Tri-Town News	Ocean
☐		Tuckerton Beacon	Ocean
☐		Atlantic Highlands Herald	Monmouth

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
☐		2 WCBS-TV Cbs Broadcasting Inc.	
☐		4 WNBC NBC Telemundo License Co. (General Electric)	
☐		5 WNYW Fox Television Stations, Inc. (News Corp.)	
☐		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	

☐		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
☐		10 WCAU NBC Telemundo License Co. (General Electric)	
☐		11 WPIX Wpix, Inc. (Tribune)	
☐		13 WNET Educational Broadcasting Corporation	
☐		58 WNJB New Jersey Public Broadcasting Authority	
TARGETS PARTIAL COAH REGION 4			
☐		25 W25AW Wzbn Tv, Inc.	Mercer
☐		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Mercer
☐		60 WBPH-TV Sonshine Family Television Corp	Mercer
☐		63 WMBC-TV Mountain Broadcasting Corp.	Mercer
☐		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Mercer
☐		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	Mercer, Monmouth
☐		3 KYW-TV Cbs Broadcasting Inc.	Mercer, Ocean
☐		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Mercer, Ocean
☐		12 WHYI-TV Whyi, Inc.	Mercer, Ocean
☐		17 WPHL-TV Tribune Company	Mercer, Ocean
☐		23 WNJS New Jersey Public Broadcasting Authority	Mercer, Ocean
☐		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Mercer, Ocean
☐		35 WYBE Independence Public Media Of Philadelphia, Inc.	Mercer, Ocean
☐		48 WGTW-TV Trinity Broadcasting Network	Mercer, Ocean
☐		52 WNJT New Jersey Public Broadcasting Authority	Mercer, Ocean
☐		57 WPSG Cbs Broadcasting Inc	Mercer, Ocean
☐		61 WPPX Paxson Communications License Company, Llc	Mercer, Ocean

☐		65 WUVP-TV Univision Communications, Inc.	Mercer, Ocean
☐		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	Monmouth
☐		31 WPXN-TV Paxson Communications License Company, Llc	Monmouth
☐		47 WNJU NBC Telemundo License Co. (General Electric)	Monmouth
☐		50 WNJN New Jersey Public Broadcasting Authority	Monmouth
☐		68 WFUT-TV Univision New York Llc	Monmouth, Ocean (Spanish)
☐		62 WWSI Hispanic Broadcasters of Philadelphia, Llc	Ocean
	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 4			
☐		Cablevision of Hamilton	Partial Mercer, Monmouth
☐		Comcast of Central NJ,	Partial Mercer, Monmouth
☐		Patriot Media & Communications, CNJ	Partial Mercer
☐		Cablevision of Monmouth, Raritan Valley	Partial Monmouth
☐		Comcast of Mercer County, Southeast Pennsylvania	Partial Middlesex
☐		Comcast of Monmouth County	Partial Monmouth, Ocean
☐		Comcast of Garden State, Long Beach Island, Ocean County, Toms River	Partial Ocean
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
AM			
☐		WFAN 660	
☐		WOR 710	
☐		WABC 770	
☐		WCBS 880	
☐		WBBR 1130	

☐		WWTR 1170	
☐		WTTM 1680	Spanish, Asian, etc.
FM			
☐		WFNY-FM 92.3	
☐		WPAT-FM 93.1	Spanish
☐		WNYC-FM 93.9	
☐		WPST 94.5	
☐		WFME 94.7	
☐		WPLJ 95.5	
☐		WQXR-FM 96.3	
☐		WQHT 97.1	
☐		WSKQ-FM 97.9	Spanish
☐		WRKS 98.7	
☐		WAWZ 99.1	Christian
☐		WBAI 99.5	
☐		WPHI-FM 100.3	
☐		WCBS-FM 101.1	
☐		WKXW-FM 101.5	
☐		WQCD 101.9	
☐		WNEW 102.7	
☐		WPRB 103.3	
☐		WKTU 103.5	
☐		WWPR-FM 105.1	
☐		WDAS-FM 105.3	
☐		WLTW 106.7	
TARGETS PARTIAL COAH REGION 4			
AM			
☐		WFIL 560	Hunterdon
☐		WIP 610	Hunterdon
☐		WAEB 790	Hunterdon
☐		WCHR 1040	Hunterdon

☐		WGPA 1100	Hunterdon
☐		WEEX 1230	Hunterdon
☐		WKAP 1470	Hunterdon
☐		WRNJ 1510	Hunterdon
☐		WWJZ 640	Hunterdon, Middlesex
☐		WPHY 920	Hunterdon, Middlesex
☐		WPHT 1210	Hunterdon, Middlesex
☐		WBUD 1260	Hunterdon, Middlesex
☐		WMCA 570	Middlesex (Christian)
☐		WIMG 1300	Middlesex
☐		WCTC 1450	Middlesex, Somerset
FM			
☐		WRTI 90.1	Hunterdon
☐		WCVH 90.5	Hunterdon
☐		WHYY-FM 90.9	Hunterdon
☐		WXTU 92.5	Hunterdon
☐		WAEB-FM 104.1	Hunterdon
☐		WFKB 107.5	Hunterdon
☐		WMMR 93.3	Hunterdon, Middlesex
☐		WYSP 94.1	Hunterdon, Middlesex
☐		WBEN-FM 95.7	Hunterdon, Middlesex
☐		WRDW-FM 96.5	Hunterdon, Middlesex
☐		WOGL 98.1	Hunterdon, Middlesex
☐		WUSL 98.9	Hunterdon, Middlesex
☐		WIOQ 102.1	Hunterdon, Middlesex
☐		WMGK 102.9	Hunterdon, Middlesex
☐		WJJZ 106.1	Hunterdon, Middlesex
☐		WKDN 106.9	Hunterdon, Middlesex (Christian)
☐		WAXQ 104.3	Hunterdon, Middlesex, Somerset
☐		WNTI 91.9	Hunterdon, Somerset
☐		WZZO 95.1	Hunterdon, Somerset

☐		WCTO 96.1	Hunterdon, Somerset
☐		WLEV 100.7	Hunterdon, Somerset
☐		WNJT-FM 88.1	Middlesex
☐		WRSU-FM 88.7	Middlesex
☐		WWFM 89.1	Middlesex
☐		WWPH 107.9	Middlesex
☐		WDVR 89.7	Middlesex, Somerset
☐		WVPH 90.3	Middlesex, Somerset
☐		WMGQ 98.3	Middlesex, Somerset
☐		WBLS 107.5	Middlesex, Somerset

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

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
Weekly			
☐	Nuestra Comunidad	Central/South Jersey	Spanish-Language
TARGETS PARTIAL COAH REGION 4			
Weekly			
☐	New Jersey Jewish News	Northern and Central New Jersey	Jewish
☐	El Hispano	Camden and Trenton areas	Spanish-Language
☐	Ukrainian Weekly	New Jersey	Ukrainian community

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Mercer County		
☐	Mercer County Board of Education	1075 Old Trenton Rd, Trenton, NJ
☐	Medical Center at Princeton	253 Witherspoon St, Princeton, NJ
☐	Bristol-Myers Squibb	100 Nassau Park Blvd, Princeton, NJ and 820 Bear Tavern Rd, Trenton, NJ
☐	St. Lawrence Rehabilitation Center	2381 Lawrenceville Rd, Lawrenceville, NJ

☐		McGraw-Hill	120 Windsor Center Dr, East Windsor, NJ
☐		Conair Corporation	150 Milford Rd, Hightstown, NJ
☐		Shiseido America, Inc.	366 Princeton Hightstown Rd, East Windsor, NJ
☐		NJ Manufacturers Insurance Company	1001 Grand St S, Hammonton, NJ
☐		Homasote	932 Lower Ferry Rd, Trenton, NJ
☐		Robert Wood Johnson University Hospital	1 Hamilton Health Pl, Trenton, NJ
☐		Congoleum Corp.	3500 Quakerbridge Rd, Mercerville, NJ
☐		Coca-Cola Foods	480 Mercer St, Hightstown, NJ
☐		Peddie School	111 Armellino Ct, Hightstown, NJ
☐		Dana Communications	2 E Broad St, Hopewell, NJ
☐		Merrill Lynch	410 Scotch Rd, Hopewell, NJ
☐		Janssen Pharmaceutical	1125 Trenton Harborton Rd, Titusville, NJ
☐		St. Francis Medical Center	601 Hamilton Avenue Trenton NJ 08629-1986
☐		The Trenton Times	500 Perry St, Trenton, NJ
☐		Gaum. Inc.	1080 US Highway 130, Robbinsville, NJ
Monmouth County			
☐		Meridian Health System	1350 Campus Parkway Neptune
☐		US Army Communications Electronics Command Fort Monmouth	CECOM Bldg 901 Murphy drive Fort Monmouth
☐		County of Monmouth Hall of Records	1 East Main Street Freehold
☐		Central State Healthcare Systems	West Main Street Freehold
☐		Monmouth Medical Center	300 Second Ave Long Branch
☐		Asbury Park Press	3601 Route 66 Neptune, NJ
☐		Food Circus Super Markets, Inc.	835 Highway 35 PO BOX 278 Middletown, NJ
☐		Monmouth University	Cedar Ave West Long Branch
☐		Naval Weapons stations Earle	State Highway 34 Colts Neck, NJ
☐		Norkus Enterprises, Inc.	505 Richmond Ave Point Pleasant, NJ
☐		Horizon Blue Cross Blue Shield	1427 Wyckoff Road Farmingdale, NJ
Ocean County			
☐		Saint Barnabas Health Care System	300 2nd Ave Long Branch, NJ 07740

☐		Six Flags Theme Parks Inc	Route 537 Jackson, NJ 08527
☐		Meridian Health Care System	415 Jack Martin Blvd, Brick, NJ
☐		Southern Ocean County Hospital	1140 Route 72 West, Manahawkin, NJ
☐		Jenkinsons	300 Ocean Ave Pt. Pleasant Beach, NJ 08742

3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)

	BUILDING	LOCATION
X	Mercer County Library Headquarters	2751 Brunswick Pike, Lawrenceville, NJ 08648
X	Monmouth County Headquarters Library	125 Symmes Drive, Manalapan, NJ 07726
X	Ocean County Library	101 Washington Street, Toms River, NJ 08753

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

4c. Sales/Rental Office for units (if applicable)

--

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).

Name (Type or Print)

Title/Municipality

Signature Date