

**PLANNER'S REPORT
FOR THE MOUNT LAUREL COMPLIANCE HEARING
TOWNSHIP OF MONROE
GLOUCESTER COUNTY, NEW JERSEY**

**Application of the Township of Monroe, County of Gloucester,
Docket Number: GLO L 930-15**

May 24, 2021

Prepared for:

**The Honorable Robert P. Becker, Jr., J.S.C.
Superior Court of New Jersey
1 Broad Street
Woodbury, New Jersey 080960**

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Engineering
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Introduction

This Compliance Report has been prepared by the Monroe Township Planner to provide documentation for the upcoming Mount Laurel Compliance Hearing before the Honorable Robert P. Becker, Jr., J.S.C., on June 10, 2021 in the matter of Monroe Township, Gloucester County, New Jersey, Docket Number GLO L 930-15. This report reviews the compliance of Monroe Township's ("Monroe" or "Township") August 23, 2018 Housing Element and Fair Share Plan ("HEFSP" or "Plan") and related implementing documents with the substantive rules of the Council on Affordable Housing ("COAH") (N.J.A.C., 5-93, or the "Second Round Rules"). This Report also reviews the Township's compliance with the Settlement Agreement with the Fair Share Housing Center ("FSHC"), dated November 30, 2018.

Monroe Township Affordable Housing Activities

The following table details Monroe Township's affordable housing activities. It documents the Township's actions to address the Settlement Agreement and obtain compliance with the Settlement Agreement provisions. The Township's actions are further described in this report.

Monroe Township Affordable Housing Activity Timeline	
12/14/1989	Township Planning Board adopted 1989 Housing Element and Fair Share Plan
1/15/1990	Township Council adopted resolution of participation of the HEFSP for COAH
10/28/1993	Township Planning Board readopted the HEFSP
11/8/1993	Township Council adopted resolution of participation of the HEFSP for COAH
3/7/1994	Township Council adopted resolution to achieve certification for its 1987-1999 obligation and amended its petition by filing Motion with COAH
6/1/1994	COAH adopted resolution allowing Township to amend its HEFSP to achieve certification
4/3/1995	Township adopted resolution to petition COAH for substantive certification
4/27/1995	Township Planning Board adopted amended HEFSP
6/2/1995	Township petitioned COAH for certification
12/6/1995	COAH granted the Township Second Round Certification
12/21/2001	COAH extension of Second Round Certification
7/2005	Monroe petitioned COAH for Third Round Plan to remain under COAH jurisdiction
7/25/2005	COAH denied further extension of Second Round Certification
10/10/2007	NJ 322 LLC brought litigation over Monroe. (Block 14301, Lots 56 & 57); NJ 322 LLC litigation GLO-L-1636-07 Fairness Hearing held
12/23/2008	Township adopted Intent to Bond Resolution (Resolution: R262-2008)

12/31/2008	Monroe re-petitioned COAH with Amended HEFSP (Resolution #260-2008)
3/3/2009	COAH declared HEFSP petition complete
4/14/2009	Monroe withdrew from COAH (Resolution #120-2009)
8/10/2009	Monroe/ NJ 322 LLC Settlement Agreement
8/16/2009	Court Masters Report re: NJ 322 LLC v. Monroe (Scotland Commons)
8/19/2010	Judge Rafferty Court Order – Settlement Agreement Complied with Third Round. GLC-L-000675-09-P.W., Blaze Mill Development Group LLC Final Judgment and Compliance Report
3/13/2012	Township appoints Municipal Housing Liaison (Resolution R:81-12)
8/8/2012	Township and Blaze Mill Agreement, (maximum 250 units, in-lieu payment for 56 off-site affordable units @ 22.4% set-aside
12/14/2012	Court Master Report re Blaze Mill Amended Settlement
7/15/2013	Blaze Mill Development Group, LLC v. Township of Monroe Final Judgment of Compliance and Repose and Order Approving Settlement Agreement
7/4/2015	Monroe files Declaratory Judgement documentation with Court
09/4/2015	Court Order granting temporary immunity from Mt. Laurel lawsuits
12/18/2015	Court Order extending compliance period to March 31, 2016
3/28/2016	Court Order compliance period to June 30, 2016
3/16/2017	NJ Pinelands Commission approved Monroe Affordable Housing Ordinance 0:08-2017 amending Section 175-89
7/8/2016	Court extends submission date to September 15, 2016 and immunity to November 1, 2016
1/17/2018	Settlement Agreements with FSHC and Summerfields West fully executed.
1/30/2018	Fairness Hearing Held- Final Court Order Approving Settlement
2/23/2018	Court extends deadline for objections to March 10, 2018
3/26/2018	Township Council adopts Market to Affordable Housing Program
5/3/2018	Court Order issued approving FSHC Settlement Agreement and Developer Intervenor (Summerfields West) Consent Agreement
8/23/2018	Township Planning Board adopts HEFSP (Resolution PB66-18)
8/27/2018	Township Committee accepts HEFSP and requests Final Compliance action (Res. R174-2018). Twp. Committee adopts Amendment to Chapter 175 Land Use and Development, specifically Affordable Housing (Ordinance O:21-2018); adopts Affordable Housing Trust Fund Spending Plan (Res:R164-2018)
10/11/2018	Planning Board approves Whitehall Gardens (a.k.a. Country Village at Whitehall (Resolution PB77-18)
5/29/2019	Township Council adopts Acme Shopping Center Redevelopment Plan Amendment #4 (Ordinance O:16-2019)

1/27/2020	Township approves resolution appointing Municipal Agent (Triad Advisory Services, Inc. - "TRIAD")
10/28/2020	Township Council adopts Williamstown Square Redevelopment Plan, Amendment #2(Ordinance O:27-2020)
12/14/2020	Township Council adopts St. Mary's Redevelopment Plan (Ordinance O:29-2020); Trust Fund Agreement, MOU with Morgan Development Group to enable Catholic Charities Development
12/22/2020	TRIAD files Monroe Township Affordable Housing Annual Report to FSHC and posts on Township website
12/23/2020	Township sent comprehensive response to request by Emily Smith, J.D., FSHC, regarding questions related to the Settlement Agreement compliance
3/10/2021	Township sent response to request by Emily Smith, J.D., FSHC, regarding additional questions on compliance documents

The Settlement Agreement

On January 17, 2018, the Settlement Agreement was fully executed with the Fair Share Housing Center ("FSHC"), a Supreme Court-designated interested party. Monroe had entered into a separate Consent Settlement Agreement ("Consent Agreement") with Summerfields West, LLC and Friendly Village MHP, LLC (collectively known as "Developer Intervenor), which was incorporated into the executed Settlement Agreement as Exhibit "A".

On January 30, 2018, the Court held a Fairness Hearing on the Settlement Agreement. On May 3, 2018, a Court Order was issued approving the Settlement Agreement.

As part of this executed Settlement Agreement, Monroe and the FSHC agree that Monroe's affordable housing obligations are as follows:

- 158-unit Third Round Present Need (Rehabilitation Share)
- 439-unit Prior Round Obligation
- 400-unit Present Need Obligation (Gap Period (1999-2015))
- 0-unit Prospective Need (Third Round 2015-2025)

The Settlement Agreement contains specific terms to be addressed by the Township with the adoption of a Housing Element and Fair Share Plan ("the Plan") and implementation of the terms of the Settlement Agreement to satisfy its obligations under the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A, 52:27D-301 et seq.

Housing Element and Fair Share Plan

On August 23, 2018, the Monroe Planning Board adopted the HEFSP dated July 10, 2018 (PB66-18). The Township Committee accepted the HEFSP and sought Final Court Compliance (Resolution: R174-2018). The FHA and COAH's rules prescribe the component of the Housing Element. The HEFSP meets these standards. Additional documentation to address its fair share obligation has been substantially met by the Township and is detailed in the following sections.

Present Need: Rehabilitation Component: 158-Units

The Opinion issued by the Supreme Court of New Jersey on March 10, 2015 (the Mount Laurel IV Opinion) directs that that the Prior Round methodology be used to calculate municipal Present Need. This methodology was utilized by David N. Kinsey, PhD, FAICP, P.P. in his July 22, 2016 report "New Jersey Fair Share Housing Obligations for 1999-2025 (Third Round) under Mount Laurel IV", prepared on behalf of the FSHC to calculate the Present Need. For Monroe, the Kinsey Report calculates a Present Need of 158-units in need of rehabilitation.

N.J.A.C. 5:93-5.2(g) and (h) requires a minimum of \$8,000 for rehabilitation work (not including \$2,000 in administration fees) to be spent per unit and a six-year control on affordability for owner-occupied units.¹ Rental units are required to have ten-year controls on affordability. Additionally, a major system² must be repaired in order for a home to qualify as a credit.

Monroe's Rehabilitation Program

Gloucester County Planning Division, Office of Housing and Community Development has provided and supervised the rehabilitation of qualified owner-occupied housing units in the Township through its Community Block Development Grant (CBDG) program. The Township is part of the Gloucester County Urban County Qualification Cooperative Agreement related to CBDG funds. This agreement was renewed for the 2020 to 2022 time period.

Between 2010 and 2017, as documented in the *2020 Monroe Affordable Housing Annual Report*, Gloucester County completed the rehabilitation of 81 income-qualified homes located in Monroe Township.

A waiver of N.J. S.A. 93-5.29 (h)2. is requested that states that 'municipal rehabilitation activity shall average at least \$8,000 per unit for each two-year period of substantive certification'. It appears that the County program complies, except the two-year period between 2010-2011 where an average of \$6,800 was expended. We request that flexibility be given in this requirement.

The Township of Monroe Operating Manual for the Administration of a Housing Rehabilitation Program in Accordance with the Uniform Housing Affordability Controls, prepared by TRIAD, dated March 2018 was included in the adopted 2018 Monroe HEFSP. TRIAD, as the Township's Administrative Agent, has begun the Township-sponsored affordable housing rehabilitation program. The housing rehabilitation program marketing will be directed to property owners of rental and owner-occupied units; however, applications from rental property owners will receive priority. Owner-occupied units will first be directed to the Gloucester County Housing Rehabilitation Program, which considers only owner-occupied housing units for rehabilitation.

¹ The rules specifically require a maximum of \$2,000 per unit to be spent on administration and a minimum of \$8,000 per unit to be spent on the rehabilitation activity, which totals at least \$10,000.

² A major system is defined by N.J.A.C. 5:93-5.2(b) as weatherization, a roof, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system.

Under the Township program, eligible landlords of one to four-unit buildings may be eligible for an interest free loan, which will be due when title to the property is transferred. The landlords are required to provide at least 50% of the total rehabilitation costs needed for each unit to meet State code and each unit must meet the major system repair or replacement requirement.

The rental rehabilitated units are affordability restricted with a 10-year deed restriction, attached to the mortgage and note. Loans are due when property is transferred, the deed restriction remains in effect for 10 years from the date of unit certification.

For owner-occupied units, the loans are interest-free and due when the property is transferred or the owner-occupant dies before the loan repayment. If the unit changes owners, and the new owner agrees to rent to income-affordable households, a 10-year deed restriction must be imposed to keep the unit affordable.

The Township's Spending Plan, has estimated an additional 16 homes could be rehabilitated through 2025 with the anticipated funding. The Spending Plan estimates \$393,721 will be available to fund 16 rehabilitation projects over the next 8 years. The rehabilitation credit obligation will be subject to rehabilitation funds being made available to the Township through its Housing Trust Fund.

The Gloucester County Housing Rehabilitation Program is expected to continue. It is anticipated that on-average 7 homes annually may be rehabilitated through the County program.

As shown on the table below, which has been updated from the 2018 HEFSP, with the Gloucester County Housing Rehabilitation Program and the proposed Monroe Township Housing Rehabilitation Program, the Township's Present Need Obligation is addressed.

Present Need (Rehabilitation) Obligation	
Mechanism	Total
Rehabilitation Obligation	158
Gloucester County Home Rehabilitation Program (Homes rehabilitated between 2010 -2017)	81
Estimated Rehabilitation Units to be Completed through the Gloucester County Rehabilitation Program between 2018 - 2025	61
Monroe Township Rental Rehabilitation Program (initiated in 2020)	16
Total Housing Units to be Rehabilitated	158

Prior Round Obligation 432-Units

The March 10, 2015 Supreme Court Order directed municipalities to use the Prior Round Obligation ("PRO") that COAH established in 1993. Monroe's unadjusted 1987 to 1999 obligation, published in 1993, was a pre-credited need of 439 units. COAH certified the Township's Prior Round Plan (1987-

1999) on December 6, 1995, which included a 439-unit obligation.

This HEFSP has updated the Township's unit compliance credits based upon current data. Under the COAH rules³ the Township has a minimum 75-unit rental obligation, a maximum 75-unit credit rental bonus, and a maximum 75-unit age-restricted housing requirement.⁴

Prior Round Credits

The Township has addressed the entire Prior Round Obligation ("PRO") of 439 units. This includes the following developments, which are all constructed and occupied. There is also a surplus of affordable housing unit credits which are then carried over to the Gap Period Round.

The following section summarizes the developments used to address the Township's PRO. This documentation was included in the adopted 2018 HEFSP Appendix.

1. **Prior Cycle Credits.** The COAH regulations⁵ provide "credits" for affordable housing units constructed between April 1, 1980 and December 15, 1986, which predates the first set of COAH regulations. Monroe has utilized 140 credits in three separate developments to meet the PRO. These units qualify for prior cycle credit on a direct one-to one basis. All of these 140 credits were included in the Second Round HEFSP certified by COAH in 1995. These include the following affordable housing developments:
 - a. **Mimosa Ridge** – (Block 110.101, Lots 3-9, 11-14, Block 110.102, Lots 6 -21, Block 110.103, Lots 17 – 18) - Thirty low-income family rental units were completed in 1985 by Farmers Home Administration (a.k.a. Rural Development). There are minimum 20-year affordability controls on these units with potentially a longer restrictive time-frame.⁶
 - b. **Carino Park Apartments** (Block 11603, Lot 12) – The Carino Park Apartments, owned and operated by the Gloucester County Housing Authority, were completed in November 1984. It consists of 100 units permanently dedicated for very low-income elderly/disabled/handicapped persons.

³ N.J.A.C. 5:93-5-15

⁴ Minimum rental obligation: =25% (precredited need – prior cycle credits)

= 25% (439 -140) = 299 x 0.25 = 75 units minimum rental obligation

Maximum age-restricted units: = 25% (precredited need – prior cycle credits) = 25% (439 -140)

= 299 x 0.25 = 75 units maximum age-restricted units

Maximum rental bonus: = 1 unit for each rental unit not to exceed the minimum rental obligation; = 75-unit maximum rental bonus

⁵ N.J.A.C. 5:93-3.2 Credits for units constructed between April 1, 1980 and December 15, 1986.

⁶ Mary Beth Lonergan, PP, AICP, Master's Report for Mt. Laurel Fairness Hearing, Monroe Township, Gloucester County, New Jersey, Dec. 14, 2012, page 34.

- c. **Gloucester County Housing Authority Single Family Scattered Sites** (Block 613, Lot 1, Block 1603, Lots 4 and 38, Block 2104, Lot 4, Block 2105, Lot 11, Block 8201, Lot 20, Block 8910, Lot 8, Block 9902, Lot 5, Block 11902, Lot 1, and Block 13502, Lot 10) - The Authority owns and operates 15 scattered site affordable family rental homes in the Township. Ten of these homes were built between 1980 and 1986. These homes provided housing for very low-income families.
2. **Willow Creek (Monroe Towne East)** (Block 3401, Lot 5) with 38 family rental units, **Monroe Towne** (Block 1701, Lot 11.01) with 36 family rental units, and **Pleasant Acres (Monroe Towne II)** (Block 1701, Lot 11.02) with 36 rental units are existing 100% affordable family developments, which were funded through Rural Development in 1988. As documented in the 2012 Court Master's Mt. Laurel Report, Mr. Berezna of Rural Development confirmed that these units received federal subsidies through long term loans. All units are available to low-income households and some receive Rural Development rental assistance.
3. **Justin Commons** (Block 143001, Lot 57) - This is a 100 percent affordable family rental development consisting of 132 apartments. MBI Development Co. (Ingerman) developed and administers the affordable units. It was initially occupied in 2011 and consists of 18 units reserved for very low income, 48 low-income and 66 moderate-income units. Sixty-two of the 132 units are credited to the Prior Round obligation, with the remainder credited in the Gap Period Round.
4. **Oak Street Redevelopment** (Block 11701, Lot 45, Block 11902, Lots 6 and 15) - This includes four affordable family for-sale homes developed in 1998.
5. **Garden Villas at Amberleigh** (Block 110.0407, Lot 87). This is an existing inclusionary development with 140 condominiums, of which there are 17 deed-restricted affordable for-sale units.
6. **Barclay Glen** – There are two interrelated Barclay Glen developments. **Barclay Glen** (Block 101, Lot 3) is an existing inclusionary development of 204 apartments with 23 affordable family rental units. **Barclay Glen North** (Block 101, Lot 3.08) is an existing 72 units inclusionary development with 8 affordable family rental units. Taken together, there are 31 affordable units in Barclay Glen and Barclay Glen North consisting of 16 low income and 15 moderate income units.

As shown in the table below, the Township has a total of 434 existing affordable units to address its PRO. All of the units, except the Carino Park Apartments, are family units. Of the family units, all but 21 units are rentals. With the 75 rental bonus credits, the affordable housing credits total 509 units. There are 70 excess credits to carry forward to the future round. Therefore, the Township has met its Prior Round Obligation.

PRIOR ROUND OBLIGATION				
Project	Credit Type	Credit	Rental Bonus	Total
Mimosa Ridge	Prior Cycle Credits /NAR/R	30		30
Carino Park Apartments	Prior Cycle Credits/ AR/R	100		100
Gloucester County Housing Authority Single Family Scattered Sites	Prior Cycle Credits/ NAR/R	10		10
Willow Creek (Monroe Towne East)	NAR/ R	38		38
Monroe Towne I	NAR/R	36		36
Pleasant Acres (Monroe Towne II)	NAR/R	36	13	49
Justin Commons (Scotland Commons)	NAR/R	132	62	194
Oak Street Redevelopment	NAR/S	4		4
Garden Villas at Amberleigh	NAR/S	17		17
Barclay Glen	NAR/R	23		23
Barclay Glen North	NAR/R	8		8
Total		434	75	509
Prior Round Obligation				439
Excess Credits to Carryover to Future Rounds				70
<i>Key: NAR/R – Family Rental NAR/S Family Sale AR/R – Age-Restricted Rental AR/S – Age-Restricted Sale</i>				

Gap Period Obligation 400-Units

As of this date, the Township completely meets its Gap Period Obligation (“GPO”). The Township also has several developments under review, which will address its future affordable housing obligations.

Gap Period Credits

The following table identifies the development credits used to completely address Monroe’s negotiated 400-unit GPO. The specific projects are summarized below.

Summerfields West Partners and Summerfields West II (Block 3901, L31, 32) and **Friendly Village** (Block 8501, Lots 5,10, 12, 20 and 22)

A Consent Agreement was made in November 2017 by the Township with Summerfields West, LLC, Partners, and Friendly Village LLC., trading as Temple Companies. This Consent Agreement is also included as Exhibit A, in the Settlement Agreement with the FSHC.

The Consent Agreement provided that in the previously approved Summerfields West, 11.11% of the units must be affordable or 17 affordable of the 145 units. Another Summerfields site has proposed 338 units with an additional 37 affordable units, if the total 338 units are approved.

It also provides that these 54 affordable units will be transferred to Friendly Village, which is a mobile home park of non-age restricted for-sale units.

This development plan is still on-going. A dispute between Temple Properties and the NJ

Pineland Commission has been resolved and the developments are moving forward with the design of Summerfields West II and hiring TRIAD as their Administrative Agent.

Route 322 Associates LLC. /Scotland Run Center (Block 15001, L 5 & 5.01)

A Use Variance and Preliminary Major Subdivision and Site Plan approval was granted for a mixed-use development located at Route 322 and Fries Mill Road. Proposal includes 79 residential lots including 16 affordable for-sale units. This development is still in an on-going planning process. It is tied to planned intersection improvement at Route 322 and Fries Mill Road, which has been under design review by the NJDOT.

Barclay Glen South (Block 101, Lot 2 and 53)

This development received use variance approval (ZBA Resolution #14-33) which permitted up to 336 apartment units. The final site plan approval granted on September 6, 2016 (ZBA Resolution #16040) permitted the construction of 336 apartments with an affordable housing set-aside of 11.1% or 37 affordable units, of which a maximum of 12 units may be placed in the Barclay Glen Apartment complex, with the remainder being placed on the property. This development is not yet under construction.

Justin Commons (Block 14301, Lot 57)

See Prior Obligation section. This is a 100 percent affordable family rental development consisting of 132 apartments. 62 family rental apartments are credited in the Prior Round. The remaining 70 apartments are credited in the GPO.

Whitehall Gardens (Block 8001, Lot 28) (a.k.a. Country Village at Whitehall)

This development is now called Whitehall Gardens. In 2018 it received Planning Board approval as an age-restricted development with 22 affordable age-restricted twin home units on-site. Phase I is currently under-construction and the developer has hired TRIAD to act as their Administrative Agent.

Blaze Mill - Market to Affordable Housing Program (Block 14101, Lot 1; Block 141.0602, Lot 1.01)

On July 15, 2013, a Court Order was issued approving the Final Judgement of Compliance and Repose and approving the Settlement Agreement between the Township and Blaze Mill Development Group, LLC. The Settlement Agreement provided for 250 apartments on the 61-acre site as part of a mixed-use development including a minimum of 100,000 square feet of non-residential development. The Agreement stipulated that the Developer's affordable housing obligation would be met through the payment of \$6,160 per each market-rate apartment or a total of \$1,540,000. These funds would implement a Market to Affordable Program in the Township. A total of 56 affordable apartments are stipulated, which would result in an off-site housing set-aside of 22.4%. Blaze Mills development has not yet commenced construction and funds have not yet been provided from this development for the Market to Affordable Program.

On March 26, 2018, the Township Council approved by resolution, the Market to Affordable Programs Guidelines for both low- and moderate-income units. The Market-To-Affordable Program seeks to alleviate some of the effects of home foreclosure and abandonment or neglect

of properties in the Township, while at the same time addressing a portion of its Gap Period obligation. The program is intended to create a total of 56 affordable for-sale and rental units, deed restrict them and re-sell or rent them to qualified buyers and/or tenants. All housing units will be brought up to code prior to resale or rental. This program is included in the Township's Spending Plan.

The Township has executed a contract with TRIAD to implement the *Market to Affordable Program in accordance with Uniform Housing Affordability Rules*, dated March 2018. The following summarizes the key elements of the program:

- The Township's Market to Affordable Program shall include units purchased and sold or rented to low and moderate-income households.
- The program will offer for-sale affordable units that may be new, pre-owned or vacant
- The program will offer for rent affordable units.
- The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
- The Township shall provide average minimum cost of \$27,500 per unit to subsidize each low or moderate-income unit with additional subsidy depending on the market prices.
- The program shall comply with N.J.A.C. 5:97-9 'Administration of Affordable Units' and UHAC with a few allowed exceptions permitted in the rules and the terms of the settlement agreement, including the following:
 - An exception from the required UHAC bedroom distribution as long as the Township's program does not restrict the number of bedrooms per unit in the program;
 - An exception from the required UHAC affordability average with the understanding that the maximum rent and sales prices for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and 44 percent of median for a low-income unit.

TRIAD has commenced the Township Market to Affordable Program using available Monroe Housing Trust Funds, in lieu of the Blaze Mills funds not yet being available. As of November 2020, according to the *Monroe Township Affordable Housing Annual Report*, prepared by TRIAD, 2 rental units and 4 for-sale units have been completed.

607 Main Morgan LLC, (Block 11604, Lot 1)

This property was originally listed in the 2018 HEFSP. Five future affordable housing credits were listed. The 0.33-acre property located on Main Street in the Pinelands RGA zone received a use variance, preliminary and final site plan, and subdivision approval to construct five townhouses that would be deed-restricted to low and/or moderate-income disabled persons.

Based on the 2020 Memorandum of Understanding between the Morgan Development Group, LLC and the Township, the original site was eliminated from the HEFSP and donated to the Township for other purposes. In addition, \$125K was to be donated by Morgan Development Group LLC. to the Monroe Housing Trust Fund.

The Mews of St. Mary (a.k.a. Catholic Charities, St. Mary's Redevelopment Plan) (Part of Block 11501, Lot 1)

On December 14, 2020, the Township adopted Ordinance O:29-200 approving the St. Mary's Redevelopment Plan and authorizing affordable housing trust fund expenditures to support a 100% affordable age-restricted housing development. The St. Mary's Redevelopment Plan identified part of the St. Mary Church property to be utilized for this affordable housing project.

On February 22, 2021, the Township Council adopted Resolution R:69-2021 which determined in accord with New Jersey Housing Mortgage Finance Agency requirements for funding, that there is a need for this proposed development. The development, now known as The Mews of St. Mary, would include 75 senior affordable housing units. The 2018 HEFSP, which listed this property as Catholic Charities, included 76 senior affordable apartments. Based on the 2018 HEFSP, 45 units will still continue to address the Township's Gap Period obligation; the 30-unit remainder will address the future unknown Township affordable housing obligations.

Mink Lane/Landfill Redevelopment Plan (Block 901, Lot 2-7, Block 2101, Lot 5 - 5.01, and Block 2201, Lot 5 -11)

On May 15, 2006, the Monroe Township Council passed Ordinance O:14-2008 which established a redevelopment zone for the Mink Lane/Landfill area. Previously the Monroe Township Planning Board in Resolution PB25-06, recommended the designation of the Redevelopment Area and the adoption of a Redevelopment Plan. The Redevelopment Plan included 75 family affordable housing units as part of a mixed-use development to be built on the east side of Sicklerville Road. Subsequently this Redevelopment Plan was overturned in the Court and it has been on hold.

In 2017, the Township has revisited and significantly expanded the redevelopment area, now known as the Sicklerville Road area. The Planning Board was authorized to conduct a preliminary investigation to determine whether this expanded area qualified as an area in need of non-condemnation redevelopment (Resolution R:190-2017).

At this time, this redevelopment area project has been rescinded by the Courts. This project has been placed on hold. The 42 'future' affordable housing credits are still retained as per the 2018 HEFSP.

Acme Shopping Center Redevelopment Plan, (Block 11301, Lots 1, 2, 2.01, 2.02, 3, 4, 5 and 6, Block 11301.02, Lots 20-23 inclusive, and Block 11201, Lot 1).⁷

In 2005, the Monroe Township Council authorized (Resolution No. R:361-2005) the Planning Board to initiate an investigation of these properties as a redevelopment area (Block 11301, Lots 1, 2, 2.01, 2.02, 3, and 4 and Block 3601, Lots 11-18 and Lots 43-46 inclusive) and prepare a redevelopment plan. The redevelopment area included properties located on both sides of Route 322 on the southeastern edge of the Williamstown Central Business District.

⁷ In September 2010, Block 3601, Lots 11-18 inclusive and Lots 43 – 46 inclusive, were removed from the Acme Shopping Center Redevelopment Area creating the Williamstown Square Redevelopment Area Plan.

The Preliminary Investigation and Redevelopment Plan led the Planning Board to recommend and the Township Council to adopt Ordinance No. O:15-2006 on May 9, 2006, declaring the study area as an Area in Need of Redevelopment and adopting the Redevelopment Plan. The study area consisted of approximately 110 acres (not including the right-of-way for Route 322). Approximately 25 acres were developed, but were not fully utilized. The Redevelopment Plan envisioned approximately 250 dwelling units (20% affordable) and 325,000 square feet of retail space, of which 170,000 would replace the existing structures on the south side of Route 322.

The 1st Amendment Redevelopment Plan was recommended by the Township Planning Board on October 26, 2006 and adopted by the Township Council on February 13, 2007 (Ordinance No. O:02-2007).

The 2nd Amendment Redevelopment Plan was recommended by the Township Planning Board to the Township Council on March 27, 2008 (Resolution No. PB-51-08) and adopted by the Township Council on June 10, 2008 (Ordinance No. O:17-2008). The 2nd Amendment expanded the redevelopment area on the south side of Route 322 toward Corkery Lane including Block 11301, Lots 5 and 6, Block 113.0102, Lots 20, 21, 22, and 23, and Block 11201, Lot 1. The expanded study area consisted of approximately 127 acres (not including the Route 322 right-of-way). Approximately 34 acres were developed, but not being fully utilized.

The 2nd Amendment Redevelopment Plan is envisioned to have approximately 250 dwelling units and 495,000 square feet of retail space (170,000 of which would replace the existing structures on the south side of Route 322). The plan required 20% of the total residential units as deed-restricted affordable housing. Pinelands Development Credits are required to be purchased and redeemed for 25% of all residential units constructed, excluding affordable units.

In September 2010, a Redevelopment Plan for Block 3601, Lots 11-18 inclusive and Lots 43-46 inclusive, was prepared to separate these lots from the Acme Shopping Center Redevelopment Plan. That area is referred to as the Williamstown Square Redevelopment Area. The Williamstown Square Redevelopment Plan was adopted by the Township Council in October 2010 (Ordinance No. O:20-2010).

The 3rd Amendment Acme Shopping Center Redevelopment Plan was prepared in October 2012.⁸ The plan includes only the following properties, located on the southside of Route 322: Block 11301, Lots 1, 2, 2.01, 2.02, 3, 4, 5, and 6, Block 113.0102, Lots 10-23 inclusive, and Block 11201, Lot 1. The study area consists of approximately 51 acres with much not being fully utilized.

Under this 3rd Amendment, the Acme Shopping Center Redevelopment Plan provides for multi-tenanted mixed-use retail/commercial uses and single family attached townhouses. The affordable housing requirements provide for 20% of the total residential units as deed-restricted, affordable housing on-site, or at another location within the Township.

The 3rd Amendment Acme Shopping Area Redevelopment Plan was not certified by the Pinelands Commission. Therefore the 2nd Amendment was the effective Plan, which is cited in the 2018 HEFSP for 50 future affordable housing credits.

⁸ Acme Shopping Center Redevelopment Plan, 3rd Amendment, Prepared by J. Timothy Kernan, PE, PP, CME, October 2012, pages1-8.

On May 29, 2019, the 4th Amendment of the Acme Shopping Center Redevelopment Plan (Ordinance O:16-2019) was adopted by the Township Council. The 50 affordable non-age restricted rental units, shown in the 2018 HEFSP remain with no change.

Williamstown Square Redevelopment Plan Area,
(Block 3601, Lots 11, 12, 13, 15, 16, 17, 18, 43, 44, 45, 46)

On October 28, 2020, the Williamstown Square Redevelopment Plan, Amendment #2 was adopted by the Township (Ordinance O:27-2020). The mixed-use redevelopment plan includes 52 rental or 70 for-sale affordable units. This development is shown below on the Updated Gap Period Obligation Table (1999-2025) for future obligation affordable housing credits.

Rental Bonus Credits

Monroe's Gap Period obligation includes 100 rental bonus credits, which is the *maximum permitted*.

Updated Gap Period Obligation Table

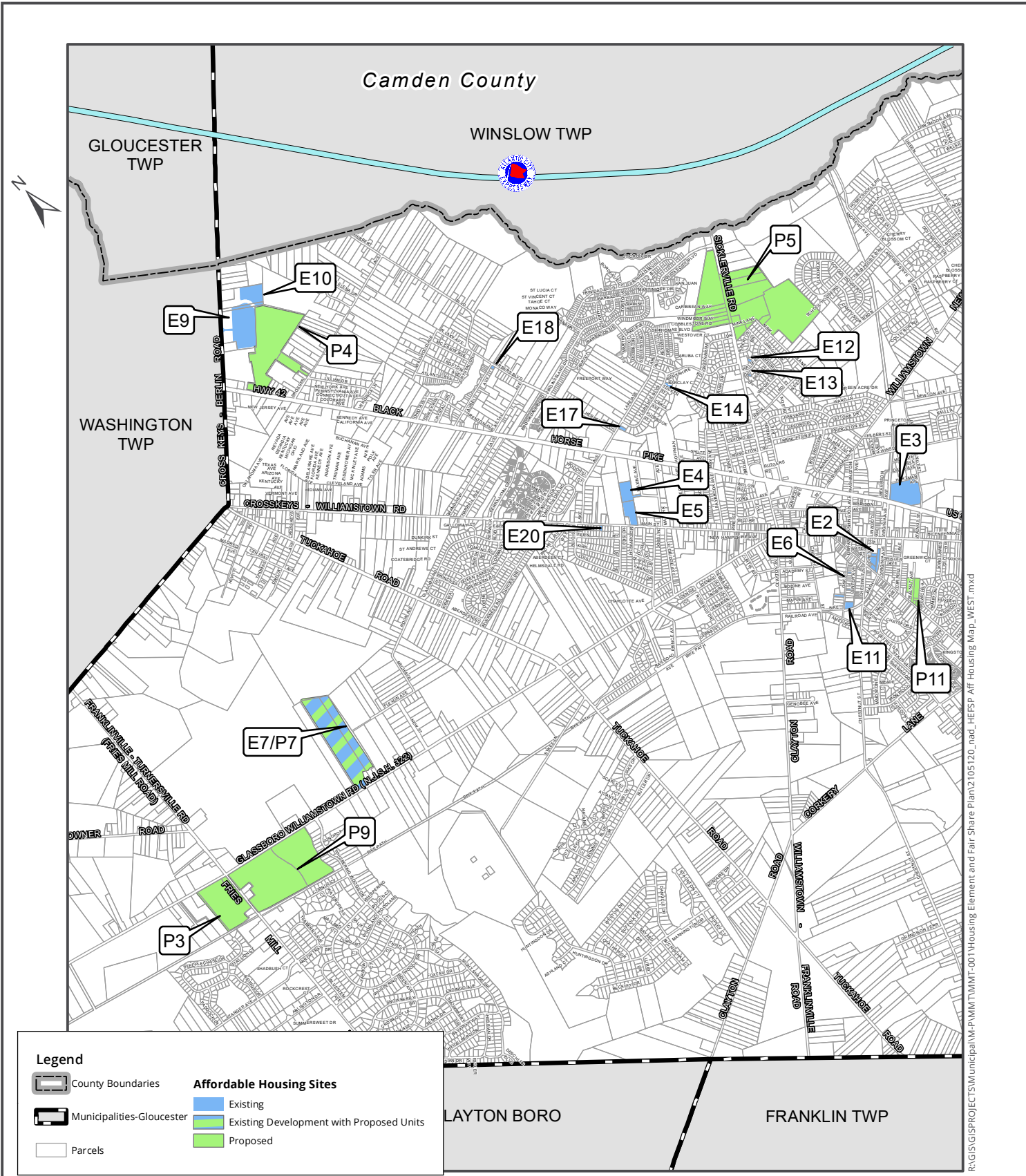
The Gap Period obligation table shown below has been updated from the adopted 2018 HEFSP to reflect the changes regarding 607 Main (Morgan) which has been eliminated and the new Williamstown Square Redevelopment Plan has been added. The Catholic Charities project has been updated to reflect the adopted St. Mary's Redevelopment Plan and is now called The Mews of St. Mary, with the number of age restricted affordable units reduced by one unit to 75 units total. Items shown in red have been updated from the 2018 HEFSP. The total credits have increased to 574 units. There is a potential of 174 future obligation credits.

GAP PERIOD OBLIGATION (1999 – 2015) UPDATED					
Project	Credit Type	Gap Period Credits	Future Credits	Rental Bonus	Total Credits
Summerfields West Partners	NAR/S	17			17
Summerfields West II	NAR/S	37			37
Route 322 Associates/ Scotland Run Center	NAR/S	16			16
Barclay Glen South	NAR/R	37		30	67
Justin Commons	NAR/R	70		70	140
Whitehall Gardens (a.k.a. County Village at Whitehall)	AR/S	22			22
Blaze Mill (Market to Affordable)	NAR/R or S	56			56
607 Main Morgan	NAR/R		5		5
The Mews at St. Marys (a.k.a. Catholic Charities, St. Mary's Redevelopment Plan)	AR/R	45	30		75
Mink Lane / Landfill Redevelopment Plan	NAR/R		42		42
Acme Shopping Center Redevelopment Plan – Amendment #4	NAR/R		50		50
Williamstown Square Redevelopment Plan – Amendment #2	NAR/R		52		52
Total		300	174	100	574
Gap Period Obligation					400
Excess credits to carry over to future rounds					174
Key: NAR/R – Family Rental NAR/S - Family Sale AR/R – Senior Rental AR/S – Senior Sale					

Proposed Developments To Address Future Township Obligations

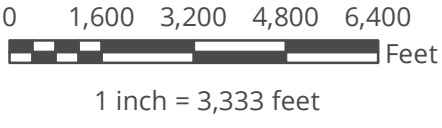
The Township has no Third Round Prospective Need Obligation (2015 – 2025). To address future affordable housing obligations, additional developments are identified on the Gap Period Obligation Table. Three developments: Mink Lane/Landfill Redevelopment Plan, the Acme Shopping Center Redevelopment Plan - Amendment #4 and the Williamstown Square Redevelopment Plan– Amendment #2 have been listed for future affordable unit credits. In addition, The Mews of St. Mary, with 75 proposed age-restricted units of which 45-units are credited for the Gap Period, with the remaining 30-units credited for the Township's future obligations. As shown on the Gap Period Obligation table, there is a calculated surplus of 174 affordable units to carry over to future rounds.

Maps showing all the affordable housing units described in this Compliance Report and its accompanying Affordable Housing Site Map Key Table follow:



Legend

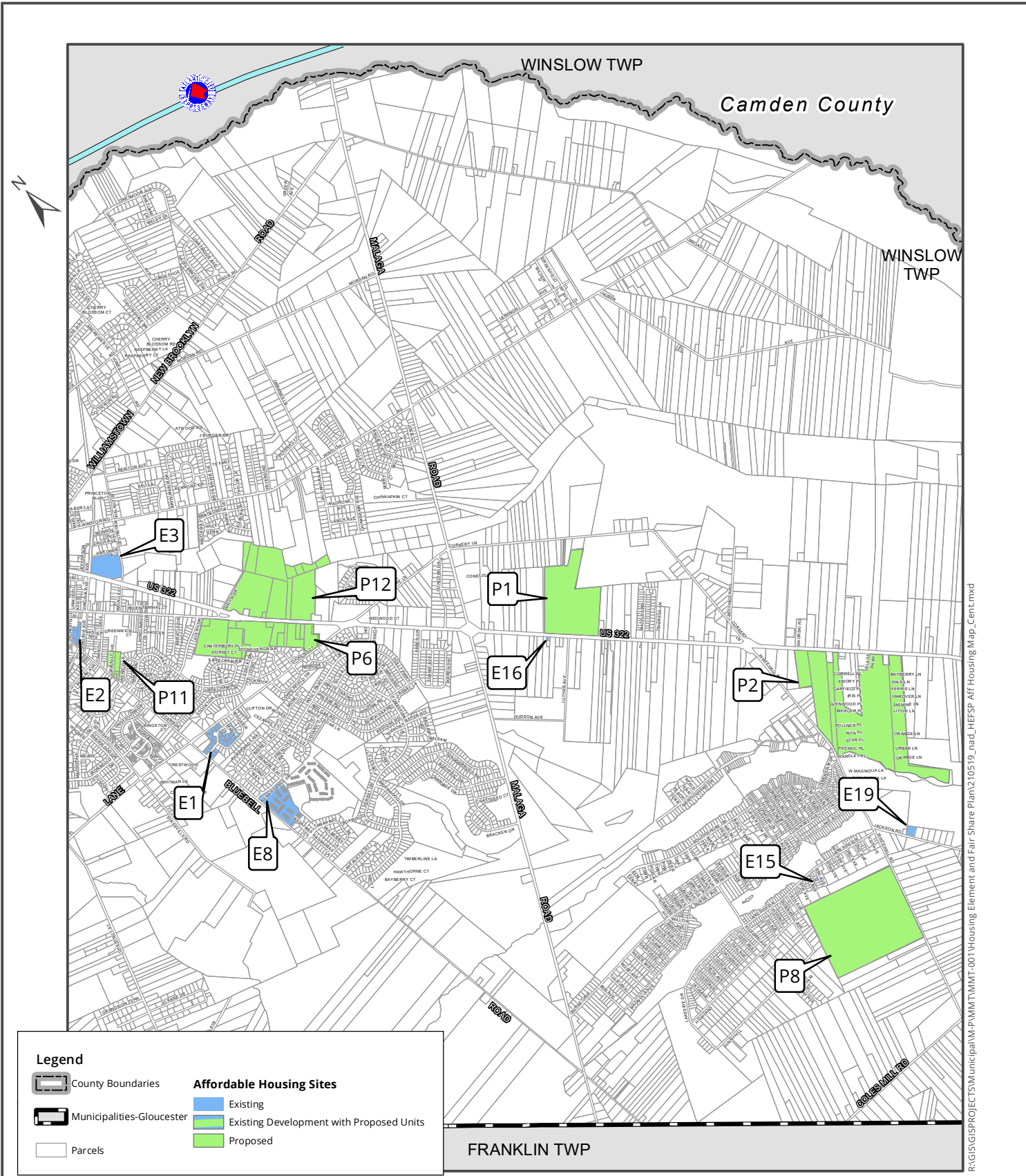
- County Boundaries
- Municipalities-Gloucester
- Parcels
- Affordable Housing Sites**
- Existing
- Existing Development with Proposed Units
- Proposed



Map 1
Affordable Housing Sites
 Monroe Township
 Gloucester County, New Jersey

July 2018 (Rev. May 2021)

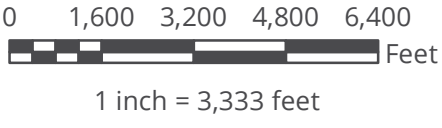
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Legend

- County Boundaries
- Municipalities-Gloucester
- Parcels
- Affordable Housing Sites**
- Existing
- Existing Development with Proposed Units
- Proposed

FRANKLIN TWP



Map 2
Affordable Housing Sites
 Monroe Township
 Gloucester County, New Jersey

July 2018 (Rev. May 2021)

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Affordable Housing Sites Map Key
Township of Monroe, Gloucester County, NJ

Project	Label	Block	Lot
Existing Affordable Housing Sites			
Mimosa Ridge	E1	110.0101; 110.0102; 110.0103	3-9, 11-14; 16-18 (See Appendix for Lot Information) 6-21;
Carino Park Apartments	E2	11603	12 w/ 13, 16, 17, 18
Willow Creek (Monroe Towne East)	E3	3401	5
Monroe Towne I	E4	1701	11.01
Pleasant Acres (Monroe Towne II)	E5	1701	11.02
Oak Street Redevelopment	E6	11701; 11902	45; 6, 15
Justin Commons (Scotland Commons)	E7/ P7	14301	57
Garden Villas at Amberleigh	E8	110.0407	87 - See Appendix for Condo Units
Barclay Glen	E9	101	3
Barclay Glen North	E10	101	3.08
	E11	11902	1
	E12	2104	5
	E13	2105	11
	E14	1603	38
Gloucester County Housing Authority Single Family Scattered Sites	E15	8901	8
	E16	9902	5
	E17	1603	4
	E18	613	1
	E19	8201	20
	E20	13502	10
Proposed Affordable Housing Sites			
Summerfields West Partners	P1	3901	31 w/ 32
Summerfields West II (Settlement Agreement transfers units to Friendly Village)	P2	8501	5, 10, 12, 20, 22
Route 322 Associates	P3	15001	5, 5.01
Barclay Glen South	P4	101	2 w/ 53
Mink Lane Landfill Redevelopment Plan	P5	901; 2101; 11301;	2-7; 5,
Acme Shopping Center Redevelopment Plan Amendment #4	P6	11301.02; 11201	1, 2, 2.01, 2.02, 3, 4, 5, 6; 20-23; 1
Whitehall Gardens (a.k.a. Country Village at Whitehall)	P8	8001	28
Blaze Mill (Market to Affordable)	P9	14101; 141.0602	1; 1.01
607 Main Morgan, LLC SITE REMOVED (2020)	P10	11604	±
The Mews at St. Mary (a.k.a. Catholic Charities, St. Mary's Redevelopment Plan)	P11	Part of 11501	1
Williamstown Square Redevelopment Plan Amendment #2	P12	3601	11-13, 15-18, 43-46

Requested Adjustments

Monroe is not seeking any downward adjustment of its Rehabilitation, Prior Round or Gap Period obligations as part of this plan. However, a waiver of the rehabilitation obligation minimum \$8,000 average costs over a two-year period is requested. The rehabilitated homes under the Gloucester County Rehabilitation Program from 2010 to 2017 had averaged \$9,212 when calculated in total during this eight-year period. However, the two-year period from 2010-2011 did not meet the \$8,000 requirement.

Status of Other Settlement Plan Compliance Requirements

The Settlement Plan established a number of requirements. This section documents the compliance requirements and their current status. It is noted that most of the Settlement Plan conditions have been met. There has also been on-going coordination with Emily Smith, J.D, of the FSHC and the Township has provided the requested documentation directly to the FSHC.

SETTLEMENT AGREEMENT

In the Matter of the Township of Monroe, County of Gloucester

Docket No. L-930-15

November 30, 2017

Settlement Terms

The Township and the FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan ("the Plan"), and the implementation of the Plan and this agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999), Gap Period Present Need (1999-2015) and Third Round Prospective Need (2015-2025).

On August 23, 2018, the Township Planning Board adopted the HEFSP (Resolution PB66-18). On August 27, 2019, the Township Committee accepted the HEFSP and requested Final Compliance action (Resolution R174-2018).

2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Gap Period and Third Round Present and Prospective Need instead of doing so through plenary adjudication of the Present and Prospective Need.

The Settlement Agreement was executed.

3. FSHC and Monroe hereby agree that Monroe's affordable housing obligations are as follows:

Monroe Township Affordable Housing Obligations	
Rehabilitation Share or Present Need (per Kinsey Report ⁹)	158
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u> ¹⁰)	439
Gap Period (1999-2015) Present Need ¹¹	400
Third Round (2015-2025) Prospective Need (per Kinsey Report. ¹²	0

4. For purposes of this agreement, the Gap Period Present Need, is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in its January 18, 2017 decision in re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Township's efforts to meet its Present Need of 158 units include the following:
- Through the Gloucester County Home Improvement Program, between 2010 and 2017, 81 Monroe Township homes have been rehabilitated. (Further updated information is still being compiled by Gloucester County).

See prior Compliance Report section on the Township's Rehabilitation Program. The following table has been revised to reflect current conditions.

⁹ David N. Kinsey, PhD, PP, FAICP, New Jersey Low- and Moderate-Income Housing Obligations For 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology, July 26, 2016.

¹⁰ As determined by COAH.

¹¹ July 26, 2016 and April 12, 2017.

¹² July 26, 2016 Kinsey Report.

UPDATED Present Need (Rehabilitation) Obligation	
Mechanism	Total
Gloucester County Owner Occupied Rehabilitation Program Rehabilitation Units Completed or Under Repair 2010- 2014- 2017 (Awaiting updated data from County from 2010-2014)	85 81
GCHRP - Assume average of 7/year from 2015 2018-2025 in estimated additional units	60 61
Monroe Township Rental Home Improvement Program which will be initiated in 2018. Assume 2018-2025 16 units at \$25,000/unit	16
Total Estimated Rehabilitation Credits	161 158
Rehabilitation Obligation	158

- b. Moving forward, to address the remainder of its rehabilitation obligation, the Township will also work with the Gloucester County Home Improvement Program to advertise the County program to Monroe residents. This is a federally funded program geared towards homeowner rehabilitated units.
- c. After the Settlement Agreement is approved, the Township will reserve a maximum of \$393,721 of its affordable housing trust fund account to complete an estimated 16 rehabilitations through a Township-sponsored Home Improvement Program to be geared towards rental unit rehabilitation.

See prior section on the Township's Rehabilitation Program which has commenced.

- 6. As noted above, the Township has a Prior Round obligation (PRO) of 439 units as certified by the COAH. This PRO has been met with existing developments. These existing developments are indicated in the table below:
 - a. Prior Cycle Credits - Three projects which total 140 affordable units were constructed and occupied between 1980 and 1986. These units qualify for prior cycle credits on a direct one-to-one basis. All of these units were included in the HEFSP certified by COAH in 1995.
 - b. 100% Affordable Developments – Five completed and occupied developments consisting of 100% affordable family units. Four of the developments (Willow Creek (38), Monroe Towne I (36), Pleasant Acres (36) and Justin Commons (132) are family

rental units. Oak Street Redevelopment includes four affordable for-sale homes.

- c. Inclusionary Developments - Garden Villas at Amberleigh (17) are family for-sale homes and Barclay Glen (23) and Barclay Glen North (8) are existing affordable rental homes within inclusionary developments.
- d. Existing affordable units exceed the Township's PRO by 70 credits. These 70 credits from Justin Commons, will be carried forward to address the Township's Gap Period and future obligations.

PRIOR ROUND OBLIGATION				
Project	Credit Type	Credit	Rental Bonus	Total
Mimosa Ridge	Prior Cycle Credits /NAR/R	30		30
Carino Park Apartments	Prior Cycle Credits/ AR/R	100		100
Gloucester County Housing Authority Single Family Scattered Sites	Prior Cycle Credits/ NAR/R	10		10
Willow Creek (Monroe Towne East)	NAR/ R	38		38
Monroe Towne I	NAR/R	36		36
Pleasant Acres (Monroe Towne II)	NAR/R	36	13	49
Justin Commons (Scotland Commons)	NAR/R	132	62	194
Oak Street Redevelopment	NAR/S	4		4
Garden Villas at Amberleigh	NAR/S	17		17
Barclay Glen	NAR/R	23		23
Barclay Glen North	NAR/R	8		8
Total		434	75	509
Prior Round Obligation		439		
Excess Credits To Carryover To Future Rounds		70		
Key: NAR/R – Family Rental NAR/S Family Sale AR/R – Age-Restricted Rental AR/S – Age-Restricted Sale				

2018 HEFSP is consistent with this provision. See prior HEFSP section for expanded discussion of Prior Round Obligation credits.

- 7. The Township's Gap Period (1999-2015) Present Need obligation (GPO) of 400 credits will be addressed with a variety of mechanisms as shown in the table below. There are 127 excess credits that will be carried forward to future rounds.

The Gap Period Obligation credits have been updated to reflect Township actions since 2018. The table below reflects the changes. See the prior HEFSP section on the Gap Period Obligation credits for additional information. The Township meets its Gap Period obligation and has 174 additional affordable units to carry over to meet future obligations.

UPDATED GAP PERIOD OBLIGATION (1999 – 2015)					
Project	Credit Type	Gap Period Credits	Future Credits	Rental Bonus	Total Credits
Summerfields West Partners	NAR/S	17			17
Summerfields West II	NAR/S	37			37
Route 322 Associates	NAR/S	16			16
Barclay Glen South	NAR/R	36 37		36 30	72 67
Mink Lane Landfill Redevelopment Plan	NAR/R		42		42
Acme Shopping Center Redevelopment Plan	NAR/R		50		50
Justin Commons	NAR/R	64 70	6 0	64 70	134 140
Whitehall Gardens (a.k.a. County Village at Whitehall)	AR/S	22			22
The Mews at St. Mary (a.k.a. Catholic Charities, St. Mary's Redevelopment Plan)	AR/R	47 45	28 30		76 75
Blaze Mill (Market to Affordable)	NAR/R or S	56			56
Morgan Development Group	NAR/R	5			5
Williamstown Square Redevelopment Plan	NAR/R		52		52
Total		300	127 174	100	527 574
Gap Period Obligation		400			
Excess credits to carry over to future rounds		127 174			
Key: NAR/R – Family Rental NAR/S - Family Sale AR/R – Senior Rental AR/S – Senior Sale					

- a. Summerfields West Partners and Summerfields West II include 2 manufactured homes developments. They have entered into the Consent Agreement of even date herewith, with the Township, to transfer all the required affordable units (54) to Friendly Village as family for-sale homes, in compliance with the terms of this Agreement. The specific terms of the

Consent Agreement between the Developer Intervenor and the Township, attached hereto as Exhibit "A", are specifically incorporated herein by reference. The Summerfields West development has final approval. Summerfields West II is under review by the Pinelands Commission before it can be acted upon by the Township.

See prior section on HEFSP Gap Period credits.

- b. Route 322 Associates is an inclusionary development which has final Planning Board approval. It is a family for-sale housing development with 16 affordable homes.

See prior section on HEFSP Gap Period credits.

- c. Barclay Glen South is an approved inclusionary development with 36 family rental homes.

The credits have been revised to 37 family rental homes and the GAP Period Obligation table has been updated. See prior section on HEFSP Gap Period credits.

- d. Mink Lane Landfill Redevelopment received Township approval as a redevelopment area in 2006. The Redevelopment Plan is currently in process of revision. All housing planned will have a 20% set-aside similar to the 2006 Redevelopment Plan. All Mink Lane credits will be carried forward to address the Township's future affordable housing obligations.

See prior section on HEFSP Gap Period credits.

- e. Acme Redevelopment Area Plan - Amendment #2 was approved by the Township and the Pinelands Commission in 2008. It is anticipated that about 250 family rental homes will be constructed with a 20% affordable set-aside. All proposed Acme affordable homes will be carried over to future rounds.

See prior section on HEFSP Gap Period credits.

- f. Justin Commons is an existing 132 family rental apartments homes in a 100% affordable development. Sixty-two apartments were credited in the PRO. Of the remaining 70 family rental apartments, 64 will be credited in the GPO and 6 apartments will address future affordable housing obligations.

The credits have been revised to include all 70 family rental apartments for credit in the GAP period. No credits are carried over into future rounds. The GAP Period Obligation table has been updated accordingly. See prior section on HEFSP Gap Period credits.

- g. County Village at Whitehall is an approved age-restricted development with 22 affordable for-sale homes. The owner originally asked to convert the development into non-age-restricted homes. However, at this time, the developer has requested a re-conversion back to age-restricted homes.

See prior section on HEFSP Gap Period credits.

- h. Catholic Charities is a 100% affordable age-restricted apartment development. It has final approval for 76 rental apartments. Forty-seven (47) credits will be used in the GPO. The 29 remaining credits will be carried over to future rounds.

Under The Mews at St. Marys (a.k.a. Catholic Charities), 75 units are now planned, of which 45 will be used in the GPO and the remainder held for future rounds. The GAP Period Obligation table has been updated accordingly. See prior section on HEFSP Gap Period credits.

- i. Blaze Mill is an inclusionary development which received approval in 2013 for 56 affordable market –to- affordable units. Blaze Mill is obligated to provide \$1.54M in funding for the units. The Township has agreed to set up a Market-to-Affordable Program for both sale and rental units. The Housing Agent has been appointed and the program mechanisms are in place to start the program once the HEFSP has been adopted and approved by the Court.

See prior section on HEFSP Gap Period credits.

- j. Morgan Development Group includes plans for five family rental homes for the developmentally disabled. The site location is currently being identified.

See prior section on HEFSP Gap Period credits. This property has been eliminated from the HEFSP credits.

- 8. The Township shall meet its Gap Period Present Need obligation in accordance with the following standards as agreed to by the Parties and reflected in the table below:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Gap Period Present Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least 13% of the units addressing the Gap Period Present Need shall be affordable to very-low-income households.

- d. At least twenty-five percent of the Gap Period Present Need shall be met through rental units, including at least half in rental units available to families.
- e. At least half of the units addressing the Gap Period Present Need in total must be available to families.
- f. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance

MONROE TOWNSHIP GAP PERIOD OBLIGATION REQUIREMENTS		
GPO 1999-2015		
<i>(Based on 400 Unit GPO -100 Rental Bonus Credits = 300 Net GPO)</i>		
Gap Period Compliance Standards and Incentives	Units Required/ Permitted	Units Proposed
Low Income and Very Low-Income Housing – Minimum 50% of net GPO	150	150
Very Low-Income Housing – Minimum 13% of net GPO	39	39+ ¹³
Family Housing - Minimum 50% net GPO	150	175+
Rental Housing - Minimum 25% GPO	100	152+
Family Rental Housing – Minimum 50% Rental Housing Obligation or 12.5% GPO	50	105+
Age-Restricted Housing Cap – Maximum 25% of GPO	100	71
Rental Bonus Cap - Maximum 25% GPO	100	100

may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.

The Township agrees with these provisions and has not requested a waiver of them.

- 9. FSHC and Monroe agree that Monroe shall be entitled to carry 127 credits from the surplus units to be used toward any affordable housing obligations that are calculated after 2025 and shall be credited in accordance with the applicable law at that time.

Based upon current Township actions including the Williamstown Square Redevelopment Area, the Township expects to provide 174 surplus credits to address future affordable housing obligations.

¹³ Blaze Mill 56 Market to Affordable credits are not included in these calculations since they are either rental or sale homes.

10. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f) (5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and the Gloucester County Chapter of the NAACP, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

The Township's adopted amendments to Chapter 175 Land Use and Development, specifically Affordable Housing Ordinance O:21-2018, includes Chapter 175-89.1.F. Affirmative Marketing, which addresses these marketing plan requirements. Also, TRIAD has prepared a marketing plan template which address these affirmative marketing requirements.

The Township still needs to adopt the Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 5, the COAH Housing Region encompassing the Township of Monroe. A draft Resolution has been prepared and is awaiting adoption by the Township.

11. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Township, as part of its HEFSP, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

The Township's adopted amendments to Chapter 175 Land Use and Development, specifically Affordable Housing Ordinance O:21-2018, Chapter 175-89.1 addresses these requirements. It should be noted that the Township should modify this Chapter to require 13% of all affordable units, not just 'rental' units should be provided for very low-income households. This applies to Chapter 175-89.1 (C) (5) and 175-89.1 (D)(4).

- a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 5) based on the median income by household size, which shall be

established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- b. The income limits attached hereto as Exhibit A are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- d. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above. The resale prices of owner-occupied low- and moderate- income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price. The rent levels of very-low, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

The Township will require that developers of all new construction will follow these required procedures.

12. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable laws.

The adopted Ordinance O:21-2018 Chapter 175-89.2(8) (b) {6} provides accessibility requirements for affordable housing in accordance with this law.

13. As an essential term of this settlement, within one hundred twenty (120) days of the Court's approval of this Settlement Agreement, the Township shall adopt a final Housing Element and Fair Share Plan incorporating the terms of this Settlement Agreement and introduce and adopt ordinance(s) providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Settlement Agreement, the Consent Agreement and the zoning contemplated herein.

On August 23, 2018, the Township Planning Board adopted the 2018 HEFSP. On August 27, 2018 the Township accepted the 2018 HEFSP and adopted amendments to Chapter 175 Land Use and Development, specifically Affordable Housing Ordinance O:21-2018,

14. The parties agree that if a decision of a court of competent jurisdiction in Gloucester County, or if no court in Gloucester County issues a decision on fair share obligations then a court within COAH's Region 5 (Burlington, Camden and Gloucester), or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total Gap Period present need (which in the case of Monroe would be an obligation of 320 or lower) need obligation established in this agreement, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township shall be obligated to implement the mechanics within the Housing Element and Fair Share Plan, including by leaving in place any site-specific zoning adopted or relied upon in connection with the Plan approved pursuant to this Settlement Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

No action required at this time.

15. The Township shall prepare and adopt a Spending Plan within one hundred twenty (120) days of the Court's approval of this Settlement Agreement, which shall be reviewed by FSHC. The Township reserves the right to request the Court's approval that the expenditures of funds under the revised Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a

final judgment approving this settlement in accordance with the provisions of in re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this agreement, and every anniversary thereafter through July 1, 2025, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services or other approved forms. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

On August 27, 2018, the Township adopted the Affordable Housing Trust Fund Spending Plan (Resolution: R164-2018).

16. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through July 1, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with a copy of such posting provide to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or Local Government Services or other approved forms.

In December 2020, the Monroe Affordable Housing Annual Report, dated November 2020, prepared by TRIAD Associates, was sent to the Township to be posted on the Township website and a copy was provided to the FSHC.

17. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this Agreement. The Township agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due five years from the date of the "Judgement of Compliance and Repose' or 'the judicial equivalent of substantive certification' as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented.

The Midpoint Review Report will be prepared after Township received a Judgement of Compliance.

- b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein.

The 2020 Monroe Annual Report includes a statement on the status of very low-income housing units.

Conclusions

This Compliance Report has been prepared for Monroe Township to assist in the Court's review of the Township's efforts to address the 2018 Settlement Agreement with the FSHC. As noted in this review, the Township has addressed all the timely items of the Settlement Agreement including but not limited to adoption of the 2018 HEFSP, the Spending Plan, the required affordable housing ordinances, and other documentation. The Township's HEFSP is consistent with the Court-approved Settlement Agreement, the Fair Housing Act, and COAH's second round rules with the exceptions as noted.

The few remaining items to be executed include:

- The Township amending the Affordable Housing regulations Chapter 175-89.1 *to require 13% of all affordable units, not just 'rental' units to be provided for very low-income households. This applies to Chapter 175-89.1 (C) (5) and 175-89.1 (D)(4).*
- The Township adopting the Affirmative Marketing Plan
- Preparation of a Midpoint Review Report.