

Steven A. Kunzman, Esq. (Atty I.D. # 012731981)
Our File No.: W525

**DiFRANCESCO, BATEMAN, COLEY
YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C.**
15 Mountain Boulevard
Warren, New Jersey 07059-5686
(908) 757-7800
Attorneys for the Township of Warren

IN THE MATTER OF THE TOWNSHIP	:	SUPERIOR COURT OF NEW JERSEY
OF WARREN FOR A JUDGMENT	:	LAW DIVISION: SOMERSET COUNTY
OF COMPLIANCE OF ITS THIRD	:	DOCKET NO.: SOM- <i>L-904-15</i>
ROUND HOUSING ELEMENT AND	:	
FAIR SHARE PLAN	:	(MOUNT LAUREL)
	:	
	:	<i>Civil Action</i>
	:	
	:	COMPLAINT FOR DECLARATORY
	:	JUDGMENT (THIRD ROUND
	:	HOUSING ELEMENT AND FAIR
	:	SHARE PLAN)

In the Matter of the Application of the Township of Warren

The Township of Warren (“Township”) by way of Complaint for Declaratory Judgment in accordance with the New Jersey Declaratory Judgment Act, N.J.S.A. 2A:16-50 et. seq. and In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015), (“Decision”) states:

COUNT ONE-FOR DECLARATION OF COMPLIANCE

1. The Township is a municipal corporation which has been duly created and authorized as a public body politic of the State of New Jersey, Somerset County.
2. In accordance with its constitutional obligations as set forth in S. Burlington Cnty. v. Twp. of Mount Laurel, 92 N.J. 158 (1983) and its progeny (“Mount Laurel”), and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. (“FHA”) the Township:

a. Has developed a Housing Element and Fair Share Plan (the “HEFSP”) and a Spending Plan (the “Spending Plan”) to meet its fair share obligations under Mount Laurel and in accordance with the FHA. **Exhibit A** (with all supporting documents attached thereto).

b. Has submitted a Resolution of participation with COAH. **Exhibit A**.

c. Is prepared to supplement its HEFSP to comply with its constitutional obligation to provide for the realistic opportunity for the development of its fair share of low and moderate income housing in accordance with Mount Laurel, the Decision, prior decisions of the Courts of New Jersey, the FHA and rules and regulations developed and promulgated by COAH that have been approved by the Courts of New Jersey and consistent with all available credits, adjustments, including physical and environmental factors.

3. The Township has been working diligently in accordance with the FHA and the rules and regulations promulgated and employed by COAH, and decisions of the courts to meet its obligations under Mount Laurel.

4. The Township received *Substantive Certification* in the First Round on March 7, 1988, and its Second Round *Substantive Certification* on January 10, 1996. The Second Round *Substantive Certification* was extended until January 10, 2002, one (1) year after the effective date the Third Round regulations were to be adopted by COAH.

5. COAH first proposed Third Round substantive and procedural rules in October, 2003. 35 N.J.R. 4636(a); 35 N.J.R. 4700(a), which rules were revised multiple times and finally adopted on September 22, 2008 and made effective on October 20, 2008. Ultimately, these Third Round Rules were deemed unconstitutional. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App.Div. 2010) (the “2010 Case”).

6. Due to COAH's failure to adopt revised rules as directed by the Court in the 2010 Case, the New Jersey Supreme Court issued the Decision in which it returned primary jurisdiction of affordable housing matters to the trial courts.

7. The current HEFSP was adopted on November 10, 2008, in accordance with the growth share rules that were subsequently deemed unconstitutional by the Courts. On or about November 20, 2008 the Township Committee adopted a Resolution to submit the HEFSP with a petition for Substantive Certification to COAH. The Township will be prepared to supplement the HEFSP, if needed, all of which militates in favor of the Township being afforded deference relative to its obligation to provide for its fair share of affordable housing.

8. The Township is currently exploring the use of the all available mechanisms as contained in the adopted Third Round Rules as well as the rules from the prior rounds to supplement the HEFSP to meet the determinations to be made by the Court.

9. In accordance with the Decision, the Township seeks a determination declaring that its HEFSP, as it has been or will be supplemented, meets its constitutional obligations under Mount Laurel.

10. During the period of time that the Court is reviewing and working with the Township to meet its Mount Laurel obligations, the Township is entitled to immunity from suit by any party or entity, including any claim for a builder's remedy.

11. Once the Court has declared that the Township's HEFSP satisfies its Mount Laurel obligation, the Township is entitled to further repose and immunity from litigation challenging its HEFSP, including any claim for a builder's remedy for the duration of the adopted and approved HEFSP, which the Decision held to be no sooner than 2025.

12. In accordance with the Declaratory Judgment Act and the Decision, interested parties are to be noticed of this action, at a minimum those parties that participated in the Decision. The parties that have been notified are set forth on **Exhibit B**.

WHEREFORE, the Township requests the Court enter judgment declaring that:

- a. The HEFSP of Township meets the its constitutional obligations under Mount Laurel and the FHA;
- b. The Township is entitled to immunity and repose from litigation challenging any aspect of its HEFSP, including any claim for a builder's remedy, until 2025, or as otherwise directed by the Court, and
- c. Such other relief as is proper and just.

**COUNT TWO-APPROVING DEVELOPMENT FEE
ORDINANCE AND SPENDING PLAN**

13. The Township repeats and relies upon each and every allegation set forth in Paragraphs 1-12 herein.

14. The HEFSP includes a Municipal Development Fee Ordinance ("MDFO") as well as a Spending Plan in accordance with the FHA.

15. In accordance with the MDFO and the Spending Plan, the Township has been collecting fees for use by Township in implementing certain aspects of its HEFSP.

16. The FHA requires the MDFO and the Spending Plan to be approved by COAH.

17. In the Decision, the New Jersey Supreme Court removed all aspects of implementation of the FHA from COAH, which has been applied to matters dealing with the Spending Plans adopted by municipalities. See, In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations, 440 N.J. Super 220 (App. Div. 2015) (the "2015 Trust Fund Case").

18. In order to continue to meet the provisions of the HEFSP, the MDFO and the Spending Plan are required to be approved.

19. In the absence of COAH, this determination must be made by the Court.

WHEREFORE, the Township requests the court enter judgment declaring that:

- a. The MDFO and Spending Plan prepared by Township meet the requirements of the FHA and further meets its constitutional obligations under Mount Laurel, and
- b. Such other relief as the Court deems just and proper.

COUNT THREE- PRESERVING THE MUNICIPAL HOUSING TRUST FUNDS OF TOWNSHIP

20. The Township repeats and relies upon each and every allegation set forth in Paragraphs 1-19 herein.

21. In accordance with the MDFO and the Spending Plan, the Township has been collecting development fees that are to be used to advance affordable housing needs and programs that are components of its HEFSP.

22. The FHA provided, in part, that the funds collected must be committed within four years of collection or they would be forfeited to the New Jersey Housing Trust Fund and, under certain circumstances to the general funds of the State.

23. COAH failed to adopt regulations to address what constitutes the “commitment for expenditure” of funds, and under what circumstances the funds could be forfeited.

24. The New Jersey Appellate Division ruled that in the absence of appropriate direction from COAH, that the determination of the use of a municipality’s collected funds is to be conducted by the Court within this action. In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations, 440 N.J. Super. 220 (App. Div. 2015).

25. The MDFO and Spending Plan prepared by the Township are components of the Plan, and are a reasonable aspect of the HEFSP that will enable the Township to meet its regional fare share obligation in accordance with Mount Laurel.

26. A forfeiture of those funds would be contrary to the interests of Township, the citizens of the State, and would impede the ability of the Township to implement its HEFSP as it is constituted or as it may be supplemented.

WHEREFORE, the Township requests the court enter judgment declaring that:

- a. The Fees collected by the MDFO and Spending Plan shall not be forfeited to the New Jersey Housing Trust Fund or to the State General Fund,
- b. The Fees collected by the MDFO and Spending Plan are permitted to be used and shall be used in accordance with the Spending Plan, and
- c. Such other relief as the Court deems just and proper.

COUNT FOUR-APPROVING AMENDMENTS TO THE SPENDING PLAN

27. Township repeats and relies upon each and every allegation set forth in Paragraphs 1-26 herein.

28. As a result of the 2015 Trust Fund Case, and on information and belief, COAH has been divested or, and/or has relinquished jurisdiction over approval of any amendments to any Spending Plan of the Township.

29. The Township desires that this Court assume jurisdiction over any amendment to the Spending Plan of the Township in order to effectuate and implement its HEFSP approved by this Court and any future amendments pending any reversion of jurisdiction to COAH, so as to allow the Township the ability to utilize and expend its Affordable Housing Trust Funds to advance its HEFSP and satisfy its affordable housing obligation.

WHEREFORE, the Township requests that the Court enter judgment declaring that:

- a. This Court assume and assert jurisdiction to approve any amendment to the Spending Plan of the Township in the same manner as COAH would have considered and approved such amendments, and
- b. Such other relief as the Court deems just and proper.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Steven A. Kunzman, Esq. is hereby designated as Trial Counsel for the Township of Warren in the within matter.

R. 4:5-1 CERTIFICATION

Pursuant to R. 4:5-1, the undersigned hereby certifies that at the time of filing the within, the matter in controversy is not the subject of any other action pending in any court and/or arbitration proceeding, and no other action or arbitration proceeding is contemplated, and the undersigned is unaware of any other party who is potentially responsible to any party on the basis of the facts set forth herein and who should be joined in this action pursuant to R. 4:28 and 4:29-1 et seq. However, many of the issues to be presented in the matter in controversy and to be addressed by the court will be the subject of similar matters that have been or will be filed by other municipalities and, as such, many of these issues may be required to be addressed by the court in conjunction or simultaneously with other such actions.

R. 4:6-1 CERTIFICATION

The undersigned hereby certifies that this pleading was filed within the time period provided by Rule 4:6-1(c).

CERTIFICATION IN ACCORDANCE WITH R. 1:38-7(b)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

DiFRANCESCO, BATEMAN, COLEY, YOSPIN,
KUNZMAN, DAVIS, LEHRER & FLAUM, P.C.
Attorneys for the Township of Warren

By: _____
Steven A. Kunzman

Dated: June , 2015

Exhibit A

WARREN TOWNSHIP
HOUSING ELEMENT
AND
FAIR SHARE PLAN

Prepared for the
Warren Township
Planning Board

By

John T. Chadwick IV, P.P.
3176 Route 27, Suite 1A
Kendall Park, NJ 08824

October 21, 2008
Adopted November 10, 2008

This report was signed and sealed in accordance with NJSA45:14A-12

TOWNSHIP COMMITTEE

Gary DiNardo, Mayor

Victor Sordillo

Carolann Garafola

Malcolm Plager

Frank Salvato

Mark Krane, Township Administrator

John P. Belardo, Esq., Township Attorney

Patricia DiRocco, Township Clerk

WARREN TOWNSHIP PLANNING BOARD

Peter Villani, Chairman

Suzanne Smith, Vice Chair

Gary DiNardo, Mayor

Victor Sordillo, Committeeman

Richard Kaufmann

Daniel Gallic

Nicholas Mafranga

Jerry Toth

Bonnie Plotkin

John Lindner

Edmond Carlock

Anne Lane, Planning Board Secretary

Christian Kastrud, P.E., Township Engineer

Alan A. Siegel, Esq., Planning Board Attorney

John T. Chadwick, IV, Township Planner

INTRODUCTION

All affordable housing districts were established as a result of the Township's substantive certification on March 7, 1988. The Township received its second round substantive certification from the Council on Affordable Housing (COAH) January 10, 1996. The certification was extended until the third round regulations were adopted by COAH.

The housing plan element provides for a variety of lot sizes. The principal dwelling type is a single family home, designed for the needs of a family raising household. The exceptions are the R-65/SC zone and the R-65 PAC zone. The R-65/SC district was established to permit senior citizen/adult housing in the 2nd round certification. The development is located in the Town Center. The R-65/PAC district was created in the 2nd round certification period but not included in the Township's 2nd round certification. The site is in the Town Center district, has received all approvals, is substantially under construction and will contribute an equivalent of 84 units to the Township's fair share.

Four existing zones have an AH designation. These districts are fully developed and part of the Township's substantive certification. Lot sizes, development regulations and densities were all established as part of a mediation agreement entered into prior to certification granted March 7, 1988.

The 3rd round Housing Element and Fair Share Plan addresses requirements of the adopted 3rd round COAH rules. Each subsection of 5:97.2 is addressed.

WARREN HOUSING ELEMENT AND FAIR SHARE OBLIGATION

General

The Township's fair share is the sum of:

1. Deficient housing units occupied by low and moderate income households which is referred to as rehabilitation share; the Township's requirement is thirteen units (Appendix B).
2. Remaining prior round (1987-1999) obligation assigned to a municipality by the Council or the court for the period 1987 through 1999; the Township has fully met its 1987-1999 obligation. The remaining obligation is zero (Appendix C).
3. The growth share of the affordable housing (2004 - 2018)

The net "growth share" for the period January 1, 2004 through January 1, 2018 has been calculated. The net growth share is 403.7 (see Appendix 1).

Housing Element

The Township's Housing Element is designed to achieve the goal of providing affordable housing to meet the affordable housing obligation growth share over time as per 5:97.2.2 (e).

1. Housing inventory pursuant to N.J.S.A. 52:27D-310 (a).

The Warren Township housing stock is primarily single-family dwellings constructed after 1970. Total occupied dwellings increased from 3,688 in 1990 to 4,612 in 2000. Since January 2000 a total of 600 new homes have been constructed. Since January 2004 a total of 157 new units have been added to the Township's housing inventory.

The cost of housing in the Township reflects Somerset County rising real estate values. The cost of new housing is reflected in the economic well-being of the new population. Condition of nearly all housing in the Township is sound.

Appendix tables 2A–2E show housing stock by age, condition, value, occupancy characteristics and type. Pursuant to Appendix B of COAH Rules the Township has a rehabilitation obligation of 13 units.

Residential development has declined considerably from the period January 2004 to present. A total of 157 dwelling units were constructed and occupied from January 2004 through July 2008. The COAH projection of 990 new dwellings to be constructed for the period January 2004 through December 2018 far exceeds the actual pace of development for the first 3½ years of the third round certification period.

2. Township demographics pursuant to N.J.S.A. 52:27D-310 (c).

The Township's median household size, income and age exceed county averages. Township income increased significantly from the 1990 census. The median age of the Township is 39.3 years as compared to County median age of 37.2 years. Median household size is slightly more than three persons per household as compared to the County median of 2.7 persons per household.

Appendix tables 3A – 3E show household size, income characteristics and age profile of Township population for the year 2000 (source: U.S. Census of Population).

Employment Trends

The bulk of the township's employers are in the construction, trade, professional and health care fields. Also of note are finance and administration. These are all fields that are expected to see growth in the rest of the decade and beyond. The following table shows projected employment changes by industry.

**Projected Employment 2004 to 2014
Somerset County**

Industry Sector	Projected Avg. Annual % Change
Utilities	0.8
Construction	1.1
Manufacturing	-1.5
Wholesale trade	0.9
Retail trade	1.1
Transportation & warehousing	0.7
Information	-0.5
Finance & insurance	1.2
Real estate & rental & leasing	0.9
Professional, scientific, & technical	1.8
Management of companies & enterprises	1.2
Administrative & support & waste management & remediation service	1.4
Educational services	1.1
Health care & social assistance	2.8
Arts, entertainment, & recreation	2.4
Accommodation & food services	2.4
Other services (except public	2.4

Projections: NJDOL & WD, Feb. 2007

The occupations which are expected to see the most growth are shown by the table below.

Somerset County
Occupations with the Greatest Percentage Growth, 2004-2014

Soc Code	Occupation	2004		2014		Change: 2004-2014		Annual Average Job Openings		
		Number	Percent	Number	Percent	Number	Percent	Total	Growth*	Replacements
43-4011	Brokerage Clerks	50	0.0	150	0.1	50	68.9	10	10	0
29-2091	Orthotists and Prosthetists	50	0.0	100	0.0	50	62.1	10	0	0
31-1011	Home Health Aides	1,050	0.6	1,700	0.8	650	59.9	80	60	10
31-9092	Medical Assistants	50	0.0	100	0.1	50	49.3	10	0	0
15-1081	Network Systems and Data Communications Analysts	550	0.3	800	0.4	250	45.6	30	30	10
39-9021	Personal and Home Care Aides	200	0.1	300	0.2	100	45.1	10	10	0
29-2021	Dental Hygienists	350	0.2	500	0.2	150	42.4	20	20	0
31-9091	Dental Assistants	700	0.4	1,000	0.5	300	42.2	50	30	20
29-1122	Occupational Therapists	100	0.0	100	0.1	50	40.3	0	0	0
29-1123	Physical Therapists	150	0.1	200	0.1	50	40.1	10	10	0
15-1031	Computer Software Engineers, Applications	1,550	0.8	2,150	1.0	600	39.4	80	60	20
25-2011	Preschool Teachers, Except Special Education	800	0.4	1,100	0.5	300	38.4	40	30	10
37-2021	Pest Control Workers	50	0.0	100	0.0	0	37.1	0	0	0
21-2021	Directors, Religious Activities and Education	150	0.1	200	0.1	50	36.7	10	10	0
15-1032	Computer Software Engineers, Systems Software	1,000	0.5	1,400	0.7	350	36.6	50	40	10
39-9099	Personal Care and Service Workers, All Other	100	0.1	150	0.1	50	36.2	10	0	0
41-9022	Real Estate Sales Agents	550	0.3	700	0.3	200	33.0	30	20	10
29-2041	Emergency Medical Technicians and Paramedics	150	0.1	200	0.1	50	32.6	10	10	0

* Average Annual New Jobs will not equal annualized "Employment Change" since, for declining occupations, new jobs are tabulated as zero since no net job growth is projected, while the employment change is based solely on the difference between 2004 and 2014 employment totals.

Note: Occupational data include estimates of self-employed and unpaid family workers and are not directly comparable to the industry employment total.

Totals may not add due to rounding. Employment data are rounded to the nearest fifty and, job openings are rounded to the nearest ten.

Percentages and percent changes are based on unrounded data.

Prepared By: NJ Department of Labor and Workforce Development

Labor Market and Demographic Research

Occupational and Demographic Research

February 2007

All the included projections assume the current recession is not prolonged, nor that any unforeseen act of terrorism or global economic collapse occurs. Assuming this, job growth in Somerset County as a whole is expected to be 1% annually on average from 2004 to 2014. Within Warren Township, the same growth is expected, barring the constraints of available land for development and labor force. The table below shows the recent workforce limits in the Township and the projections following this model through 2014.

**Workforce by Sector
Warren Township, Somerset County, NJ**

	US Census 2000	NJDOL 2003	NJDOL 2004	NJDOL 2005	NJDOL 2006	Estimated % Change 2004-14~	Estimated Numbers 2014
Total Population	14,219	15,295	15,432	15,630	15,816	9	16,821
Private wage and salary, self employed, family	6,102	8,707	8,755	10,179	12,315		11,406
Government Workers	<u>704</u>	<u>702</u>	<u>762</u>	<u>781</u>	<u>802</u>	4.0	<u>815</u>
TOTAL	6,806	9,409	9,517	10,960	13,117	11.5	12,220

SOURCE: US 2000 Census Bureau. Data rev. 8/23/08
 2003 and 2006 data: NJ Dept. of Labor & Workforce Devel.
 Developed from reported data on unemployment insurance.
 ~ Source: NJ DOL&WD, Feb 2007 and Projections 2014, and based on population aging data.

As population growth slows to below 1% per annum on average in the decade 2004 to 2014, and the population ages, we see a higher percentage of residents outside employable age. This is due to two significant trends occurring in the state: the population 45 to 64 years of age is increasing by 11% over that decade, and the population 65 and over is increasing by 16% over that decade. Two thirds of the new jobs over the decade will be created to replace workers who have retired or left their occupation. In Somerset County total private sector employment declined overall by 3.4% from 2000 to 2005. Employment increased in 2000 and 2001, then declined until 2004, and finally increased significantly over the next two years to historical high levels. These levels are not sustainable with an aging population, and we expect to see the total workforce contract slightly from 2006's benchmark. 2007 statewide job growth was at half the 2006 level, for example, and we expect to see this continue to contract. The workforce contraction, with the high cost of living in the township acting as a potential barrier to an influx of residents, may be another constraint, along with the lack of available land for development, that reduces growth in employment below the estimated numbers.

Source: Industry and Occupational Employment Projections for NJ: 2004-2014, Division of Labor Market & Demographic Research, and Somerset County Fact Book, NJ DOL&WD, Dec 2007.

Employment Outlook

The outlook for employment in Warren Township is promising. Employers in the township are experiencing growth, although they are running up against the limits of development space for future continued expansion and an aging population which commands higher salaries due to time on job or is approaching retirement. The industry sectors expected to flourish include those with the highest wages, for example professional services and finance, but also those of more modest wages, including health care, entertainment, food and administrative services.

CREDITS, REDUCTIONS AND MUNICIPAL ADJUSTMENTS

General

The Township completed its entire 1987-1999 obligation. A surplus of 32 units results. The Township growth share for January 2004-December 2018 is 403.7 units (see Appendix I).

Overview

Warren Township has prepared a Fair Share Plan that meets the requirements of N.J.A.C. 5:97-3.2. The Fair Share Plan shows a substantial portion of the estimated net growth share for the 2004-2018 period has been addressed.

Petition filing/summary of plan for total 1987-2018 fair share obligation sets forth accomplishments and mechanisms addressing the third round projected growth share including credits resulting from prior activities and/or authorized by the third round rules. The Township is entitled to substantial credits resulting from extension of affordability controls for 57 family affordable townhouse homes, will extend affordability controls for 88 family rental apartments and has sponsored (and donated/one dollar considerations for) supportive special-needs projects. The supportive/special-needs projects are as follows:

1. Six units (very low income)/Cerebral Palsy of New Jersey Project located block 114, lot 22.03, or 115 Stirling Road Warren, New Jersey (Township land contribution).
2. Six units (very low income-Medicaid) Chelsea assisted-living. Project developed and occupied November 4, 1999. Project was not included in second round certification.
3. Six units (very low income/age restricted)/Cooperative Housing Corp./shared housing (Township land contribution).
4. Eleven units (very low incomes/supports special-needs) CMG Chelsea, LLC/ block 79, lot 7.01

Fair Share Plan mechanisms are described in greater detail below.

Fair Share Ordinances as necessary for the implementation of the programs and projects designed to satisfy the fair share need have been adopted and are contained in the Warren Township Zoning Code Chapter XVI. Further, the governing body shall formally adopt the revisions of the Fair Share Ordinances as required within 45 days of the Council's grant of substantive certification where current requirements have been amended by NJAC 5:96.

Rehabilitation

The COAH estimate of Warren Township's substandard units occupied by low and moderate income households is thirteen. The Township will continue its approved program (started 1988). The Township assists 1-2 homeowners annually and projects an additional 10 projects for the 3rd round. The existing Township program complies with 3rd round rules and requirements and is on file with COAH & NJHMFA. The Township contracts administration of the program with the State. A total of 7 rehabilitation projects have been completed since January 1999.

MECHANISMS ADDRESSING 3RD ROUND GROWTH SHARE

Inclusionary Zones/R-65 PAC and R-10AH/MF

Warren Township amended its zoning ordinance permitting zoning for higher density residential development during the 2nd round certification period. This action was not required as part of the 2nd round certification.

The new zone (R-65 PAC) will result in 42 age restricted affordable units (under construction) and will address a portion of the 3rd round growth share obligation. The Township is also entitled 42 credits pursuant to NJAC 5:97-3.17.

A second development plan for shared housing has been approved, constructed and occupied. The project is located in the R-10 AH/MF district. This zone was approved as part of the Township's 2nd round certification. The project has been developed by a registered nonprofit organization C.H.C. The project is best described as shared housing. The facility provides 6 rooms for residents plus facilities for full time support personnel.

Warren Township has contracted with NJMFA to administer the units in accordance with the Uniform Housing Affordability Controls, NJAC 5:80-26.

Extension of Affordability Controls

Extension of controls/existing 88 apartments and 57 townhomes -- (existing controls expire 2013 and 2011) (funding source – Development Fee Ordinance).

Inclusionary projects comply with site suitability criteria and conformance with the State Development and Redevelopment Plan

The Township's affordable housing projects described herein above conform to site suitability criteria. Sites are located in Planning Area 2.

The Township has achieved substantial compliance with its projected third round growth share obligation. A total of 290 units have been provided. This represents nearly 72% of the Township's total obligation for the period 2004–2018.

Planned Township sponsored – 100 % affordable programs

Warren Township intends to provide additional low and moderate income units through a municipally sponsored affordable construction program. This mechanism shall be finalized during the 1st phase (year 1-3) of program certification. No formal authorized site negotiations have been initiated. Site selection criteria, development costs and affordability pro forma analysis are completed.

The township has successfully sponsored the development and marketing of a 57 unit, non-age restricted, 100% affordable townhome project. The Township has also through innovative zoning provided for the construction of a mixed-use project producing COAH units, lower middle income (125 percentile of moderate income as defined by COAH) and market units.

The depressed housing market of the past three years coupled with the finance industry collapse creates conditions and uncertainties far beyond the control of the Township. Given existing conditions the Township will proceed with developing details of the project pro forma but will delay site selection and financial commitments.

Age restricted housing

Not more than 25 of the net growth share obligation will be met with age restricted housing in the Fair Share Plan.

Rental housing

In addressing the housing need, the Fair Share Plan shall create a realistic opportunity to maintain and/or construct rental units. At least 25% of the municipality's growth share obligation shall be addressed with rental housing. This rental obligation shall be provided in proportion to the growth share obligation generated by the actual growth as set forth in and pursuant to NJAC 5:97-2.5.



STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE HOUSING
PETITION APPLICATION



This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.

MUNICIPALITY	Warren	COUNTY	Somerset
COAH REGION	3	PLANNING AREA(S)	2&5 w/envmntly crit area ovly
SPECIAL RESOURCE AREA(S)	_____		
PREPARER NAME	John T. Ghadwick	TITLE	Township Planner
EMAIL	Jtoiv.Plan@Verizon.Net	PHONE NO.	732-297-7669
ADDRESS	3176 Rt 27, Ste 1 A, Kendall Park, NJ 08824	FAX NO.	732-297-8081
MUNICIPAL HOUSING LIAISON	Mark Krane	TITLE	Township Administrator
EMAIL	Mkrane@Warrentboc.Org	PHONE NO.	908-753-8000 x250
ADDRESS	Warren Twmsp, 46 Mountain Blvd, Warren, NJ 07059	FAX NO.	908-226-5629

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals	COAH	JOC	N/A
First Round	<u>3/7/1988</u>	_____	<input type="checkbox"/>
Second Round	<u>1/10/1996</u>	_____	<input type="checkbox"/>
Extended Second Round	<u>1/2/2002</u>	_____	<input type="checkbox"/>

Does the Petition include any requests for a waiver from COAH Rules? Yes No
If Yes, Please note rule section from which waiver is sought and describe further in a narrative section: _____

FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
<input checked="" type="checkbox"/>		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
<input checked="" type="checkbox"/>		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box): <input checked="" type="checkbox"/> Petitioning <input type="checkbox"/> Filing <input type="checkbox"/> Re-petitioning <input type="checkbox"/> Amending Certified Plan
<input checked="" type="checkbox"/>		Service List (in the new format required by COAH)
<input checked="" type="checkbox"/>		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Zoning Ordinance (most recently adopted) ¹ Date of Last Amendment: <u>7/19/2007</u> Date of Submission to COAH: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: <u>7/19/2007</u> Date of Submission to COAH: <u>7/19/2007</u>
<input type="checkbox"/>	<input type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list):

FOR OFFICE USE ONLY			
Date Received _____	Affidavit of Public Notice _____	Date Deemed _____	
Complete/Incomplete _____	Reviewer's Initials _____		

¹ Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

HOUSING ELEMENT

(N.J.A.C. 5-97.2 & N.J.S.A. 40:55D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by¹:

- Age;
- Condition;
- Purchase or rental value;
- Occupancy characteristics; and
- Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

Yes, Page Number: 2 No (incomplete)

Appendix 2A-2E

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to²:

- Population trends
- Household size and type
- Age characteristics
- Income level
- Employment status of residents

Yes, Page Number: 3 No (incomplete)

Appendix 3A-3D

3. The plan provides an analysis of existing and future employment characteristics of the municipality, including but not limited to³:

- Most recently available in-place employment by industry sectors and number of persons employed;
- Most recently available employment trends; and
- Employment outlook

Yes, Page Number: 3-6 No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections.
AND

Proposed mechanism to address 2004-2018 obligation

The analysis covers the following:

- The availability of existing and planned infrastructure;
- The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- Anticipated land use patterns;
- Municipal economic development policies;
- Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- Existing or planned measures to address these constraints.

Yes, Page Number: 6-8 No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

Yes, Page Number: 7 No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

Yes, Page Number: 6 No (go to 6a)

6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(a) (optional - see Fair Share Plan section starting on page 7 of this application).

Yes (go to 7 and 8) No (go to 6b)

6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

Yes, Page Number: _____ No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- Number of units for which certificates of occupancy were issued since January 1, 2004;
- Pending, approved and anticipated applications for development;
- Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at www.nj.gov/dca/coah/planningtools/gscalculators.shtml)

Yes, Page Number: _____

No (incomplete)

Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;

Square footage of pending, approved and anticipated applications for development;

Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;

Demolition permits issued and projected for previously occupied non-residential space; and

The worksheet for determining a higher non-residential growth projection provided by COAH.

Yes, Page Number: _____

No (incomplete)

Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

Rehabilitation share (from Appendix B);

Prior round obligation (from Appendix C); and

Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

Yes, Page Number: 6-7

No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

Yes, Page Number: _____

No (incomplete)

Not Applicable

Petition date: _____

Endorsement date: _____

¹ Information available through the U.S. Census Bureau at

http://factfinder.census.gov/servlet/ACSSAFFHousing?sse=on&submenuid=housing_0

² Information available through the U.S. Census Bureau at <http://factfinder.census.gov/home/saff/main.html>.

³ Information available through the New Jersey Department of labor at

<http://www.wnjpin.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html>

FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the "need" column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the "Need" column.

Line		<u>Need</u>
1	<input type="radio"/> Rehabilitation Share (From N.J.A.C. 5:97 Appendix B) OR	<u>13</u>
2	<input type="radio"/> Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit _____.)	_____
		<u>Need</u>
3	<input type="radio"/> Prior Round (1987-1999) Affordable Housing Obligation (From N.J.A.C. 5:97 Appendix C)	<u>543</u>
	<input type="radio"/> Prior Round Adjustments:	
	<input type="radio"/> 20% Cap Adjustment	_____
	<input type="radio"/> 1000 Unit Cap Adjustment	<u>0</u>
4	Total Prior Round Adjustments	<u>543</u>
5	Adjusted Prior Round Obligation: (Number in Appendix C minus Total Prior Round Adjustment(s))	<u>0</u>
	<input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need)	<u>0</u>
6	Realistic Development Potential(RDP) ¹	<u>0</u>

¹ RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

Determining the Growth Share Obligation

All municipalities must complete the "COAH projections" table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:
www.nj.gov/dca/coah/planningtools/gscalculators.shtml.

The applicable workbook has been completed and is attach to this application as Exhibit A.

Line	<i>o Required 2004-2018 COAH Projections and Resulting Projected Growth Share</i>			
	Household Growth (From Appendix F)	<u>990</u>	Employment Growth (From Appendix F)	<u>3346</u>
	Household Growth After Exclusions (From Workbook A)	<u>973</u>	Employment Growth After Exclusions (From Workbook A)	<u>0</u>
	Residential Obligation (From Workbook A)	<u>194.60</u>	Non-Residential Obligation (From Workbook A)	<u>209.10</u>
7	Total 2004-2018 Growth Share Obligation			<u>403.70</u>
	<i>o Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share</i>			
	Household Growth After Exclusions (From Workbook B)	_____	Employment Growth After Exclusions (From Workbook B)	_____
	Residential Obligation (From Workbook B)	_____	Non-Residential Obligation (From Workbook B)	_____
8	Total 2004-2018 Projected Growth Share Obligation			_____
	<i>o Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share</i>			
	Household Growth After Exclusions (From Workbook C)	_____	Employment Growth After Exclusions (From Workbook C)	_____
	Residential Obligation (From Workbook C)	_____	Non-Residential Obligation (From Workbook C)	_____
9	Total 2004-2018 Growth Share Obligation			_____
10	Total Fair Share Obligation (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9)			<u>416.70</u>

Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	<u>Completed</u>	<u>Proposed</u>	<u>Total</u>
Rehabilitation Share			<u>13</u>
<i>Less: Rehabilitation Credits</i>	<u>42</u>		<u>42</u>
Rehab Program(s)		<u>13</u>	
Remaining Rehabilitation Share			<u>13</u>
Prior Round (1987-1999 New Construction) Obligation			<u>543</u>
<i>Less: Vacant Land Adjustment (If Applicable)</i>			
<i>(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP)*</i>			
Unmet Need			_____
RDP			_____
Mechanisms addressing Prior Round	_____	_____	_____
Prior Cycle Credits (1980 to 1986)			<u>4</u>
Credits without Controls			
Inclusionary Development/Redevelopment	<u>94</u>		<u>94</u>
100% Affordable Units	<u>57</u>		<u>57</u>
Accessory Apartments			
Market-to-Affordable			
Supportive & Special Needs	<u>41</u>		<u>41</u>
Assisted Living			
RCA Units previously approved	<u>251</u>		<u>251</u>
Other	<u>104</u>		<u>104</u>
Prior Round Bonuses	<u>24</u>		<u>24</u>
Remaining Prior Round Obligation	<u>0</u>		<u>0</u>
Third Round Projected Growth Share Obligation			_____
<i>Less: Mechanisms addressing Growth Share</i>			
Inclusionary Zoning	<u>42</u>		<u>42</u>
Redevelopment		<u>114</u>	<u>114</u>
100% Affordable Development			
Accessory Apartments			
Market-to-Affordable Units			
Supportive & Special Need Units	<u>23</u>		<u>23</u>
Assisted Living: post-1986 Units	<u>6</u>		<u>6</u>
Other Credits	<u>177</u>		<u>177</u>
Compliance Bonuses	<u>42</u>		<u>42</u>
Smart Growth Bonuses			
Redevelopment Bonuses			
Rental Bonuses			
Growth Share Total	<u>290</u>	<u>114</u>	<u>404</u>
Remaining (Obligation) or Surplus	<u>-114</u>	<u>114</u>	<u>0</u>

PARAMETERS¹

<u>Prior Round 1987-1999</u>			
RCA Maximum	293	RCA's Included	251
Age-Restricted Maximum	271	Age-Restricted Units Included	6
Rental Minimum	135	Rental Units Included	135

<u>Growth Share 1999-2018</u>			
Age-Restricted Maximum	101	Age-Restricted Units Included	48
Rental Minimum	101	Rental Units Included	101
Family Minimum	51	Family Units Included	51
Very Low-Income Minimum ²	52	Very Low-Income Units Included	52

¹ Pursuant to the procedures in N.J.A.C. 5:97-3.10-3,12

² Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at www.nj.gov/dca/coah/planningtools/checklists.shtml.

Table L. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed (use <u>Rehabilitation Unit Survey Form</u>)	Rental, Owner Occupied or Both	Checklist or Form Appendix Location ¹
1. <u>Municipal Progra</u>	<u>Completed</u>	<u>Both</u>	<u>On File</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 2. Programs, Projects and/or units addressing the Prior Round.

Project/Program Name	Mechanism or Bonus Type	Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)	Units Addressing Obligation (Note with "BR" where Special Needs Bedrooms apply)	Number Addressing Rental Obligation)	Number Subject to Age-Restricted Cap	Checklist or Form, Appendix Location ¹
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						

No Programs, projects and/or units addressing prior round.

1986-1999 obligation is completed.

A surplus of 32 units is applied to the 2004-2018 3rd round obligation.

Subtotal from any additional pages used

Total units (proposed and completed)

Total rental

Total age-restricted

Total very low

Total bonuses

Please add additional sheets as necessary.

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s)) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age-restricted Cap	Checklist or Form Appendix Location
16. Surplus Prior Round		Completed	32	32	32		
17. R65 Pac Project	Site-Specific Zoning	Proposed	42			42	
18. R65 Pac (Njac 5:97-3.17)	Site-Specific Zoning	Proposed	42			42	
19. Chelsea B82 L8	Alternative Living	Completed	6			6	
20. Cpnj B114 L22	Alternative Living	Proposed	6	6			
21. Coop Housing Corp (Shared Living)	Alternative Living	Proposed	6			6	
22. Cmg Chelsea	Special Needs	Proposed	11				
23. Woodland Acres	Control Extension	Completed	57		57		
24. Liberty Village	Control Extension	Completed	28	28	28		
25. Whispering Hills	Control Extension	Completed	60	60	60		
26. Future Project	Municipally Sponsored	Proposed	141		141		
27.							
28.							
29.							
30.							

Subtotal from any additional pages used

Total family units	318	Total units (proposed and completed)	404
Total age-restricted units	65	Total rental units	126
Total Supportive/Special Needs units		Total family rental units	126
Total Special Needs bedrooms	17	Total very-low units	53
		Total bonuses	159

Please add additional sheets as necessary.

If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CIM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)

1. Does the municipality have an affordable housing trust fund account? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.)

Yes, Bank Name Skylands Community Bank

(Choose account type) Separate interest-bearing account

State of New Jersey cash management fund

No (Skip to the Affordable Housing Ordinance section)

2. Has an escrow agreement been executed? Yes No
(If no, petition is incomplete. Submit an executed escrow agreement.)

3. Is all trust fund monitoring up-to-date as of December 31, 2007? Yes No
(If no, petition is incomplete. Submit an updated trust fund monitoring report.)

DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)

Yes,

Adopted OR Proposed

No Skip to the next category; Payments-in-Lieu

2. If adopted, specify date of COAH/Court approval here: March 1, 1992

■ Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

Yes, Ordinance Number. _____ Adopted on¹ _____

No (Skip to the next category; Payments-in-Lieu)

■ If yes, is the amended ordinance included with your petition?

Yes

No, (Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance)

3. Does the ordinance follow the ordinance model updated September 2008 and available at www.nj.gov/dca/coah/round3resources.shtml? If yes, skip to question 5.

Yes No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

Information and Documentation

The ordinance imposes a residential development fee of ____% and a Non-residential fee of 2.5 %

A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);

A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)

A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(d) and (d)

A description of collection procedures per N.J.A.C. 5:97-8.3(f)

A description of development fee appeals per N.J.A.C. 5:97-8.3(g)

A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)

If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (Note: must be at least 30 percent of all development fees plus interest)?

Yes (Specify actual or anticipated amount) \$34000 based on prior 15 yr average.

No Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.)

■ If yes, what kind of assistance is offered?

■ Has an affordability assistance program manual been submitted? Yes No

¹ Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

**PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON
SITE (N.J.A.C. 5:97-8.4)**

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?
 Yes No (Skip to the next category; Barrier Free Escrow)

2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? (Optional)
 Yes (attach applicable checklist)
 No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)

3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? (Optional)
 Yes (indicate ordinance section) _____
 No

BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?
 Yes No

2. Does the municipality anticipate collecting any other funds for affordable housing activities?
 Yes (specify funding source and amount) _____
 No

SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.)
 Yes No

2. Does the Spending Plan follow the Spending Plan model updated October 2008 and available at www.nj.gov/dca/coah/round3resources.shtml? If yes, skip to next section - Affordable Housing Ordinance.
 Yes No

3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

Information and Documentation

- A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;
- A projection of revenues anticipated from other sources (specify source(s) and amount(s));
- A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;
- A schedule for the expenditure of all affordable housing trust funds;
- A schedule for the creation or rehabilitation of housing units;
- If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;
- If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;
- The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and
- If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 et seq.)

1. Does the Fair Share Plan include an Affordable Housing Ordinance?
 Yes No
2. Does the ordinance follow the ordinance model available at www.nj.gov/dca/coah/round3resources.shtml ? Yes No
3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

Required Information and Documentation

- Affordability controls
- Bedroom distribution
- Low/moderate-income split and bedroom distribution
- Accessible townhouse units
- Sale and rental pricing
- Municipal Housing Liaison
- Administrative Agent
- Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

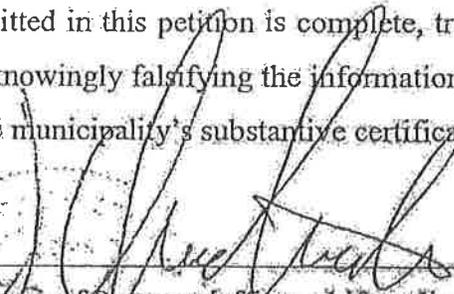
- Operating manual for rehabilitation program - On File
- Operating manual for affordability assistance - On File
- Operating manual for an Accessory Apartment program - Not Applicable
- Operating manual for a Market-to-Affordable program - Not Applicable
- COAH approved administrative agent if municipal wide - Contract w/NJHMFA

Items that must be submitted prior to any time prior to marketing completed units:

- COAH approved administrative agent(s) is project specific
- Operating manual for sale units
- Operating manual for rental units
- Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

CERTIFICATION

I, John Chadwick, have prepared this petition application for substantive certification on behalf of Warren Township. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.



Signature of Preparer (affix seal if applicable)


Township Planner

Title

Date

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

Narrative Section

CHECKLISTS

CHECKLIST INVENTORY OF SITES CHANGED FROM NON-RESIDENTIAL TO RESIDENTIAL
CMG CHELSEA LLC

CHECKLIST REHABILITATION PROGRAM
WARREN TOWNSHIP REHABILITATION

CHECKLIST SUPPORTIVE AND SPECIAL NEEDS HOUSING
CEREBRAL PALSY OF NORTH JERSEY

CHECKLIST ASSISTED LIVING RESIDENCE
CHELSEA ASSISTED LIVING LLC

CHECKLIST EXTENSION OF EXPIRING CONTROLS
WOODLAND ACRES

CHECKLIST EXTENSION OF EXPIRING CONTROLS
WHISPERING HILLS

CHECKLIST EXTENSION OF EXPIRING CONTROLS
LIBERTY VILLAGE

**Inventory of Sites Changed From Non-residential to Residential Use
(P.L. 2008 c.46)**

Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

Municipalities must document at the time of petition, repetition or submission of amendment sites that have been or are proposed to be rezoned or that are the subject of a use variance from nonresidential to residential uses as follows: all sites that were rezoned from nonresidential to residential uses since July 17, 2006 where a developer has made an application for development after July 17, 2008. This would include both applications to the municipal planning board and to the municipal zoning board. Such sites shall include affordable housing as a percentage of the units constructed on site based on economic feasibility.

The determination of economic feasibility will be made based upon the presumptive densities and set-asides in COAH's rules pursuant to N.J.A.C. 5:97-6.4(b)2 (for-sale housing) and N.J.A.C. 5:97-6.4(b)6 (rental housing). A site zoned for inclusionary development will be presumed to be economically feasible if it meets these minimum densities and maximum set-asides.

Owner/Developer Name	Block	Lot	Previous Zoning	New Residential Density	Use Change Date	Development Application Date	Total Units	Total Affordable Units	Use Change Granted By
CMG Chelsea LLC	79	21.01	I	NA	NA	1/9/2008	42	11	Board of Adjustment

Change of Use Narrative Section

Zoning Board granted use variance for special needs housing September 15, 2008. COAH has
certified to 11 units subject to affirmative marketing plan.

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Warren Township, Somerset County, NJ

Program Name: Warren Township Rehabilitation Program

Number of proposed units to be rehabilitated: 13

Information and Documentation Required with Petition

- Determination of Rehabilitation Share COAH Appendix B
- Accept number in N.J.A.C. 5:97 – Appendix B; OR
- Exterior Housing Survey conducted by the municipality
- Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent GIM update, also check here in lieu of submitting forms.)
- Documentation demonstrating the source(s) of funding
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification.

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien. On File
- Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC On File

Rehabilitation Narrative Section

Program has been in existence since 1986. Program complies with COAH requirements.

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Cerebral Palsy of North Jersey

Date facility will be constructed or placed into service: Est Fall 2009

Type of facility: Residential Health Care Facility

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms proposed: 6 Age-restricted affordable bedrooms: _____

For permanent supportive housing:

Affordable units proposed: _____ Age-restricted affordable units: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date development approvals granted: 12/1/2008 All conditions of land donation completed and signed off.

Information and Documentation Required with Petition or in Accordance with an

Implementation Schedule

Is the municipality providing an implementation schedule for this project/program.

- Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.
- No. Continue with this checklist.

- Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)
- Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- Name and address of owner
- Name and address of developer
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site

- Based on the above, a quantification of buildable and non-buildable acreage
- Pro-forma statement for the project
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition	Complete	12/1/2008	
RFP Process	N/A	N/A	N/A

Developer Selection	7/1/2009		
Executed Agreement with provider, sponsor or developer	7/1/2009		
Development Approvals	7/1/2009		
Contractor Selection	3/1/2009		
Building Permits	3/1/2009		
Construction	3/1/2009		
Occupancy	3/1/2010		

Supportive/Special Needs Narrative Section

The Township sold 1.5 acres to CPNJ for \$1 consideration. Development plan is approved (Dec 2008). Further, the Township has authorized \$250,000 to CPNJ to further affordability of project.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

ASSISTED LIVING RESIDENCE (N.J.A.C. 5:97-6.11)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Chelsea Assisted Living LLC

Block(s) and Lot(s): B82 L8

Date facility will be constructed or placed into service: 11/9/1999

This facility including affordable units not included in 2nd round certification

Total units proposed _____

Market-rate units: _____

Affordable units/bedrooms: 6

Number restricted for Medicaid waivers: _____

Bonuses, if applicable:

Prior Round Rental bonuses as per N.J.A.C. 5:97-3.5 2

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date zoning adopted: 1998

Date Development approvals granted: 1997

Use Variance

Information and Documentation Required with Petition

- Completed Assisted Living survey form (If project was previously reported in 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

A general description of the site, including:

- Name and address of owner
- Subject property address
- Subject property block(s) and lot(s)
- Subject property total acreage
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses

- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site
- Based on the above, a quantification of buildable and non-buildable acreage
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Pro-forma statement for the project
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with UHAC
- An affirmative marketing plan in accordance with UHAC if the units are not restricted to recipients of Medicaid waivers
- Check here if the affirmative marketing plan and resolution/contract with an Administrative Agent is being replaced with an executed Memorandum of Understanding with the New Jersey Housing and Mortgage Finance Agency (HMFA)

Assisted Living Narrative Section

Chelsea Assisted Living was approved in 1997 and certificate of occupancy issued 11/4/1999. The project provides 6 medicaid occupied units. The project was not included in 2nd round certification.

EXTENSION OF EXPIRING CONTROLS (N.J.A.C. 5:97-6.14)

(Submit separate checklist for each location)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Woodland Acres

Block(s) and Lot(s): B114.01 L68

Affordable Units Proposed: 57

Non-Age-Restricted: 57 Sale: 57 Rental: _____

Age-Restricted: _____ Sale: _____ Rental: _____

Information and Documentation Required with Petition

- Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

Identification of unit(s) including:

- Name and address of owner
- Subject property address
- Subject property block and lot
- Description of units including if unit is age-restricted or not and rental or sale
- Description of expiring controls including prior program funding, date control first initiated and date when control is to expire
- Agreement or commitment to extend controls between the municipality and owner
- Proposed deed restriction
- Pro-forma statement for the project showing acquisition and/or rehabilitation costs
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Previous and proposed or revised Affirmative Marketing Plans

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- Affirmative Marketing Plan in accordance with UHAC

Extension of Controls Narrative Section

The Township has adopted a resolution extending controls. The Township contracts services for affordability and marketing with NJHMFA.

EXTENSION OF EXPIRING CONTROLS (N.J.A.C. 5:97-6.14)

(Submit separate checklist for each location)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Whispering Hills

Block(s) and Lot(s): _____

Affordable Units Proposed: 60

Non-Age-Restricted: 60

Sale: _____

Rental: 60

Age-Restricted: _____

Sale: _____

Rental: _____

Information and Documentation Required with Petition

- Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

Identification of unit(s) including:

- Name and address of owner
- Subject property address
- Subject property block and lot
- Description of units including if unit is age-restricted or not and rental or sale
- Description of expiring controls including prior program funding, date control first initiated and date when control is to expire
- Agreement or commitment to extend controls between the municipality and owner
- Proposed deed restriction
- Pro-forma statement for the project showing acquisition and/or rehabilitation costs
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Previous and proposed or revised Affirmative Marketing Plans

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- Affirmative Marketing Plan in accordance with UHAC

Extension of Controls Narrative Section

The project was initially occupied in 1991. The Township has begun negotiations for costs of extension of expiring controls. All units are proposed to be retained as affordable throughout the third round and beyond. The Township contracts services for affordability and marketing with NJHMFA.

EXTENSION OF EXPIRING CONTROLS (N.J.A.C. 5:97-6.14)

(Submit separate checklist for each location)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Liberty Village

Block(s) and Lot(s): B24.01, L23

Affordable Units Proposed: 28

Non-Age-Restricted: 28

Sale: _____

Rental: 28

Age-Restricted: _____

Sale: _____

Rental: _____

Information and Documentation Required with Petition

- Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

Identification of unit(s) including:

- Name and address of owner
- Subject property address
- Subject property block and lot
- Description of units including if unit is age-restricted or not and rental or sale
- Description of expiring controls including prior program funding, date control first initiated and date when control is to expire
- Agreement or commitment to extend controls between the municipality and owner
- Proposed deed restriction
- Pro-forma statement for the project showing acquisition and/or rehabilitation costs
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Previous and proposed or revised Affirmative Marketing Plans

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- Affirmative Marketing Plan in accordance with UHAC

Extension of Controls Narrative Section

The project was initially occupied in 1991. The Township has begun negotiations for costs of extension of expiring controls. All units are proposed to be retained as affordable throughout the third round and beyond. The Township contracts services for affordability and marketing with NJHMFA.

APPENDIXES

APPENDIX 1	WORK BOOK A GROWTH SHARE DETERMINATION
APPENDIX 2A	HOUSEHOLD OCCUPANCY
APPENDIX 2B	HOUSING CHARACTERISTICS
APPENDIX 2C	TENURE/LENGTH OF OCCUPANCY
APPENDIX 2D	HOUSING VALUE
APPENDIX 2E	HOUSING RENT COST
APPENDIX 3A	POPULATION ESTIMATE
APPENDIX 3B	AGE PROFILE
APPENDIX 3C	EMPLOYMENT BY SECTOR
APPENDIX 3D	LABOR FORCE

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: Warren

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)*	3,346	3,346
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	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	17	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		
		3,346
4 Net Growth Projection	973	3,346
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	194.6 Affordable Units	209.1 Affordable Units
6 Total Projected Growth Share Obligation		403.7 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.

** 5 single family homes CO'd 12/03 - occupied post 1/1/04

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Warren

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	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div>
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

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. 5:97-6.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
Greenwood Meadows	N	17	0	0	17
		0	0	0	0
		0	0	0	0
		0	0	0	0
Total		17	0	0	17

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
	0	0
Total	0	0

[Return To Workbook A Summary](#)

APPENDIX 2A

Warren Township, Somerset County, NJ Household Occupancy

* US CENSUS		
	Actual 2000	%
Total Population	14,219	
<u>Total Housing Units</u>	<u>4,705</u>	
Occupied	4,616	98.11%
Vacant	89	1.89%
For seasonal, recreational or occasional use	16	0.34%
Homeowner vacancy rate %	0.4	
Rental vacancy rate %	2.0	
 HOUSING TENURE		
Owner occupied units	4,268	92.42%
Renter occupied units	437	7.58%
 Avg household size of owner occupied units	 3.11	
renter occupied units	2.84	

* SOURCE: US Census Bureau,
Census 2000, data rev. 8/23/08.

Warren Township, Somerset County, NJ Housing Tenure & History

* US CENSUS		
	Actual 2000	%
Total Population	14,219	
Residence in 1995 - pop. 5 yrs and over	13,253	
Same house as in 1995	8,660	65.34%
Different house in US in 1995	4,453	33.60%
Same county	1,625	11.51%
Different county	2,828	22.09%
Same state	1,931	14.57%
Different state	897	7.52%
Outside US	140	1.06%

* SOURCE: US Census Bureau. Census 2000
data rev. 8/23/08

Warren Township, Somerset County, NJ - Housing - Characteristics

APPENDIX 2B

* US CENSUS	
Actual 2000	%
4,701	
4,458	94.83%
62	1.11%
53	1.13%
36	0.77%
64	1.36%
32	0.68%
6	0.13%
0	
0	
11	

Projected 2008
5,231

TOTAL HOUSING UNITS

1 unit detached	4,701	94.83%
1 unit attached	4,458	1.11%
2 units	53	1.13%
3 or more units	36	0.77%
5 to 9 units	64	1.36%
10 to 19 units	32	0.68%
20 or more units	6	0.13%
mobile home	0	
boat, RV, van etc	0	
Lacking complete kitchen facilities	11	

AGE OF STRUCTURE

	# Units	%	COs	Demos	Aged Excl.	AGE OF STRUCTURE
1 year or less	95	2.02%	9			1 year or less
1 to 5 years	485	10.32%	234			1 to 5 years
5 to 9 years	557	11.85%	452		95	5 to 9 years
10 to 19 years	768	16.12%	1,042		1042	9 to 17 years
20 to 29 years	711	15.12%	758		758	18 to 27 years
30 to 39 years	835	17.76%	711		711	28 to 37 years
40 to 59 years	807	17.17%	835	0	835	38 to 47 years
60 years and older	453	9.64%	751	-56	807	48 to 67 years
			439	-14	453	68 years and older

ROOMS

1 room	6	0.1
2 rooms	6	0.1
3 rooms	80	1.7
4 rooms	264	5.6
5 rooms	239	5.1
6 rooms	583	12.4
7 rooms	698	14.8
8 rooms	946	20.1
9 or more rooms	1,879	40
Median (rooms)	8	

* SOURCE: US Census Bureau, Census 2000, data rev 8/23/08. Projected age of structure based on existing stock at census 2000 and building permits since 2000 from NJ DOL&WD data. Assumes all units proposed were completed.

- There is no way to break out 1 & 2 unit or attached and detached from the CO or permit data. Therefore the only projection made is to total units. 600 CO's for new construction were issued and 70 units were demolished since the Census data was reported.

APPENDIX 2C

**Warren Township, Somerset County, NJ
Housing - Length of Occupation**

* US CENSUS	
Actual 2000	%

Projected 2008

OCCUPIED HOUSING UNITS

4,616

5,168

LENGTH OF OCCUPATION

# Units	%
452	9.79%
1,184	25.65%
927	20.08%
969	20.99%
496	10.75%
601	13.02%

# Units	%
9	0
234	4.53%
809	15.64%
1,184	22.91%
927	17.94%
969	18.73%
440	8.51%
586	11.34%

Permits **Demos** **Aged/Exd.** **LENGTH OF OCCUPATION**

1 year or less
1 to 5 years
5 to 8 years
9 to 13 years
14 to 17 years
18 to 27 years
28 to 37 years
38 years and older

9
234
357
0
0
-58
-15

452
1,184
927
969
496
601

* SOURCE: US Census Bureau.
data rev. 8/23/08

Projected length of occup. based on existing stock of census 2000 and
CO's and demolitions since 2000 from NJ DOGA data.
Assumes all units constructed were occupied within a year.

APPENDIX 2D

Warren Township, Somerset County, NJ Housing - Value

	* US CENSUS	
	Actual 2000	%
Total Population	14219	
OWNER OCCUPIED UNITS Reporting	4122	
VALUE		
< \$50,000	19	0.46%
\$50,000 - \$99,999	20	0.49%
\$100,000 - \$149,999	77	1.87%
\$150,000 - \$199,999	187	4.78%
\$200,000 - \$299,999	708	17.18%
\$300,000 - \$499,999	1604	38.91%
\$500,000 - \$999,999	1279	31.03%
\$1,000,000 or more	218	5.29%
Median (dollars)	\$ 427,300	
UNITS WITH A MORTGAGE	3087	75%
Median Housing Monthly Cost (dollars)	\$ 2,806	
UNITS WITHOUT A MORTGAGE	1035	25%
Median Housing Monthly Cost (dollars)	\$ 734	

* SOURCE: US Census Bureau.
Census 2000, data rev 8/23/08

APPENDIX 2E

Warren Township, Somerset County, NJ Housing - Rentals

	* US CENSUS	
	Actual 2000	%
Total Population	14219	
RENTER OCCUPIED UNITS Reporting	332	
Gross Rent Per Month		
< \$200	0	0.00%
\$200 - \$299	0	0.00%
\$300 - \$499	0	0.00%
\$500 - \$749	5	1.51%
\$750 - \$999	93	28.01%
\$1,000 - \$1,499	102	30.72%
\$1,500 or more	71	21.39%
No cash rent	61	18.37%
Median (dollars)	\$ 1,146	

* SOURCE: US Census Bureau.
Census 2000, data rev. 8/28/03.

APPENDIX 3A

Estimated V. Actual Population NJ						
Geographic Area	Population Estimates					
	July 1, 2007	July 1, 2006	July 1, 2005	July 1, 2004	July 1, 2003	July 1, 2002
Estimated Population NJ	8,685,920	8,666,075	8,657,445	8,641,235	8,604,990	8,558,327
Actual Population NJ		8,724,560	8,703,150	8,675,879	8,632,553	8,577,514
Population Growth		21,410	32,759	56,467	63,144	79,184
Net Internal Migration		-72,547	-56,989	-45,045	-33,225	-23,759
Net International Migration		54,058	47,392	56,265	59,067	62,813
Natural Increase		39,190	42,341	44,874	38,000	40,163
Yearly population Growth		0.246%	0.378%	0.654%	0.736%	

Source: Population Division, U.S. Census Bureau, NST-EST2007-03
 Population Growth and Migration figures SOURCE: Rutgers Issue Paper #26
 October 2007. Where Have All the Dollars Gone? An Analysis of NJ Migration Patterns
 James Hughes, Dean, Edward J. Bloustein School of Planning & Public Policy, et. al.

APPENDIX 3B

Age Breakdown of Warren Township, Somerset County, NJ

	Actual	%	Actual	Projected			
	2000			2005	2010	2015	2020
Warren Population	14,259		15,630	16,720	17,370	18,020	18,150
under 5	1,019	7.15%	1,191	1,059	652	655	155
5 to 9	1,252	8.78%	1,051	1,206	1,059	672	685
10 to 14	1,341	9.40%	1,284	1,076	1,246	1,109	697
15 to 19	856	6.00%	1,373	1,312	1,116	1,296	1,133
20 to 24	413	2.90%	887	1,407	1,351	1,165	1,345
25 to 34	1,162	8.15%	1,024	1,431	2,160	2,478	2,476
35 to 44	2,764	19.38%	1,992	1,540	1,523	1,889	2,255
45 to 54	2,403	16.85%	2,612	2,332	1,971	1,792	1,885
55 to 59	868	6.09%	1,213	1,336	1,201	1,006	941
60 to 64	583	4.09%	879	1,243	1,351	1,221	1,051
65 to 74	953	6.68%	1,043	1,418	1,953	2,334	2,394
75 to 84	494	3.46%	707	857	1,139	1,552	1,949
84 and over	151	1.06%	376	502	646	850	1,183
Total over 55	3,049		4,217	5,356	6,292	6,964	7,518
Total over 65	1,598		2,125	2,776	3,739	4,737	5,526
% population 5 to 20		27.08%	23.72%	21.50%	19.70%	17.08%	13.85%
% population 21-64		57.46%	55.06%	55.56%	55.03%	53.00%	54.84%
% population 55 & over		21.38%	26.98%	32.03%	36.22%	38.65%	41.42%
% population 65 & over		11.21%	13.60%	16.61%	21.53%	26.29%	30.45%

* SOURCE: US Census Bureau. Census 2000

APPENDIX 3C

Employment by Sector WARREN TOWNSHIP

		Average Annual No. Employers	Average Annual Employed	Average Annual Wage	Average Weekly Wage
Federal Government	2006	3	23	\$64,145	\$1,234
	2005	3	23	\$56,258	\$1,082
	2004	3	17	\$56,525	\$1,087
Local Government	2006	10	779	\$58,100	\$1,117
	2005	10	758	\$57,418	\$1,104
	2004	10	745	\$53,223	\$1,024
Private Sector	2006	479	12,315	\$125,808	\$2,419
	2005	494	10,179	\$110,149	\$2,118
	2004	522	8,755	\$83,852	\$1,613
TOTAL	2006	492	13,117	\$121,679	\$2,340
	2005	507	10,960	\$106,390	\$2,046
	2004	535	9,517	\$81,406	\$1,566

Source: NJ Dept. of Labor & Workforce Development
 Developed from reported data on unemployment insurance, covered UI & UCFE

APPENDIX 3D

Warren Township LABOR FORCE ESTIMATES

	2,006	2005	2004	2003	2002	2001
Labor Force	7,813	7,688	7,564	7,472	7,455	7,339
Employment	7,657	7539	7408	7281	7258	7207
Unemployment Rate (%)	2	1.9	2.1	2.6	2.6	1.8

*Source: New Jersey Department of Labor and Workforce Development
Labor Planning and Analysis, Bureau of Labor Force Statistics, 4/21/08*

SUPPORT DOCUMENTS

- 1 RESOLUTION ADOPTING HOUSING ELEMENT AND FAIR SHARE PLAN
(PLANNING BOARD AND TOWNSHIP COMMITTEE)

- 2 ORDINANCE REVISING AFFORDABLE HOUSING DEVELOPMENT FEES
(PURSUANT TO NEW COAH REGULATIONS)

- 3 RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON
(MARK KRANE – TOWNSHIP ADMINISTRATOR)

- 4 COAH CERTIFICATE SHOWING LIAISON COMPLETED
APPROPRIATE TRAINING

- 5 ESCROW AGREEMENT FOR HOUSING TRUST FUND

- 6 SERVICE LIST

**WARREN TOWNSHIP
PLANNING BOARD RESOLUTION
ADOPTING THE HOUSING ELEMENT AND FAIR SHARE**

WHEREAS, the Planning Board of Warren Township, Somerset County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on December 11, 2006; and

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

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

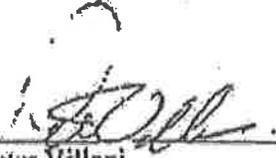
WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the municipality's total 1987 through 2018 fair share obligation; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of Warren Township held a public hearing on the Housing Element and Fair Share Plan on November 10, 2008; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Warren Township's December 11, 2006 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of Warren Township, Somerset County, State of New Jersey, that the Planning Board hereby adopts the November 10, 2008 Housing Element and Fair Share Plan.


Peter Villani
Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of Warren Township, Somerset County, on November 10, 2008.


Richard Kaufmann
Planning Board Secretary

RESOLUTION NO. 2008-264

PETITION COAH FOR SUBSTANTIVE CERTIFICATION WITH AN ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Township of Warren, County of Somerset, State of New Jersey, adopted the Housing Element of the Master Plan on November 10, 2008; and

WHEREAS, the Planning Board adopted the Fair Share Plan on November 10, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board, adopting the Fair Share Plan, is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Warren Township Planning Board;

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Warren, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification;

BE IT FURTHER RESOLVED, that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition;

BE IT FURTHER RESOLVED, that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven (7) days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Warren Township Clerk's office located at 46 Mountain Boulevard, Warren, New Jersey, during the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, for a period of forty five (45) days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
	✓	SORDILLO	✓			
		PLAGER				✓
✓		GARAFOLA	✓			
		SALVATO	✓			
		DINARDO	✓			

CERTIFICATION

I, Patricia A. DiRocco, RMC, Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted at a meeting of the Township Committee held on November 20, 2008.

Patricia A. DiRocco, RMC
Township Clerk

EXPLANATION: This ordinance revises the Township's development fee ordinance in accordance with new rules issued by the NJ Council on Affordable Housing ("COAH"), and P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

**TOWNSHIP OF WARREN
ORDINANCE NO. 08-22**

**AN ORDINANCE OF THE TOWNSHIP OF WARREN,
COUNTY OF SOMERSET, STATE OF NEW JERSEY,
AMENDING, REVISING AND SUPPLEMENTING THE
CODE OF THE TOWNSHIP OF WARREN, CHAPTER XV,
"LAND USE PROCEDURES AND DEVELOPMENT",
SECTION 15-5 "FEES", SUBSECTION 15-5.4
"AFFORDABLE HOUSING DEVELOPMENT FEES"**

BE IT ORDAINED by the Township Committee of the Township of Warren, in the County of Somerset, State of New Jersey, as follows:

Section 1. Subsection 15-5.4 entitled "Affordable Housing Development Fees" of Section 15-5 entitled "Fees" of Chapter XV entitled "Land Use Procedures and Development" of the *General Land Development Ordinances of the Township of Warren*, is hereby deleted in its entirety and replaced to read as follows:

15-5.4 Affordable Housing Development Fees.

a. Findings and Purposes.

1. The Township Committee of the Township of Warren finds and declares that the creation and preservation of affordable housing in the Township serves the public interest. Maintaining and improving a stock of sound affordable housing requires affirmative steps by local government working cooperatively with public bodies at all levels and with the private sector.
2. The New Jersey Supreme Court, in *Holmdel Builder's Ass'n v. Holmdel Township*, 121 N.J. 550 (1990), determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.*, and the State Constitution.
3. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

4. The purpose of this subsection is to establish standards for the collection, maintenance and expenditure of development fees in accordance with COAH's rules and regulations, and in accordance with P.L. 2008, c.46, Section 8 and 32-38. Fees collected pursuant to this subsection shall be used for the sole purpose of providing low- and moderate-income housing. This subsection shall be interpreted within the framework of COAH's regulations on development fees, including N.J.A.C. 5:97-8, and as may be amended.
- b. *Basic Requirements.*
1. This subsection shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
 2. The Township of Warren shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3
- c. *Definitions.* For the purposes of this subsection, the following terms shall have the following meanings:
1. **AFFORDABLE** means a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9.
 2. **AFFORDABLE UNIT** means any housing unit proposed or created pursuant to the Fair Housing Act of 1985, credited pursuant to N.J.A.C. 5:97-4., or funded through the Township's affordable housing trust fund.
 3. **AFFORDABLE HOUSING DEVELOPMENT** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 4. **COAH or COUNCIL** means the New Jersey Council on Affordable Housing established under the Fair Housing Act of 1985, which has primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in the State.
 5. **DEVELOPMENT FEES** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
 6. **DEVELOPER** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other individual, person, partnership, association, company, or corporation having an enforceable proprietary interest in such land.

7. **EQUALIZED ASSESSED VALUE** means the assessed value of a property divided by the current average ratio of assessed to true value for the Township as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c). Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Tax Assessor.
 8. **GREEN BUILDING STRATEGIES** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.
 9. **SUBSTANTIAL CHANGE** means a modification or elimination of a significant condition or conditions in a memorializing resolution or any significant modification in the design or layout of the subdivision plan previously approved which require a revised or amended subdivision plan application.
- d. ***Development Fee Schedule.***
1. ***Residential Development.***
 - (a) Within all zoning districts in the Township of Warren, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half (1.5%) percent of the equalized assessed value for the residential development provided no increased density is permitted.
 - (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall pay a development fee of six (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

2. *Nonresidential Development.*

- (a) Within all zoning districts in the Township of Warren, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one half (2.5%) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (b) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one half (2.5%) percent of the increase in equalized assessed value resulting from any additions or alterations to existing structures to be used for non-residential purposes.
- (c) Development fees shall be imposed and collected when an existing non-residential structure is demolished and replaced. The development fee of two and one half (2.5%) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- (d) When an approval is granted for an increase in floor area pursuant to N.J.S.A. 40:55D-70d(4) (known as a "d" variance), developers shall pay a development fee of six (6%) percent on the additional floor area realized (above what is permitted by right under the existing zoning). However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

e. *Eligible Exactions, Ineligible Exactions and Exemptions.*

1. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
2. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

3. Residential developments that have received preliminary or final site plan approval prior to the effective date of the initial development fee ordinance codified in this subsection shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary and final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
4. Development fees shall not be imposed when an existing residential structure is expanded (including additions, alterations, renovations or reconstruction work).
5. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one half (2.5%) percent development fee, unless otherwise exempted below.
6. The two and one half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs to non-residential developments.
7. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-residential Development Fee Act, P.L.2008, c.46 (N.J.S.A. 40:55D-8.1, et seq., as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Specifically, all non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, which is tax exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee, provided that the property continues to maintain its tax exempt status under the statute for a period of at least three (3) years from the date of issuance of the certificate of occupancy. In addition, the following shall be exempt from the imposition of a non-residential development fee:
 - A. parking lots and parking structures, regardless whether the parking lot or parking structure is constructed in conjunction with a non-residential development, such as an office building, or whether the parking lot is developed as an independent non-residential development;
 - B. any non-residential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers, as defined by the Statewide Non-residential Development Fee Act, which are developed in conjunction with or funded by a non-residential developer;

- C. non-residential construction resulting from a relocation of or an on-site improvement to a nonprofit hospital or a nursing home facility;
 - D. projects that are located within a specifically delineated urban transit hub, as defined pursuant to N.J.S.A. 34:1B-208;
 - E. projects that are located within an eligible municipality, as defined under N.J.S.A. 34:1B-208, which a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system; and
 - F. projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the Department of Transportation.
8. Any exemption claimed by a developer shall be substantiated by that developer. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
9. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Warren as a lien against the real property of the owner.

f. *Collection of Development Fees.*

1. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official or other designated Township official responsible for the issuance of a building permit.
2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The construction official or other Township official responsible for the issuance of a building permit shall notify the Township Tax Assessor of

- the issuance of the first building permit for a development which is subject to a development fee.
4. Within ninety (90) days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
 5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
 6. Within ten (10) business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 7. Should Township fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
 8. The Township may collect up to fifty (50%) percent of the calculated development fee at the time of the issuance of the building permit, with the remaining portion to be collected at the issuance of the certificate of occupancy. Regardless of the time of collection, the development fee shall be based on the percentage that applies on the date that building permits are issued.
 9. The failure of the developer to make timely payments of the aforesaid deficiency shall entitle the Township to file, without notice to the developer, a lien against the subject development. In the event the Township shall file such lien, the Township may add to the aforesaid deficiency amount reasonable attorney fees to file and discharge such lien, together with any and all costs incurred to file and discharge said lien. In the event that the estimated equalized assessed value proves to have been too high, the Township shall promptly refund the difference between the estimated development fees actually paid by the developer and the development fees required to be paid by the developer once such final equalized assessed value has been determined.
 10. Appeal of development fees.
 - (a) A developer may challenge residential development fees imposed by filing a challenge with the Somerset County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in

an interest bearing escrow account by the Township of Warren. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(b) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty five (45) days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Warren. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

g. *Affordable Housing Trust Fund.*

1. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer of the Township for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls, which shall be designated as the "Affordable Housing Trust Fund."
2. The following additional funds may be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) payments in lieu of on-site construction of affordable units;
 - (b) developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multifamily attached development accessible;
 - (c) rental income from municipally operated units;
 - (d) repayments from affordable housing program loans;
 - (e) recapture funds;
 - (f) proceeds from the sale of affordable units; and
 - (g) any other funds collected in connection with the Township of Warren's affordable housing program.
3. Within seven days from the opening of the trust fund account, the Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
4. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

h. *Use of Money.*

1. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by COAH to address the Township of Warren's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
2. Funds shall not be expended to reimburse the Township for past housing activities.
3. At least thirty (30%) percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty (30%) percent or less of median income by region.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - (b) Affordability assistance to households earning thirty (30%) percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income. The use of development fees in this manner shall entitle the Township of Warren to bonus credits pursuant to N.J.A.C. 5:97-3.7.

- (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
4. The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
 5. No more than twenty (20%) percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.
- i. **Monitoring.** The Township shall complete and submit to COAH all monitoring reports included in the monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of construction affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's affordable housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH.
 - j. **Spending Plans.** The Township shall submit to COAH a spending plan for the development fees collected by the Township pursuant to this subsection. The Township will identify the funds on its monitoring report pursuant to N.J.A.C. 5:97-8.12 and include a plan for the use of the funds. In its spending plan pursuant to N.J.A.C. 5:97-8.10. The spending plan shall be subject to the review and approval of COAH pursuant to N.J.A.C. 5:96-5.3. The plan to spend development fees shall consist of the following information:
 1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
 2. A projection of revenues anticipated from other sources, including contributions from developers as a result of negotiated agreements, payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls,

proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

3. A description of the administrative mechanism that the Township will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8 and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. A schedule for the creation or rehabilitation of housing units, if applicable;
7. In the event the Township supports or sponsors public sector or nonprofit construction of housing, a proforma statement of the anticipated costs and revenues associated with the development, consistent with the standards required by the New Jersey Housing and Mortgage Finance Agency in its review of funding applications;
8. As to the existing affordable housing plan maintained by the Township, a plan to send the trust fund balance as of the date of its third round petition within four years of COAH's approval of the spending plan, or in accordance with an implementation schedule approved by COAH;
9. The manner through which the Township will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
10. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the Township's affordable housing obligation.

k. *Ongoing Collection of Development Fees:*

1. The Township's ability to impose, collect and expend development fees shall expire with its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of this subsection. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1986, c.222 (C.52:27D-320). The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor

shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the *Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63(if required).

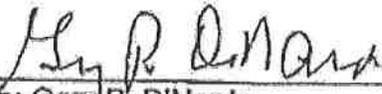
Section 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Warren for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; (3) filing of the final form of adopted ordinance by the Clerk with (a) the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1; and (4) approval from COAH pursuant to N.J.A.C. 5:96-5.1.

ATTEST:

TOWNSHIP OF WARREN


Name: Patricia DiRocco, RMC
Title: Township Clerk

By: 
Name: Gary P. DiNardo
Title: Mayor

INTRODUCED: November 6, 2008
ADOPTED: December 11, 2008
EFFECTIVE: December 18, 2008

RESOLUTION NO. 2008-179

APPOINTING MARK M. KRANE AS MUNICIPAL HOUSING LIAISON
(M.H.L.)
PURSUANT TO C.O.A.H. REGULATIONS

WHEREAS, the regulations of the Council on Affordable Housing require the designation of an Municipal Housing Liaison (M.H.L.) with the responsibility for oversight and administration of the Township's affordable housing program; and

WHEREAS, Township ordinance 16-6.8A.2b provides that the M.H.L. shall be appointed by the Township Committee and may be either a full time or part time employee; and

WHEREAS, Township Administrator, Mark M. Krane has completed the COAH Module 1 Training for Municipal Housing Liaison's;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Warren, Somerset County, New Jersey, that Mark M. Krane is hereby appointed as M.H.L. pursuant to the provisions of 16-6.8A and the appropriate notification shall be filed with the Council on Affordable Housing;

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		SORDILLO	✓			
✓		PLAGER	✓			
	✓	GARAFOLA	✓			
		SALVATO	✓			
		DINARDO	✓			

CERTIFICATION

I, Patricia A. DiRocco, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on July 17, 2008.

Patricia A. DiRocco, RMC
Township Clerk

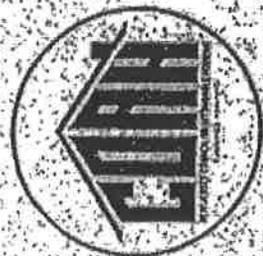
The New Jersey Council on Affordable Housing
Hereby Certifies that

MARK M. KRANE

Successfully Completed COAH's Module I
Training for Municipal Housing Liaisons, RCA
Administrators, and Administrative Agents,
held on June 18, 2008.

Lucy Voortoeve

Lucy Voortoeve
Executive Director
NJ Council on Affordable Housing



RUTGERS

Edward J. Bloustein School
of Planning and Public Policy

Joseph V. Doria, Jr.

Joseph V. Doria, Jr.
Chair
NJ Council on Affordable Housing

Stuart Meek

Stuart Meek
Director
Center for Government Services

COPY**Escrow Agreement for Housing Trust Fund**

This Escrow Agreement made this 16 day of June, 2006, by and between:

**The Council on Affordable Housing ("COAH"),
The Township of Warren ("Warren"), and
Somerset Valley Bank (the "Bank")**

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

WHEREAS, on March 4, 1992, COAH approved the Township of Warren Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and requiring that funds shall only be applied directly toward implementation of Warren's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on March 12, 1992, the governing body of the Township of Warren adopted Ordinance #92-33, the Development Fee Ordinance of Warren Township amending the Municipal Code; and

WHEREAS, on September 6, 1995, COAH approved the Warren Township Second Round Spending Plan establishing standards for the expenditure of development fees pursuant to COAH's rules; and

WHEREAS, on December 7, 2005, the Township of Warren submitted a petition for third round substantive certification to COAH, and must submit a Third Round Spending Plan for COAH's approval; and

WHEREAS, the Township of Warren acknowledges that no expenditure of development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls collected after December 7, 2005, may occur prior to COAH's approval of a third round spending plan; and

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

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

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

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

1. Designation of Escrow Agent

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

2. Escrow Account

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

3. Application of Amounts on Deposit

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

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

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

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

action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

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

7. Notices

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

- a. If to COAH: Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Tranton, NJ 08626-0813
- b. If to Municipality: Municipal Clerk and Chief Financial Officer
Township of Warren
48 Mountain Blvd.
Warren, New Jersey 07059
- c. If to Bank: Chief Operating Officer *President + CEO*
Somerset Valley Bank
70 East Main Street
SOMERVILLE, NJ 08876

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

8. Further Assistance

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

9. Agreement Subject to the Fair Housing Act

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

or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

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

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

ATTEST:

[Signature]
Name:
Title:

Dated: June 16, 2006

TOWNSHIP OF WARREN

By: *[Signature]*
Name: Carolann Garafola
Title: Mayor

ATTEST:

[Signature]
Name: Larissa DeBrow
Title: Public Info Assistant

Dated: July 13, 2006

COUNCIL ON AFFORDABLE HOUSING

By: *[Signature]*
Name: Lucy Voorhoeve
Title: Executive Director

ATTEST:

[Signature]
Name: Elizabeth J. Balulis
Title: Corp. Secretary

Dated: June 21, 2006

SOMERSET VALLEY BANK

By: *[Signature]*
Name: Paul V. Stanlen
Title: President & CEO



**MUNICIPALITY, COUNTY
SERVICE LIST**
N.J.A.C. 5:96-3.7



A municipality that petitions the Council on Affordable Housing (COAH) for substantive certification or is otherwise participating in COAH's substantive certification process must include an updated service list in order for COAH to review its submittal. At the time it files or petitions for substantive certification a municipality must provide COAH with a Service List which includes the following information (Please print clearly):

1. Current names and addresses of owners of sites included in previously certified or court settled plans that were zoned for low- and moderate-income housing and/or were to pay a negotiated fee(s). Owners of sites that have been completely developed may be excluded;

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



2. The names and addresses of owners of all new or additional sites included in the Fair Share Plan;

		BLOCK	24.01
PROJECT NAME	<u>Liberty Village</u>	LOT	23
PROPERTY OWNER	<u>Liberty Village at Warren Associates, LLC</u>	TITLE	
EMAIL		PHONE NO.	
ADDRESS	<u>16 Microlab Road, Suite D Livingston, NJ 07039</u>	FAX NO.	

PROJECT NAME	<u>Coop Housing Corp (Shared Lvng)</u>	BLOCK	
PROPERTY OWNER	<u>Cooperative Housing Corp</u>	LOT	
EMAIL		TITLE	
ADDRESS	<u>6 East High Street Somerville, NJ 08876</u>	PHONE NO.	
		FAX NO.	

PROJECT NAME	<u>CMG Chelsea</u>	BLOCK	79
PROPERTY OWNER	<u>Herb Heflich CMG@Chelsea</u>	LOT	7.01
EMAIL		TITLE	
ADDRESS	<u>316 South Avenue Fanwood, NJ 07023</u>	PHONE NO.	
		FAX NO.	

PROJECT NAME	<u>Chelsea Assisted Living</u>	BLOCK	82
PROPERTY OWNER	<u>Herb Heflich</u>	LOT	8
EMAIL		TITLE	
ADDRESS	<u>274 King George Road Warren, NJ 07059</u>	PHONE NO.	
		FAX NO.	

PROJECT NAME	<u>CPNJ B114 L22</u>	BLOCK	114
PROPERTY OWNER	<u>Cerebral Palsy of North Jersey</u>	LOT	22.03
EMAIL		TITLE	
ADDRESS	<u>c/o Alan Mucatel 515 Valley Street Maplewood, NJ 07040</u>	PHONE NO.	
		FAX NO.	



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



PROJECT NAME	<u>Whispering Hills</u>	BLOCK	<u>88.03</u>
		LOT	<u>1</u>
PROPERTY OWNER	<u>Chasbob Inc.</u>	TITLE	
EMAIL		PHONE NO.	
ADDRESS	<u>31F Mountain Blvd</u>	FAX NO.	
	<u>Warren, NJ 07059</u>		
PROJECT NAME	<u>Woodland Acres Owners Association</u>	BLOCK	<u>114.01</u>
		LOT	<u>68</u>
PROPERTY OWNER	<u>Morel & Seigal Inc.</u>	TITLE	
EMAIL		PHONE NO.	
ADDRESS	<u>140 Littleton Rd, Ste 310</u>	FAX NO.	
	<u>Parsippany, NJ 07054</u>		



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



3. Except for Mayors, Clerks, Municipal Attorneys and Municipal Housing Liaisons, which are automatically added to every Service List by COAH, the names and addresses of all municipal employees or designees that the municipality would like notified of all correspondence relating to the filing or petition;

NAME	John T. Chadwick, IV, PP	TITLE	Township Planner
EMAIL		PHONE NO.	
ADDRESS	3176 State Highway 27, Suite 1A	FAX NO.	
	Kendall Park, NJ 08824		

NAME	Christian M. Kastrud, PE	TITLE	Township Engineer
EMAIL		PHONE NO.	
ADDRESS	46 Mountain Boulevard	FAX NO.	
	Warren, NJ 07059		

NAME	Mark Krane	TITLE	Township Administrator
EMAIL		PHONE NO.	
ADDRESS	46 Mountain Boulevard	FAX NO.	
	Warren, NJ 07059		

NAME	Kathy Lynch	TITLE	Zoning Board of Adjustment Secretary
EMAIL		PHONE NO.	
ADDRESS	46 Mountain Boulevard	FAX NO.	
	Warren, NJ 07059		



**MUNICIPALITY, COUNTY
SERVICE LIST**
N.J.A.C. 5:96-3.7



4. The names and addresses of relevant County, Regional and/or State entities; AND

NAME	<u>Somerset County Planning Board</u>	TITLE	
EMAIL		PHONE NO.	
ADDRESS	<u>20 Grove Street, P.O.Box 3000 Somerville, NJ 08876</u>	FAX NO.	

NAME	<u>Christine Danis, PP, AICP</u>	TITLE	<u>Regional Planner New Jersey Highlands Council</u>
EMAIL		PHONE NO.	
ADDRESS	<u>100 North Road, Route 513 Chester, NJ 07930-2322</u>	FAX NO.	



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



5. Names of known interested party(ies).

NAME	J. Vogel	TITLE	Dev Director
EMAIL		PHONE NO.	
ADDRESS	Avalon Bay Communities, Inc. 517 Rt 1 South, Ste 5500 Iselin, NJ 08830	FAX NO.	

Additional Names COAH automatically adds.

NAME	The Honorable Gary DiNardo	TITLE	Mayor
EMAIL		PHONE NO.	908-753-8000
ADDRESS	Township of Warren 46 Mountain Blvd Warren, NJ 07059-5695	FAX NO.	

NAME	Patricia DiRocco	TITLE	Clerk
EMAIL		PHONE NO.	908-753-8000
ADDRESS	Township of Warren 46 Mountain Blvd Warren, NJ 07059-5695	FAX NO.	

NAME	John P. Belardo. Esq.	TITLE	Attorney
EMAIL		PHONE NO.	973-425-8755
ADDRESS	McElroy, Deutsch, Mulvaney & Carpenter, LLP 1300 Mount Kemble Ave P.O. Box 2075 Morristown, NJ 07962	FAX NO.	

NAME		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

NAME		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

WARREN TOWNSHIP DEVELOPMENT FEE SPENDING PLAN

Prepared for the
Warren Township
Committee

By

*John T. Chadwick IV, P.P.
3176 Route 27, Suite 1A
Kendall Park, NJ 08824*

December 19, 2008

This report was signed and sealed in accordance with NJJSA45:14A-12

INTRODUCTION

Warren Township 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.). The original development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on March 1992 and adopted by the municipality on March 12, 1992. The ordinance and amendments establish the Warren Township affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Warren Township has collected \$6,241,005, expended \$2,349,077, resulting in a balance of \$3,891,928. 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 Skylands Community Bank 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.

Warren Township first petitioned COAH for substantive certification on March 3, 1985 and received prior approval to maintain an affordable housing trust fund on March 4, 1992. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$3,179,979. From January 1, 2005 through July 17, 2008, Warren Township collected an additional \$1,925,895 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, Warren Township expended funds on the affordable housing activities detailed in section 4 of this spending plan.

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	50	100	50	20	0							220
2. Development Pending Approval		60	40	30	20							150
3. Projected Development			30	30	40	60	60	60	60	60	60	460
(b) Payments in Lieu of Construction												
(c) Other Funds (Specify source(s))												
(d) Interest	0.5	1.6	1.2	0.8	0.6	0.6	0.6	0.6	0.6	0.6	0.6	8.3
Total	50.5	161.6	121.2	80.8	60.6	838.3						

Warren Township projects a total of \$838,300 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 Warren Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Warren Township’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 Township distributes funds in accordance with standard procedures. The Township has been granted Dedication by Rider authority.

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)**

Warren Township will dedicate \$2,608,086 to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$150,000

New construction project(s): Township new construction project has not proceeded to development pro-forma. The Township has evaluated sites in accordance with COAH development criteria, evaluated and analyzed 100% affordable vs a blend of market and affordable units as well as type of construction. Pro-forma and estimated expenditures of available and projected development fee funds will be provided within the first three year period of third-round certification.

The Township has sold for one dollar consideration 1.5 acres of land to Cerebral Palsy of North Jersey for development of six special-needs units. The property is known as block 114, lot 22.03. A development plan has also been approved. Further, CPNJ has requested and the Township has approved a subsidy to advance affordability in the amount of \$250,000.

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

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$5,663,661
Actual interest earned through 7/17/2008	+	\$507,087
Development fees projected* 2008-2018	+	\$830,000
Interest projected* 2008-2018	+	\$8,300
Less housing activity expenditures through 6/2/2008	-	\$1,914,576
Total	=	5,094,472

30 percent requirement	x 0.30 =	\$1,528,342
Less Affordability assistance expenditures through 12/31/2004	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$1,528,342
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$509,447

* 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.

Warren Township will dedicate 30% of the development fee from the affordable housing trust fund to render units more affordable, including 1/3 of the above to render units more affordable to households earning 30 percent or less of median income by region, as follows:

The Township will spend funds in accordance with N.J.A.C. 5:97-8.7 inclusive. The Township opines expenditures for extension of expiring controls is eligible affordability assistance activity as per 5:97-8.7(a)-13. Simply put if controls expire affordability is lost. The Township further reserves its right to demonstrate that there are not sufficient units for which an affordability assistance program can be offered to equal or exceed 30% of Development Fee fund and funds may be utilized for other eligible activities.

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

Warren Township projects that \$1,018,894 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:

The Township will spend funds for activities set forth in N.J.A.C. 5:97-8.9. The Township anticipates the majority of funds will go to licensed engineers, architects, land planners, construction supervision and legal services in connection with Township partnered and/or sponsored affordable housing projects.

4. EXPENDITURE SCHEDULE

Warren Township 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 <i>[Individually list programs and projects e.g. Rehab, Accessory Apartments, for-sale and rental municipally sponsored, etc].</i>	Number of Units Projected	Funds Expended and/or Dedicated	PROJECTED EXPENDITURE SCHEDULE 2009 -2018 (In Thousands)												
			7/18/08 - 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total	
Rehabilitation/ Units Assigned	15	100	0	15	15	15	15	15	15	15	15	15	15	15	250
Extension of Controls*	88	0		1,120											1,120
Township Project #1	50	0		1,508											1,508
Township Project #2	64	0		500				600							1,100
Total Programs	217	100	0	15	3,143	15	15	615	15	15	15	15	15	15	3,978
Affordability Assistance															
* Extension of controls = affordability assistance															
Administration		0	0	100	100	100	100	100	100	100	100	100	100	100	1,000
Total		100		115	3,243	115	115	115	115	115	115	115	115	115	4,378

Note: figures are rounded to nearest \$1,000

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Warren Township will adopt a resolution of intent agreeing to fund any shortfall of funds required for implementing housing programs. In the event that a shortfall of anticipated revenues occurs, Warren Township intends to bond for shortfall.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to fund eligible projects and programs.

6. BARRIER FREE ESCROW

Warren Township has not adopted a barrier free option within its Affordable Housing Ordinance.

SUMMARY

Warren Township 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 and adopted November 10, 2008 by the Planning Board of Warren Township.

Warren Township has a balance of \$4,930,970 as of July 17, 2008 and anticipates an additional \$838,000 in revenues before the expiration of substantive certification for a total of \$5,094,472. The municipality will dedicate \$2,608,086 towards Fair Share Plan projects, \$1,528,342 to render units more affordable, and \$1,018,894 to administrative costs. Any shortfall of funds will be offset by bonding against future Development Fee revenues. The municipality will dedicate any excess funds toward implementation of its Fair Share Plan.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$4,930,970
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ \$830,000
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$8,300
TOTAL REVENUE	= \$5,769,270
EXPENDITURES	
Funds used for Rehabilitation	- \$250,000
Funds used for New Construction	
1. Township Project #1	- \$1,358,000
2. Township Project #2	- \$1,000,000
3. CPNJ/b114, 122.03	- \$250,000
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance (ext of controls/88 units)	- \$1,120,000
Administration	- \$1,000,000
Excess Funds for Additional Housing Activity	= \$
1. Township Project #3	- \$791,270
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$5,769,270
REMAINING BALANCE	= \$0.00

**Council On Affordable Housing
Project Summary Report**

DATE: 05/29/2015 01:2 PM

WARREN TWP,SOMERSET

Round: 3.1

Version: Petition

STATUS: Submitted

Project/Program	Mechanism/ Project Type	Mechanism SubType	Credit Type	RCA/ PAR	Afford Units	Comp	Prop PR Credit	App PR Credit	Prop GS Credit	App GS Credit	Prop Bonuses	App Bonuses	Prop Total	App Total
NEW CONSTRUCTION														
ARC Somerset -1	Supp/Spec Needs Hsg	Group Homes	Prior Cycle		4	4	4	0	0	0	0	0	4	0
ARC Somerset -2	Supp/Spec Needs Hsg	Group Homes	Post 1986 Completed		6	6	6	0	0	0	6	0	12	0
ARC Somerset -3	Supp/Spec Needs Hsg	Group Homes	Post 1986 Completed		3	3	3	0	0	0	3	0	6	0
Cerebral Palsy of North Jersey	Supp/Spec Needs Hsg	Group Homes	Proposed/Zoned		6	0	0	0	6	0	0	0	6	0
Chelsea I	Assisted Living Residences	None	Post 1986 Completed		8	8	0	0	8	0	0	0	8	0
Chelsea II	Supp/Spec Needs Hsg	Perm Supp Hsg (units)	Proposed/Zoned		11	0	0	0	11	0	0	0	11	0
Cooperative Housing Corp/Savo House	Supp/Spec Needs Hsg	Supp Shared Liv Hsg (bdrms)	Post 1986 Completed		5	5	0	0	5	0	0	0	5	0
Cooperative Housing/Warren Ridge	Supp/Spec Needs Hsg	Congregate Living Arrangements - RII	Post 1986 Completed		5	5	5	0	0	0	2	0	7	0
Liberty Village	Inclusionary Development	Incl Dev - On Site	Extension of Controls, Post 1986 Completed		28	28	28	0	28	0	28	0	84	0
R-65 PAC	Inclusionary Development	Incl Dev - On Site	Post 1986 Completed		42	0	0	0	42	0	42	0	84	0
Towne Center Drive	Inclusionary Development	Incl Dev - On Site	Post 1986 Completed		6	6	6	0	0	0	1	0	7	0
Township Rental Housing Project(s)	New Construction - 100% Afford	None	Proposed/Zoned		114	0	0	0	114	0	114	0	228	0
Whispering Hills	Inclusionary Development	Incl Dev - On Site	Extension of Controls, Post 1986 Completed		60	60	60	0	60	0	60	0	180	0
Woodland Acres	New Construction - 100% Afford	None	Extension of Controls, Post 1986 Completed		57	57	57	0	57	0	0	0	114	0
RCA/PARTNERSHIP-SENDING					Sub Total	355	182	169	0	331	0	256	0	756
Warren / New Brunswick RCA					166	166	166	0	0	0	0	0	166	0

**Council On Affordable Housing
Project Summary Report**

DATE: 05/29/2015 01:2 PM

Project/Program	Mechanism/ Project Type	Mechanism SubType	Credit Type	RCA/ PAR	Afford Units	Comp	Prop PR Credit	App PR Credit	Prop GS Credit	App GS Credit	Prop Bonuses	App Bonuses	Prop Total	App Total
Warren / Perth Amboy RCA				85	85	85	0	0	0	0	0	0	85	0
Sub Total				251	251	251	0	0	0	0	0	0	251	0
New Construction Total				606	433	420	0	331	0	256	0	0	1007	0
REHAB														
Warren Rehab Program	Rehab	None	Rehabilitation	63	63	0	0	63	0	0	0	0	63	0
Sub Total				63	63	0	0	63	0	0	0	0	63	0
Total				669	496	420	0	394	0	256	0	0	1070	0
RCA PROJECTS IN MUNICIPALITY														
RCA/PARTNERSHIP-NEW														
Sub Total				0	0	0	0	0	0	0	0	0	0	0
RCA/PARTNERSHIP-REHAB														
Sub Total				0	0	0	0	0	0	0	0	0	0	0
Grand Total				669	496	420	0	394	0	256	0	0	1215	0

Exhibit B

Service List

Parties required to be given notice and copies of the pleadings pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, ___ N.J. ___ (M-392-14) (067126) Decided, March 10, 2015.

Kevin D. Walsh, Esq.
Adam M Gordon, Esq.
Fair Share Housing Center
510 Park Blvd.
Cherry Hill, NJ 08002
T 856-665-5444
F 856-663-8182
kevinwalsh@fairsharehousing.org

Jonathan E. Drill, Esq.
Stickel, Koenig, Sullivan &
Drill, LLC
571 Pompton Avenue
Cedar Grove, NJ 07009
T 973-239-8800
F 973-239-0369
jdrill@sksdllaw.com

Jeffrey R. Surenian, Esq.
Michael A. Jedziniak, Esq.
Jeffrey R. Surenian &
Associates, LLC
707 Union Avenue, Suite 301
Brielle, NJ 08730
T 732-612-3100
F 732-612-3101
jrs@surenian.com

Edward J. Buzak, Esq.
The Buzak Law Group, LLC
Mountville Office Park
150 River Road, Suite N-4
Montville, NJ 07045
T 973-335-0600
F 973-335-1145
Ejbuzak@buzaklawgroup.com

George Cohen, Esq.
Geraldine Callahan, Esq.
Deputy Attorney General
Office of the Attorney General
25 W. Market Street
P.O. Box 112
Trenton, NJ 08625
T 609-984-3900
F 609-292-0369
Geraldine.callahan@dol.lps.state.nj.us

Jeffrey Kantowitz, Esq.
Law Office of Abe Rappaport
195 Route 46 West, Suite 6
Totowa, NJ 07512
T 973-785-1799
F 973-785-4777
Jkantowitz@rappaport-law.com

Stephen Eisdorfer, Esq.
Hill Wallack, LLP
202 Carnegie Center
P.O. Box 5226
Princeton, NJ 08543
T 609-734-6336
F 609-452-1888
Seisdorfer@hillwallack.com

SERVICE LIST continued

Parties from whom letters were received requesting notice be provided by Warren pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, _____ N.J. _____ (M-392-14) (067126) Decided, March 10, 2015

Ronald S. Ladell Senior V.P.
Avalon Bay Communities
517 Route One South, Suite 5500
Iselin, NJ 08830
T 732-404-4800
F 732-283-9101
[Nancy nordling@avalonbay.com](mailto:Nancy_nordling@avalonbay.com)
[Robert ladell@avalonbay.com](mailto:Robert_ladell@avalonbay.com)

Greg Kanter, V.P. of Acquisitions and Development
American Properties Realty, Inc.
517 Route One South, Suite 2100
Iselin, NJ 08830
T 732-283-9700
F 732-283-1009

Daniel D. Cronheim, Esq.
Cronheim Building
205 Main Street
Chatham, NJ 07928
T 973-635-2180

Yolanda Rodriguez, Counsel
Toll Brothers, Inc.
670 Spotswood Englishtown Road
Monroe Township, NJ 08831
T 267-974-7296
Yrodriquez2@tollbrothers.com

**SERVICE LIST CONTINUED
NOTICE PROVIDED TO COAH LIST**

The Honorable Mick Marion
Township of Warren
46 Mountain Boulevard
Warren, New Jersey 07059-5695

Jeffrey B. Lehrer, Esq.
DiFrancesco Bateman
15 Mountain Boulevard
Warren, NJ 07059

Patricia A. DiRocco, RMC, Municipal Clerk
Township of Warren
Municipal Building
46 Mountain Boulevard
Warren, New Jersey 07059

John T. Chadwick, IV, PP
3176 Route 27, Suite 1A
Kendall Park, New Jersey 08824

Mark M. Krane, Municipal Administrator/MHL
Township of Warren
Municipal Building
46 Mountain Boulevard
Warren, New Jersey 07059

Robin J. Bynoe
Enable, Inc.
13 Roszel Road, Suite B110
Princeton, New Jersey 08540

Walter Lane, AICP/PP
Director of Planning, Energy & Smart Growth
Somerset County Planning Board
Somerset County Administration Building
20 Grove Street, PO Box 3000
Somerville, NJ 08876-1262

Melissa Field, Director of Housing Development
Allies, Inc.
1262 White Horse-Hamilton Square Road
Building A, Suite 101
Hamilton, NJ 08690

James Humphries
New Jersey Highlands Council
100 North Road
Route 513
Chester, NJ 07930-2322

Karl F. Hartkopf, PP, AICP
Director of Planning
New Jersey Business Action Center
Dept. of State, Office for Planning Advocacy
PO Box 820, 225 W. State Street, 3rd Floor
Trenton, NJ 08625-0820

Kristin Moran
Liberty Village at Warren Assoc., LLC
16 Microlab Road, Suite D
Livingston, NJ 07039

Dan McGuire, AOCF
Director, Development Division
Homeless Solutions
6 Dumont Place, 3rd Floor
Morristown, NJ 07960

Tom Toronto, President
Bergen County's United Way
6 Forest Avenue, Suite 210
Paramus, NJ 07652

Elizabeth Semple
NJ Department of Environmental Protection
PO Box 402
Trenton, NJ 08625

Kenneth Wedeen AICP, PP
Housing & Demographics
Somerset County Planning Division
County Administration Building
20 Grove Street, PO Box 3000
Somerville, NJ 08876

Art Bernard, PP
Bernard & Associates, LLC
77 No. Union Street
Lambertville, NJ 08530

Michael Gottlieb, Esq.
Michael Gottlieb Attorney at Law
120 Sunnyview Oval
Keasbey, New Jersey 08832

Ronald L. Shimanowitz, Esq.
Hutt & Shimanowitz
459 Amboy Avenue
PO Box 648
Woodbridge, NJ 07095

Steven A. Kunzman, Esq. (Atty I.D. # 012731981)
Our File No.: W525

**DiFRANCESCO, BATEMAN, COLEY
YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C.**

15 Mountain Boulevard
Warren, New Jersey 07059-5686
(908) 757-7800
Attorneys for the Township of Warren

IN THE MATTER OF THE TOWNSHIP OF WARREN FOR A JUDGMENT	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: SOMERSET COUNTY DOCKET NO.: SOM-L-904-15
OF COMPLIANCE OF ITS THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN	:	(MOUNT LAUREL)
	:	<i>Civil Action</i>
	:	ORDER GRANTING TEMPORARY IMMUNITY TO TOWNSHIP OF WARREN

THIS MATTER having come before the Superior Court of New Jersey, Law Division, upon the application of the Township of Warren (Steven A. Kunzman, Esq., of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C., appearing) and the Court having considered the materials supplied by the parties and other pleadings filed in this action, and good cause having been shown:

IT IS ORDERED this ____ day of _____, 2015, as follows:

The Township of Warren is granted immunity from exclusionary zoning litigation pending further order of the Court.

IT IS FURTHER ORDERED that a copy of this Order be served upon all interested parties within seven (7) days of its receipt by counsel for the Township of Warren.

, J.S.C.

Opposed _____

Unopposed _____

INTRODUCTION

The Township of Warren is a *participating municipality* in accordance with the recent decision of the New Jersey Supreme Court, In re: Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (“In re COAH”). As a *participating municipality*, Warren should be provided temporary immunity from exclusionary zoning litigation as provided in the decision. In In re COAH the Supreme Court developed a procedure by which the courts could take on the role of the Council On Affordable Housing (“COAH”) to assist the municipalities of New Jersey to develop fair share housing plans that comply with the Fair Housing Act N.J.S.A. 52:27d-301 et. seq. (“FHA”), and the Mount Laurel doctrine. The Court provided that municipalities which have been involved in the COAH process may file a declaratory judgment action to place their existing housing element and fair share plan before the trial courts. The trial courts would then make a determination of the fair share housing need for that municipality. If the existing plan failed to comply, the town would be given the opportunity to supplement the plan. During this process the Supreme Court allowed the trial courts to grant the municipality immunity from exclusionary zoning litigation, including claims for a builder’s remedy, while the municipality, the court, and any appointed special master, worked to develop a plan that complies. The Court provided no standards or tests to be met for immunity to be granted. Rather, the Court stated its preference for voluntary compliance by the municipalities rather than compelled rezoning under threat of exclusionary zoning litigation and the threat of a builder’s remedy. The immunity to be granted was “temporary” and was subject to review by the trial courts to ensure that the municipality was cooperating and endeavoring to develop a plan that complies with the fair share housing obligation as determined by the court. To that end, it is expected that experts will be presented to the trial court on behalf of many municipalities,

including Warren, which will aid the trial court in determining the affordable housing obligation of each municipality before the court. Even though the Court did not set forth any particular standards or requirements to be met for a town to be entitled to temporary immunity, Warren Township provides herein a summary of its past and current efforts to comply with the FHA. Due to the failure of COAH to develop Third Round Rules neither Warren nor any other municipality can know what is considered to be its “fair share.” It is only after the municipality’s fair share is determined that Warren’s current plan can be assessed and, if necessary, supplemented. Accordingly, the five (5) month period to supplement the Township’s Plan should not commence until the trial court has made a “preliminary determination” of the Township’s fair share. During this time, Warren should be provided immunity exclusionary zoning litigation, including immunity from the threat of a builder’s remedy, otherwise the process of achieving compliance through sound planning would be distracted and further delayed, if not thwarted.

STATEMENT OF FACTS¹

Warren Township (“Township” or “Warren”) has been actively engaged in the process addressing fair share housing since the early 1980s. Although it litigated the issues in one of the seminal cases, AMG Realty Company v. Township of Warren, 207 N.J. Super., 388 (Law. Div. 1984), on March 7, 2008, the Township received *Substantive Certification* from COAH, which was first created under the FHA which became law in 1985. (Chadwick Certification, par. 5) The Township also received *Substantive Certification* under the Second Round, on January 10, 1996. (Chadwick Certification, par. 6) The Second Round *Substantive Certification* was extended until January 10, 2002, one (1) year after the effective date the Third Round regulations were to be adopted by the Council on Affordable Housing (“COAH”). (Chadwick Certification,

¹ The facts set forth herein are based upon the Certification of the Township’s Planner, John Chadwick IV, which is submitted with this motion.

par. Exhibit A) The Township subsequently prepared a Housing Element and Fair Share Plan (“HEFSP”) to comply with COAH’s Third Round Regulations. (Chadwick Certification, Ex B, with all supporting documents attached thereto). The Third Round HEFSP was adopted by the Township Planning Board on November 10, 2008. As set forth in the Resolution of the Township Committee dated November 20, 2008 (attached as an exhibit to the Township’s HEFSP), the Township resolved to submit the HEFSP with its Petition for Substantive Certification to COAH. (Chadwick Certification, par. 9) The Petition for Substantive Certification was submitted on December 24, 2008. (Chadwick Certification, par. 10, Ex. B) Subsequently, the Appellate Division rejected the revised growth share methodology contained in the revised third-round substantive rules. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 416 N.J. Super. 462 (App.Div.2010.) Since that time, COAH has been unable to agree upon revised substantive rules which has caused the administrative process to stall and resulted in the matters being returned to the courts. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015). The Township continues to evaluate its current HEFSP and all available options to meet its obligations under the Fair Housing Act. N.J.S.A. 52:27d-301, et. seq. (“FHA”) and the Mount Laurel doctrine once a determination is made by the court as to its regional fair share.

The HEFSP submitted to COAH under the revised but rejected Third Round Rules provided for a rehabilitation requirement of 13 units. (Chadwick Certification, par. 11, Exhibit B, page 2) Warren has met its prior general obligations under the Second Round, and has a surplus of 32 units. (Chadwick Certification, par.12 Exhibit B, page 6.) The growth share calculated under the Third Round Rules in place at the time the HEFSP was adopted and submitted provided for a prospective growth share of 403.7 units. (Chadwick Certification, par. 13, page 2.)

Despite not having an approved HEFSP, the Township has continued its efforts to comply within its obligations by providing 290 units, which amounts to 72% of the projected obligation for 2004-2018. (Chadwick Certification, par. 14 Exhibit B, page 7.) Additional details of the mechanisms, as well as reductions, credits and adjustments that Warren had proposed in accordance with the revised but rejected Third Round Rules, are set forth in the HEFSP in details. (Chadwick Certification, par. 15, Exhibit B, pages 6-8.) After the Courts rejected the Third Round Rules, COAH developed another set of Third Round Rules that were never adopted. Regardless, they provide a framework against which to consider the current Plan. Under the unadopted Third Round Rules, Warren's numbers are:

Rehab Share	Projected Need	Prior Obligation
70	176	602

(Chadwick Certification, par.16) Although it is evident that the FSHC and builders will recommend significantly higher numbers, it is evident that there is no definitive target for compliance. From 1987 through 2015, the Township has provided a total of 1,226 affordable housing units through a variety of mechanisms (rehabilitation, inclusionary developments, RCA's, group homes, etc.), demonstrating the Township's substantial efforts toward advancing affordable housing, irrespective of the dysfunctionality of COAH. See Project Summary Report attached hereto as (Chadwick Certification, par. 17, Exhibit C.) This Exhibit does not include the 11 units of affordable housing provided by the Shelter Group inclusionary development which was recently approved and is under construction. See Post 1999 Affordable Housing Chart attached as (Chadwick Certification, Exhibit D) which does include the Shelter Group inclusionary development.

The mechanisms that the Township is employing to meet its fair share obligation include continuing its program to rehabilitate units with housing trust funds that have been collected, establishing a redevelopment district with an in-lieu payment, investigating additional redevelopment districts for inclusionary affordable housing units, and the Township has negotiated and entered into contracts for the extension of controls of existing family rental housing and has extended affordability controls for existing owner-occupied affordable housing. Warren has also collected development fees in accordance with its Development Fee Ordinance for affordable housing purposes which are maintained in its Housing Trust Fund. The Township Housing Trust Fund balance as of June 25, 2015 is \$3,841,696.17, the vast majority of which amount is being used to fund the extension of affordability controls on the 60 apartment units comprising the Whispering Hills low and moderate income rental development. In fact, the sum of \$200,000 per year for 30 years is to be paid by the Township to Chasbob, Inc. pursuant to a formal contract between the Township and Chasbob, Inc., as the owner of the Whispering Hills low and moderate income rental development, dated July 16, 2012, as authorized by formal Resolution of the Township Committee on July 16, 2012. (Chadwick Certification, par. 18 Exhibit E) The most significant fact, if not the only significant fact; however, is that Warren is a participating municipality, and, as such, is entitled to temporary immunity as directed by the New Jersey Supreme Court.

LEGAL ARGUMENT

POINT I.

AS A PARTICIPATING MUNICIPALITY, WARREN IS ENTITLED TO TEMPORARY IMMUNITY FROM EXCLUSIONARY ZONING LITIGATION.

A. Overview: Municipalities that file for declaratory judgment are entitled to temporary immunity.

In In Re COAH the Supreme Court concluded that COAH had not fulfilled its duty to create acceptable Third Round Rules and directed that all fair share housing matters are to be addressed by designated trial judges. Because many municipalities had already submitted fair share compliance plans based upon COAH's Third Round Rules, which were subsequently rejected by the Appellate Courts, the Supreme Court set forth a framework for municipalities to voluntarily comply with their fair share housing obligations. 221 N.J. at 29-34. The Supreme Court provided that through the filing of declaratory judgment action a municipality can submit its current plan for review by the trial court. Id. At 25. The Supreme Court also provided that municipalities which avail themselves of this opportunity would be entitled to temporary immunity. Id. at 25-29. Temporary immunity provides the municipality and the trial court time to deal with the matters at hand: the development of a plan that will provide the realistic opportunity for the development of the municipality's regional fair share of low and moderate income housing.

B. Procedure: The trial court must make a determination of fair share.

The first step in the process is for the municipality to file a declaratory judgment action by which it places its current fair share housing plan before the trial court. This submission is to be on notice to certain designated parties as well as other interested parties. Id. at 25. In order to evaluate the plans, the trial courts will need to take the next step: making a preliminarily

determination of the fair share housing needs of the municipality, Id. at 28-29, which by necessity requires that the trial court make a determination of the fair share needs of the state, then break that down to the regions, and then the municipalities. Id. At 30 (“...previous round methodologies...should be used to establish prospective statewide and regional affordable housing need.”) It is only after the fair share determination has been made that the trial court and the municipality can assess whether the existing plan complies, or whether it needs to be supplemented. During this time it is sensible and practical to provide temporary immunity to the municipality. This approach is rational: it allows the municipality and trial court the opportunity to achieve the desired result, but without the distraction of exclusionary zoning litigation. This is consistent with the Supreme Court’s long expressed preference for voluntary compliance by municipalities as opposed to a municipality being compelled to rezone under the builder’s remedy. See, South Burlington County N.A.A.C.P v. Tp. Of Mount Laurel, 92 N.J. 158, 214 (1983) (“Mount Laurel II”) (“...we intend to encourage voluntary compliance with the constitutional obligation...”) and, In Re COAH 221 N.J. at 34, 51 (recognizing that in the FHA the legislature stated a preference for voluntary compliance over “compelled rezoning.”) This is also consistent with the legislature’s unequivocal “preference for the resolution of existing and future disputes involving exclusionary zoning” by means *other* than the use of the builder’s remedy. N.J.S.A 52:27D-303. Accordingly, in In Re COAH, the Supreme Court endeavored to develop a procedure that “reflect[s] as closely as possible the FHA’s process and provide[s] a means for a municipality to transition from COAH’s jurisdiction to judicial actions to demonstrate that its housing plan satisfies Mount Laurel obligations.” 221 N.J. at 6. Further, the Supreme Court was emphatic that it was not intending to punish municipalities for “COAH’s failure to maintain the viability of the administrative remedy.” Id. at 23. In other words, the

Supreme Court understood that the limbo in which the parties have found themselves since 2007 when the Appellate Division first struck down portions of the Third Round Rules, was not caused by the municipalities, but by COAH. Had acceptable Third Round Rules been adopted, the municipalities, the FSHC, the builders, and other interested parties would have had a way to move forward to have plans developed, revised or supplemented to meet the requirements of the rules within the administrative process. The Court recognized that municipalities should not be put at a disadvantage due to circumstances beyond their control; the failure of COAH to adopt Third Round Rules.

Because of the failure of COAH to develop acceptable rules for the Third Round, there was no administrative, regulatory or objective guidance for a municipality to determine its “fair share” so it can develop a complying fair share housing plan. Accordingly, the second step (after the filing of the declaratory judgment action) is for the trial court to make a determination of the present and prospective need of a municipality. Id. at 28-29 By necessity this requires that the trial court make a determination of the statewide need, the regional need and the fair share obligation of each municipality that has placed its plan before the trial court.² Id. at 30 (“...based on the court’s determination of present and prospective regional need...”). Depending on the conclusions drawn by the trial judge, the municipality’s plan may be acceptable “..as is, or as supplemented-...” Id. at 26. All these determinations are to be done under the jurisdiction and oversight of the designated trial judge.

² Many municipalities will be presenting an analysis that is being prepared by Dr. Burchell. It is believed there may be other experts that will provide their analysis of this issue. It is also evident, that the decision on this issue by any court will impact all of the municipalities in the county, as well as the region and the state.

C. Immunity is tied to the time for court review and supplementing of plans.

In order to be able address these issues in an orderly manner consistent with the intent and purpose of the FHA, the Supreme Court *authorized* the trial court to “provide a municipality whose plan is under review immunity from challenges *during the court’s review proceedings, even if supplementation of the plan is required during the proceedings.*” 221 N.J. at 24. (Emphasis added). The Supreme Court stated that temporary immunity can be provided to municipalities that have received *Substantive Certification* under the invalidated Third Round Rules, Id. at 26, and also for municipalities that are *participating municipalities*, Id. at 29. The Supreme Court even stated that immunity may be provided to a municipality does not file a declaratory judgment action but waits to be sued. Id.

The Supreme Court specifically stated that the trial “court should be generously inclined to grant applications for immunity from subsequently filed exclusionary zoning actions” for municipalities that received *Substantive Certification* under the invalidated Third Round Rules. Id. at 26. *Participating* municipalities are also entitled to “initial immunity” treatment similar to that which was provided to the *participating* municipalities under the FHA, N.J.S.A. 52:27D-316, such as when the cases were transferred to COAH from the courts. 221 N.J. at 27. See also, N.J.S.A. 52:27D-309 and 316. The Supreme Court specifically directed that *participating* municipalities should be given five months to submit their supplemental housing element and affordable housing plan during which time the trial court is permitted to provide “initial immunity.” 221 N.J. at 27. The Supreme Court provided no standard for the grant of “initial immunity” for *Substantive Certification* municipalities and *participating* municipalities other than to provide them time to allow submission of a supplemental plan that adequately responds to the fair determination made by the trial court.

The Supreme Court only outlined an analysis to be followed by the trial court when considering a request for immunity by municipalities that *do not* file a declaratory judgment action but wait to be sued. The Supreme Court allowed those municipalities to request immunity “covering any period of time during the court’s review.” Id. The trial court is to determine if immunity is to be provided to these municipalities based on an assessment of the extent of the municipality’s obligation, the steps that have been taken to comply with that obligation; including whether a housing element has been adopted, “activity that has occurred in the municipality affecting need” and progress that the municipality has made in satisfying past obligations. Id.

It is evident that the Supreme Court intends to allow the process to proceed uncluttered by exclusionary zoning suits; most certainly in cases where a municipality files for declaratory judgment during the applicable period as was done in this case. The Supreme Court intended to have the proceeding mirror the process for compliance determinations under COAH to the extent possible. Therefore, it stands to reason that immunity should be provided except in the most exceptional circumstances. Further, municipalities should be provided sufficient time to supplement their plans, if necessary, after the trial court makes a determination of the applicable fair share numbers.

It is important to place all these issues in the context of the Supreme Court’s direction that the trial courts that are handling these matters should be flexible, referring to J.W. Field Company, Inc. v. Municipality of Franklin, et al. 204 N.J. 445 (App. Div. 1985) (“J.W. Fields”). 221 N.J. at 26. In that decision the Supreme Court stated that “the good or bad faith of a municipality in attempting to comply is no longer relevant,” when evaluating the proper fair share; rather, the municipality’s “efforts are to be measured against the standard of whether its

ordinances *in fact* provide a realistic opportunity for construction of its regional fair share obligation.” 204 N.J. Super at 452-3, *citing*, South Burlington Cty. NAACP v. Mount Laurel Tp. 92 N.J. 158,220-221(1983) (Mount Laurel II). The Supreme Court in J.W. Fields then stated that *immunity* from a builder’s remedy action would be appropriate “if the municipality will stipulate noncompliance and obtain the court’s approval of a proposed fair share number.” 204 N.J. Super. at 257.

There can be little question that no municipality can be certain at this time whether its current plan creates a realistic opportunity for the development of its fair share because the threshold issue - the fair share of the municipality - has yet to be determined. Even municipalities that received *Substantive Certification* in the Third Round under the rejected growth share methodology must have their plans evaluated based upon the trial court’s fair share determination and given the opportunity to supplement if necessary. 221 N.J. at 26. All this can only be accomplished after a municipality’s fair share number has been determined by the court. *Id.* at 30. The fact that a municipality is presenting its plan to the trial court with the understanding that the plan may need to be supplemented to achieve compliance demonstrates the municipality’s recognition that its plan may not be compliant.³ Indeed, there is no way for a municipality to know until there is a determination of its Third Round obligation. Further, given the complexities of prioritizing the development of property by one particular builder over that of another, as well as the potential conflict between the builder’s remedy and the public interest in sound planning, *see*, J.W. Fields, 204 N.J. Super. at 459-467, there is no reason to complicate the process by having the trial court have these matters proceed in the adversarial manner of an

³ This is not an admission or stipulation of non-compliance because that simply cannot be determined until the trial court makes a fair share determination. Nevertheless, by initiating this action, Warren placed its plan before the trial court for evaluation.

exclusionary zoning suit before there is a determination of a municipality's fair share, and the municipality is given the opportunity to supplement or adjust its plan to comply.

D. Five month period for participating towns to supplement plan commences on ruling on fair share.

One issue that remains is when the five month period for a participating municipality to supplement its plan commences. Consistent with the Courts' intention and directive to follow the FHA and the intent of the legislature as close as possible, the time for the evaluation and supplementation of a town's HEFSP must commence once the court makes a determination of a municipality's fair share obligation. Under the FHA a town is provided immunity for five months to prepare and file a HEFSP **after COAH adopts "criteria and guidelines."** N.J.S.A. 52:27d-309 and 316. The Court, however, also recognized that once immunity is provided, it should not continue indefinitely, and should be periodically reviewed. The Court also did not intend to create rigid application of the time frames; it provided that additional time may be warranted to allow a reasonable time for the municipality to achieve compliance. 221 N.J. 26-27 Accordingly, the Court did not tie the five month period for *initial immunity* for *participating municipalities* to the deadline for filing the declaratory judgment action. This would simply have created an obligation for municipalities to develop, adopt and take all the necessary governmental actions necessary to implement a Plan to achieve some number of affordable housing units, then to further supplement that Plan after the trial court makes a determination of fair share; all in the course of five months. Since the Supreme Court directed the trial court to make the "preliminary determination" of fair share, it follows that this is the threshold decision is necessary to enable the municipalities to supplement the Plan, if necessary, in an appropriate and efficient manner. This is all consistent with the Supreme Court's directive that the trial courts "should employ similar flexibility in controlling and prioritizing litigation" as was done in pre-

FHA litigation. Id. at 26. Under COAH, municipalities were provided a fair share number, then a plan was developed to meet the number. It is respectfully submitted that this process not only makes sense, it is consistent with the FHA.

E. Summary

It is evident that the Supreme Court has favored the granting of temporary immunity to towns that have filed a declaratory judgment action. It is understood that certain parties that have been placed on notice and some may be given the opportunity to participate in the proceedings in some manner; however, the goal is to create a path to voluntary compliance by the municipality, not compliance under threat of compulsory rezoning. The Court unquestionably favors sound planning in the interest of the public at large as opposed to spending public funds on litigation or providing preference to a particular builder.

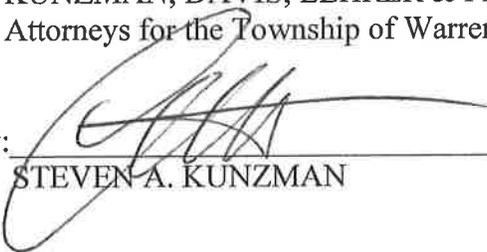
Warren has been engaged in the Mount Laurel process for over thirty years, and has demonstrated an intent and effort to comply with its regional fair share obligations. It has received *Substantive Certification* on the first two rounds; it has submitted a petition for *Substantive Certification* in the Third Round, and has a plan that follows the guidelines that were in place at the time of the petition. As detailed above, Warren has provided 1,226 units and credits of affordable housing and has developed a plan that provided for 403.7 units from 2008 until 2018 based upon the Rules that were in place at that time. Despite the uncertainty of the COAH rules and the recent economic struggles, 290 units – more than half of that obligation – have been satisfied to date. The Township is prepared to address the issues in this matter and will be prepared to develop a supplemental HEFSP if necessary to achieve compliance. Warren's willingness to participate and cooperate demonstrates a strong basis for the court to grant it temporary immunity as provided for in In Re COAH, pending the trial court's determination of

Warren's fair share obligation and the opportunity for Warren to supplement its plan, if necessary.

CONCLUSION

For the foregoing reasons, the Township of Warren respectfully requests that the Court enter an order providing temporary immunity from builder's remedy suits or other claims challenging Warren's HEFSP.

DiFRANCESCO, BATEMAN, COLEY, YOSPIN,
KUNZMAN, DAVIS, LEHRER & FLAUM, P.C.
Attorneys for the Township of Warren

By: 

STEVEN A. KUNZMAN

Dated: July/13 2015

4. I prepared all the HEFSP's that were approved by the Township Planning Board and were adopted by the Township and submitted to the Council on Affordable Housing ("COAH") under the First, Second and Third Round Rules.

5. The Township received Substantive Certification of its HEFSP under COAH's First Round Rules on March 7, 1988.

6. The Township received Substantive Certification of its HEFSP under COAH's Second Round Rules on January 10, 1996. The Second Round Substantive Certification was extended until January 10, 2002, one (1) year after the effective date the Third Round regulations were to be adopted by COAH. **Exhibit A.**

7. COAH first proposed Third Round substantive and procedural rules in October, 2003, which rules were revised multiple times and finally adopted on September 22, 2008 and made effective on October 20, 2008. Ultimately, these Third Round Rules were deemed unconstitutional.

8. The Third Round HEFSP was adopted by the Township Planning Board on November 10, 2008.

9. By a Resolution of the Township Committee dated November 20, 2008, the Township resolved to submit the Third Round HEFSP with its Petition for Substantive Certification to COAH.

10. The Petition for Substantive Certification was submitted on December 24, 2008.. **Exhibit B** (with all supporting documents attached thereto).

11. The Third Round HEFSP submitted to COAH under the revised, but ultimately deemed unconstitutional, Third Round Rules provided for a rehabilitation requirement of 13 units. **Exhibit B** at page 2.

12. Warren has met its obligations under the Second Round, and has a surplus of 32 units toward its Third Round obligation. **Exhibit B** at page 6.

13. The growth share calculated under the rules in place at the time the Third Round HEFSP was adopted and submitted provided for a net growth share of 403.7 units for the period January 1, 2004 through January 1, 2018. **Exhibit B** at page 2.

14. In the submitted Third Round HEFSP for the period 2004-2018, the Township has substantially complied with its obligations as set forth in the said Third Round HEFSP by providing 290 units, which amounts to 72% of the then projected obligation for this period of time. **Exhibit B** at page 7.

15. Additional details of the mechanisms, as well as reductions, credits and adjustments that were proposed are set forth in the submitted Third Round HEFSP in detail. **Exhibit B**.

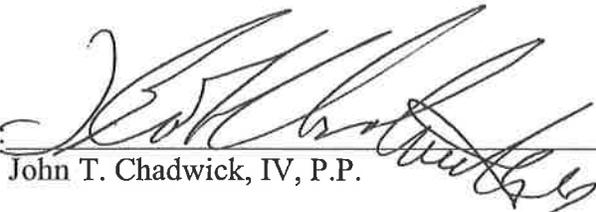
16. Under the un-adopted Third Round Rules, the Township's obligations were as follows:

Rehab Share	Projected Need	Prior Obligation
70	176	602

17. From 1987 through 2015, the Township has provided a total of 1,226 affordable housing units through a variety of mechanisms (rehabilitation, inclusionary developments, RCA's, group homes, etc.), demonstrating the Township's substantial efforts toward advancing affordable housing, irrespective of the dysfunctionality of COAH. See Project Summary Report attached hereto as **Exhibit C**. This Exhibit does not include the 11 units of affordable housing provided by the Shelter Group inclusionary development which was recently approved and is under construction. See Post 1999 Affordable Housing Chart attached as **Exhibit D** which does include the Shelter Group inclusionary development. .

18. I am aware that the Township Affordable Housing Trust Fund balance as of June 25, 2015 is \$3,841,696.17, the vast majority of which amount is being used to fund the extension of affordability controls on the 60 apartment units comprising the Whispering Hills low and moderate income rental development. In fact, the sum of \$200,000 per year for 30 years is to be paid by the Township to Chasbob, Inc. pursuant to a formal contract between the Township and Chasbob, Inc., as the owner of the Whispering Hills low and moderate income rental development, dated July 16, 2012, as authorized by formal Resolution of the Township Committee on July 16, 2012. **Exhibit E.**

19. The Township will continue to exercise all good faith efforts to promote the construction and/or provision of affordable housing.

By: 
John T. Chadwick, IV, P.P.

Dated: July 1, 2015

Exhibit A

*The New Jersey Council on Affordable Housing,
in accordance with the Provisions of the*

Fair Housing Act,

hereby grants Substantive Certification to

**CERTIFIED
Warren Township, Somerset County**

January 10, 1996 to January 10, 2002



Harriet Derman

Commissioner Harriet Derman, COAH Chair

Shirley M. Bishop

Shirley M. Bishop, COAH Executive Director

1250

*File
COAH*



State of New Jersey
COUNCIL ON AFFORDABLE HOUSING
PO Box 813
TRENTON NJ 08625-0813
(609) 292-3000
FAX: (609) 633-6056
TDD# (609) 278-0175

RECEIVED
DEC 11 2001
TOWNSHIP CLERK

DONALD T. DiFRANCESCO
Acting Governor

JANE M. KENNY
Chairman
SHIRLEY M. BISHOP, P.P.
Executive Director

December 5, 2001

The Honorable Carolann Garafola
Mayor, Warren Township
Municipal Building
46 Mountain Boulevard
Warren, New Jersey 07059-5695

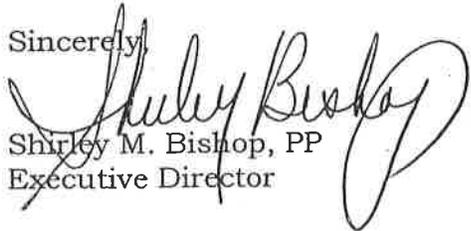
**RE: WARREN TOWNSHIP/SOMERSET COUNTY
EXTENDED SUBSTANTIVE CERTIFICATION**

Dear Mayor Garafola:

Enclosed is a copy of the Council on Affordable Housing's (COAH) resolution granting your municipality an extension of substantive certification at its December 5, 2001 meeting. The extended substantive certification is for one year after the effective date of COAH's third round regulations. COAH has not proposed or adopted these rules as yet.

If COAH does not receive an adopted housing element and fair share plan addressing your municipality's third round obligation on or before the date that your extended substantive certification expires, your municipality will become vulnerable to exclusionary zoning lawsuits.

If you have any questions, please contact Monica Etz, COAH planner, at (609) 292-4646.

Sincerely,

Shirley M. Bishop, PP
Executive Director

c: Attached Service List
Monica Etz



Warren Township/Warren County

Patricia DiRocco, Clerk
Township of Warren
Municipal Building
46 Mountain Boulevard
Warren, New Jersey 07059-5695

John Coley, Jr., Esq.
DiFrancesco, Kunzman, Coley, et als.
15 Mountain Boulevard
Warren, New Jersey 07059-6327

Mr. John Chadwick
P.O. Box 211
3086 Route 27, Suite 1
Franklin Park, New Jersey 08823

Mark Krane, Administrator
Township of Warren
Municipal Building
46 Mountain Boulevard
Warren, New Jersey 07059-5695

Planning Board Secretary
Township of Warren
Municipal Building
46 Mountain Boulevard
Warren, New Jersey 07059-6327

The Honorable Carolann Garafola
Mayor, Warren Township
Municipal Building
46 Mountain Boulevard
Warren, New Jersey 07059-5695

RESOLUTION EXTENDING SECOND ROUND SUBSTANTIVE CERTIFICATION NO. 20-01

WHEREAS, Warren Township/Somerset County received substantive certification from the Council on Affordable Housing (COAH) on January 10, 1996; and

WHEREAS, N.J.A.C. 5:91-14.3 permits COAH certified municipalities to request an extension of substantive certification which extends a municipality's substantive certification up to one year from the effective date of COAH's third round regulations; and

WHEREAS, Warren Township's substantive certification will expire on January 10, 2002, which will be prior to one year after the effective date of COAH's third round substantive rules; and

WHEREAS, Warren Township requested an extension of substantive certification by resolution of the governing body filed with COAH on October 29, 2001, as per N.J.A.C. 5:91-14.13; and

WHEREAS, Warren Township in its resolution has committed to continuing to implement its second round plan; and

WHEREAS, Warren Township in its resolution has also committed to complying with its third round obligation by filing a newly adopted housing element and fair share plan and/or petitioning within one year after the effective date of COAH's third round methodology and rules; and

WHEREAS, Warren Township's resolution complies with the requirements set forth in N.J.A.C. 5:91-14.3.

NOW THEREFORE BE IT RESOLVED that COAH hereby grants Warren Township, Somerset County an extension of substantive certification for up to

one year after the effective date of the adoption of COAH's third round regulations; and

BE IT FURTHER RESOLVED that Warren Township shall continue to implement its second round certified plan; and

BE IT FURTHER RESOLVED that Warren Township shall either file a newly adopted housing element and fair share plan addressing its third round obligation with COAH or petition for a third round substantive certification prior to the expiration of this extended substantive certification; and

BE IT FURTHER RESOLVED that Warren Township's extended substantive certification is conditioned on Warren Township's continued implementation of its certified housing element and fair share plan.

I hereby certify that this resolution was duly adopted by the Council on Affordable housing at its meeting on 12/12/01.


Renee Reiss
Council Secretary

Explanation: This Resolution petitions COAH for a one year extension of the Township's Substantive Certification.

TOWNSHIP OF WARREN
RESOLUTION NO. 2001-264

WHEREAS, the Township of Warren received substantive certification from the New Jersey Council on Affordable Housing (COAH) on January 20, 1996 for a period of six (6) years, and this substantive certification will expire on January 20, 2002; and

WHEREAS, COAH has adopted a rule permitting a municipality to extend its second round substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules if a municipality requests an extension, commits to continuing to implement the certified second round plan and also commits to addressing its third round obligation with a newly adopted housing element and fair share plan; and

WHEREAS, the Township of Warren must commit to either filing a newly adopted housing element and fair share plan addressing the third round obligation with COAH or petition for a third round substantive certification prior to the expiration of the extended second round substantive certification.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Warren in the County of Somerset, State of New Jersey, that the Township of Warren requests COAH, under its procedure at N.J.A.C. 5:91-14.3, to extend substantive certification for up to one (1) year after the effective date of the adoption of COAH's third round methodology and rules; and

BE IT FURTHER RESOLVED that the Township of Warren hereby commits to continue to implement its certified second round plan; and

BE IT FURTHER RESOLVED that the Township of Warren hereby commits to address its third round fair share obligation with a newly adopted housing element and fair share plan within one year after the effective date of COAH's third round methodology and rules; and

BE IT FURTHER RESOLVED that the Township of Warren shall either file the newly adopted housing element and fair share plan addressing the third round obligation with COAH or petition, for a third round substantive certification prior to the expiration of this extended second round substantive certification.

CERTIFICATION

I, Patricia A. DiRocco, RMC, Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted at a meeting of the Township Committee held on October 18, 2001


Patricia A. DiRocco, RMC, Township Clerk

Exhibit B

WARREN TOWNSHIP
HOUSING ELEMENT
AND
FAIR SHARE PLAN

Prepared for the
Warren Township
Planning Board

By

John T. Chadwick IV, P.P.
3176 Route 27, Suite 1A
Kendall Park, NJ 08824

October 21, 2008
Adopted November 10, 2008

This report was signed and sealed in accordance with NJJSA45:14A-12

TOWNSHIP COMMITTEE

Gary DiNardo, Mayor

Victor Sordillo

Carolann Garafola

Malcolm Plager

Frank Salvato

Mark Krane, Township Administrator

John P. Belardo, Esq., Township Attorney

Patricia DiRocco, Township Clerk

WARREN TOWNSHIP PLANNING BOARD

Peter Villani, Chairman

Suzanne Smith, Vice Chair

Gary DiNardo, Mayor

Victor Sordillo, Committeeman

Richard Kaufmann

Daniel Gallic

Nicholas Malanga

Jerry Toth

Bonnie Plotkin

John Lindner

Edmond Carlock

Anne Lane, Planning Board Secretary

Christian Kastrud, P.E., Township Engineer

Alan A. Siegel, Esq., Planning Board Attorney

John T. Chadwick, IV, Township Planner

INTRODUCTION

All affordable housing districts were established as a result of the Township's substantive certification on March 7, 1988. The Township received its second round substantive certification from the Council on Affordable Housing (COAH) January 10, 1996. The certification was extended until the third round regulations were adopted by COAH.

The housing plan element provides for a variety of lot sizes. The principal dwelling type is a single family home, designed for the needs of a family raising household. The exceptions are the R-65/SC zone and the R-65 PAC zone. The R-65/SC district was established to permit senior citizen/adult housing in the 2nd round certification. The development is located in the Town Center. The R-65/PAC district was created in the 2nd round certification period but not included in the Township's 2nd round certification. The site is in the Town Center district, has received all approvals, is substantially under construction and will contribute an equivalent of 84 units to the Township's fair share.

Four existing zones have an AH designation. These districts are fully developed and part of the Township's substantive certification. Lot sizes, development regulations and densities were all established as part of a mediation agreement entered into prior to certification granted March 7, 1988.

The 3rd round Housing Element and Fair Share Plan addresses requirements of the adopted 3rd round COAH rules. Each subsection of 5:97.2 is addressed.

WARREN HOUSING ELEMENT AND FAIR SHARE OBLIGATION

General

The Township's fair share is the sum of:

1. Deficient housing units occupied by low and moderate income households which is referred to as rehabilitation share; the Township's requirement is thirteen units (Appendix B).
2. Remaining prior round (1987-1999) obligation assigned to a municipality by the Council or the court for the period 1987 through 1999; the Township has fully met its 1987-1999 obligation. The remaining obligation is zero (Appendix C).
3. The growth share of the affordable housing (2004 - 2018)

The net "growth share" for the period January 1, 2004 through January 1, 2018 has been calculated. The net growth share is 403.7 (see Appendix 1).

Housing Element

The Township's Housing Element is designed to achieve the goal of providing affordable housing to meet the affordable housing obligation growth share over time as per 5:97.2.2 (e).

1. Housing inventory pursuant to N.J.S.A. 52:27D-310 (a).

The Warren Township housing stock is primarily single-family dwellings constructed after 1970. Total occupied dwellings increased from 3,688 in 1990 to 4,612 in 2000. Since January 2000 a total of 600 new homes have been constructed. Since January 2004 a total of 157 new units have been added to the Township's housing inventory.

The cost of housing in the Township reflects Somerset County rising real estate values. The cost of new housing is reflected in the economic well-being of the new population. Condition of nearly all housing in the Township is sound.

Appendix tables 2A–2E show housing stock by age, condition, value, occupancy characteristics and type. Pursuant to Appendix B of COAH Rules the Township has a rehabilitation obligation of 13 units.

Residential development has declined considerably from the period January 2004 to present. A total of 157 dwelling units were constructed and occupied from January 2004 through July 2008. The COAH projection of 990 new dwellings to be constructed for the period January 2004 through December 2018 far exceeds the actual pace of development for the first 3½ years of the third round certification period.

2. Township demographics pursuant to N.J.S.A. 52:27D-310 (c).

The Township’s median household size, income and age exceed county averages. Township income increased significantly from the 1990 census. The median age of the Township is 39.3 years as compared to County median age of 37.2 years. Median household size is slightly more than three persons per household as compared to the County median of 2.7 persons per household.

Appendix tables 3A – 3E show household size, income characteristics and age profile of Township population for the year 2000 (source: U.S. Census of Population).

Employment Trends

The bulk of the township’s employers are in the construction, trade, professional and health care fields. Also of note are finance and administration. These are all fields that are expected to see growth in the rest of the decade and beyond. The following table shows projected employment changes by industry.

**Projected Employment 2004 to 2014
Somerset County**

Industry Sector	Projected Avg. Annual % Change
Utilities	0.8
Construction	1.1
Manufacturing	-1.5
Wholesale trade	0.9
Retail trade	1.1
Transportation & warehousing	0.7
Information	-0.5
Finance & insurance	1.2
Real estate & rental & leasing	0.9
Professional, scientific, & technical	1.8
Management of companies & enterprises	1.2
Administrative & support & waste management & remediation service	1.4
Educational services	1.1
Health care & social assistance	2.8
Arts, entertainment, & recreation	2.4
Accommodation & food services	2.4
Other services (except public	2.4

Projections: NJDOL & WD, Feb. 2007

The occupations which are expected to see the most growth are shown by the table below.

Somerset County
Occupations with the Greatest Percentage Growth, 2004-2014

Soc Code	Occupation	2004		2014		Change: 2004-2014		Annual Average Job Openings		
		Number	Percent	Number	Percent	Number	Percent	Total	Growth*	Replacements
43-4011	Brokerage Clerks	50	0.0	150	0.1	50	68.9	10	10	0
29-2091	Orthotists and Prosthetists	50	0.0	100	0.0	50	62.1	10	0	0
31-1011	Home Health Aides	1,050	0.6	1,700	0.8	650	59.9	80	60	10
31-9092	Medical Assistants	50	0.0	100	0.1	50	49.3	10	0	0
15-1081	Network Systems and Data Communications Analysts	550	0.3	800	0.4	250	45.6	30	30	10
39-9021	Personal and Home Care Aides	200	0.1	300	0.2	100	45.1	10	10	0
29-2021	Dental Hygienists	350	0.2	500	0.2	150	42.4	20	20	0
31-9091	Dental Assistants	700	0.4	1,000	0.5	300	42.2	50	30	20
29-1122	Occupational Therapists	100	0.0	100	0.1	50	40.3	0	0	0
29-1123	Physical Therapists	150	0.1	200	0.1	50	40.1	10	10	0
15-1031	Computer Software Engineers, Applications	1,550	0.8	2,150	1.0	600	39.4	80	60	20
25-2011	Preschool Teachers, Except Special Education	800	0.4	1,100	0.5	300	38.4	40	30	10
37-2021	Pest Control Workers	50	0.0	100	0.0	0	37.1	0	0	0
21-2021	Directors, Religious Activities and Education	150	0.1	200	0.1	50	36.7	10	10	0
15-1032	Computer Software Engineers, Systems Software	1,000	0.5	1,400	0.7	350	36.6	50	40	10
39-9099	Personal Care and Service Workers, All Other	100	0.1	150	0.1	50	36.2	10	0	0
41-9022	Real Estate Sales Agents	550	0.3	700	0.3	200	33.0	30	20	10
29-2041	Emergency Medical Technicians and Paramedics	150	0.1	200	0.1	50	32.6	10	10	0

* Average Annual New Jobs will not equal annualized "Employment Change" since, for declining occupations, new jobs are tabulated as zero since no net job growth is projected, while the employment change is based solely on the difference between 2004 and 2014 employment totals.

Note: Occupational data include estimates of self-employed and unpaid family workers and are not directly comparable to the industry employment total. Totals may not add due to rounding. Employment data are rounded to the nearest fifty and, job openings are rounded to the nearest ten. Percentages and percent changes are based on unrounded data.

Prepared By: NJ Department of Labor and Workforce Development
 Labor Market and Demographic Research
 Occupational and Demographic Research
 February 2007

All the included projections assume the current recession is not prolonged, nor that any unforeseen act of terrorism or global economic collapse occurs. Assuming this, job growth in Somerset County as a whole is expected to be 1% annually on average from 2004 to 2014. Within Warren Township, the same growth is expected, barring the constraints of available land for development and labor force. The table below shows the recent workforce limits in the Township and the projections following this model through 2014.

Workforce by Sector
Warren Township, Somerset County, NJ

	US Census 2000	NJDOL 2003	NJDOL 2004	NJDOL 2005	NJDOL 2006	Estimated % Change 2004-14~	Estimated Numbers 2014
Total Population	14,219	15,295	15,432	15,630	15,816	9	16,821
Private wage and salary, self employed, family	6,102	8,707	8,755	10,179	12,315		11,406
Government Workers	<u>704</u>	<u>702</u>	<u>762</u>	<u>781</u>	<u>802</u>	4.0	<u>815</u>
TOTAL	6,806	9,409	9,517	10,960	13,117	11.5	12,220

SOURCE: US 2000 Census Bureau. Data rev. 8/23/08
 2003 and 2006 data: NJ Dept. of Labor & Workforce Devel.
 Developed from reported data on unemployment insurance.
 ~ Source: NJ DOL&WD, Feb 2007 and Projections 2014, and based on population aging data.

As population growth slows to below 1% per annum on average in the decade 2004 to 2014, and the population ages, we see a higher percentage of residents outside employable age. This is due to two significant trends occurring in the state: the population 45 to 64 years of age is increasing by 11% over that decade, and the population 65 and over is increasing by 16% over that decade. Two thirds of the new jobs over the decade will be created to replace workers who have retired or left their occupation. In Somerset County total private sector employment declined overall by 3.4% from 2000 to 2005. Employment increased in 2000 and 2001, then declined until 2004, and finally increased significantly over the next two years to historical high levels. These levels are not sustainable with an aging population, and we expect to see the total workforce contract slightly from 2006's benchmark. 2007 statewide job growth was at half the 2006 level, for example, and we expect to see this continue to contract. The workforce contraction, with the high cost of living in the township acting as a potential barrier to an influx of residents, may be another constraint, along with the lack of available land for development, that reduces growth in employment below the estimated numbers.

Source: Industry and Occupational Employment Projections for NJ: 2004-2014, Division of Labor Market & Demographic Research, and Somerset County Fact Book, NJ DOL&WD, Dec 2007.

Employment Outlook

The outlook for employment in Warren Township is promising. Employers in the township are experiencing growth, although they are running up against the limits of development space for future continued expansion and an aging population which commands higher salaries due to time on job or is approaching retirement. The industry sectors expected to flourish include those with the highest wages, for example professional services and finance, but also those of more modest wages, including health care, entertainment, food and administrative services.

CREDITS, REDUCTIONS AND MUNICIPAL ADJUSTMENTS

General

The Township completed its entire 1987-1999 obligation. A surplus of 32 units results. The Township growth share for January 2004-December 2018 is 403.7 units (see Appendix 1).

Overview

Warren Township has prepared a Fair Share Plan that meets the requirements of N.J.A.C. 5:97-3.2. The Fair Share Plan shows a substantial portion of the estimated net growth share for the 2004-2018 period has been addressed.

Petition filing/summary of plan for total 1987-2018 fair share obligation sets forth accomplishments and mechanisms addressing the third round projected growth share including credits resulting from prior activities and/or authorized by the third round rules. The Township is entitled to substantial credits resulting from extension of affordability controls for 57 family affordable townhouse homes, will extend affordability controls for 88 family rental apartments and has sponsored (and donated/one dollar considerations for) supportive special-needs projects. The supportive/special-needs projects are as follows:

1. Six units (very low income)/Cerebral Palsy of New Jersey Project located block 114, lot 22.03, or 115 Stirling Road Warren, New Jersey (Township land contribution).
2. Six units (very low income-Medicaid) Chelsea assisted-living. Project developed and occupied November 4, 1999. Project was not included in second round certification.
3. Six units (very low income/age restricted)/Cooperative Housing Corp./shared housing (Township land contribution).
4. Eleven units (very low incomes/supports special-needs) CMG Chelsea, LLC/ block 79, lot 7.01

Fair Share Plan mechanisms are described in greater detail below.

Fair Share Ordinances as necessary for the implementation of the programs and projects designed to satisfy the fair share need have been adopted and are contained in the Warren Township Zoning Code Chapter XVI. Further, the governing body shall formally adopt the revisions of the Fair Share Ordinances as required within 45 days of the Council's grant of substantive certification where current requirements have been amended by NJAC 5:96.

Rehabilitation

The COAH estimate of Warren Township's substandard units occupied by low and moderate income households is thirteen. The Township will continue its approved program (started 1988). The Township assists 1-2 homeowners annually and projects an additional 10 projects for the 3rd round. The existing Township program complies with 3rd round rules and requirements and is on file with COAH & NJHMFA. The Township contracts administration of the program with the State. A total of 7 rehabilitation projects have been completed since January 1999.

MECHANISMS ADDRESSING 3RD ROUND GROWTH SHARE

Inclusionary Zones/R-65 PAC and R-10AH/MF

Warren Township amended its zoning ordinance permitting zoning for higher density residential development during the 2nd round certification period. This action was not required as part of the 2nd round certification.

The new zone (R-65 PAC) will result in 42 age restricted affordable units (under construction) and will address a portion of the 3rd round growth share obligation. The Township is also entitled 42 credits pursuant to NJAC 5:97-3.17.

A second development plan for shared housing has been approved, constructed and occupied. The project is located in the R-10 AH/MF district. This zone was approved as part of the Township's 2nd round certification. The project has been developed by a registered nonprofit organization C.H.C. The project is best described as shared housing. The facility provides 6 rooms for residents plus facilities for full time support personnel.

Warren Township has contracted with NJMFA to administer the units in accordance with the Uniform Housing Affordability Controls, NJAC 5:80-26.

Extension of Affordability Controls

Extension of controls/existing 88 apartments and 57 townhomes – (existing controls expire 2013 and 2011) (funding source – Development Fee Ordinance).

Inclusionary projects comply with site suitability criteria and conformance with the State Development and Redevelopment Plan

The Township's affordable housing projects described herein above conform to site suitability criteria. Sites are located in Planning Area 2.

The Township has achieved substantial compliance with its projected third round growth share obligation. A total of 290 units have been provided. This represents nearly 72% of the Township's total obligation for the period 2004–2018.

Planned Township sponsored – 100 % affordable programs

Warren Township intends to provide additional low and moderate income units through a municipally sponsored affordable construction program. This mechanism shall be finalized during the 1st phase (year 1-3) of program certification. No formal authorized site negotiations have been initiated. Site selection criteria, development costs and affordability pro forma analysis are completed.

The township has successfully sponsored the development and marketing of a 57 unit, non-age restricted, 100% affordable townhome project. The Township has also through innovative zoning provided for the construction of a mixed-use project producing COAH units, lower middle income (125 percentile of moderate income as defined by COAH) and market units.

The depressed housing market of the past three years coupled with the finance industry collapse creates conditions and uncertainties far beyond the control of the Township. Given existing conditions the Township will proceed with developing details of the project pro forma but will delay site selection and financial commitments.

Age restricted housing

Not more than 25 of the net growth share obligation will be met with age restricted housing in the Fair Share Plan.

Rental housing

In addressing the housing need, the Fair Share Plan shall create a realistic opportunity to maintain and/or construct rental units. At least 25% of the municipality's growth share obligation shall be addressed with rental housing. This rental obligation shall be provided in proportion to the growth share obligation generated by the actual growth as set forth in and pursuant to NJAC 5:97-2.5.



STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE HOUSING
PETITION APPLICATION



This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.

MUNICIPALITY	Warren	COUNTY	Somerset
COAH REGION	3	PLANNING AREA(S)	2&5 w/envmntly crit area ovly
SPECIAL RESOURCE AREA(S)	_____		
PREPARER NAME	John T. Chadwick	TITLE	Township Planner
EMAIL	Jtciv.Plan@Verizon.Net	PHONE NO.	732-297-7669
ADDRESS	3176 Rt 27, Ste 1 A, Kendall Park, N.J 08824	FAX NO.	732-297-8081
MUNICIPAL HOUSING LIAISON	Mark Krane	TITLE	Township Administrator
EMAIL	Mkrane@Warrentboc.Org	PHONE NO.	908-753-8000 x250
ADDRESS	<u>Warren Twncp, 46 Mountain Blvd, Warren, N J 07059</u>	FAX NO.	908-226-5629

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals	<u>COAH</u>	<u>JOC</u>	<u>N/A</u>
First Round	<u>3/7/1988</u>	_____	<input type="checkbox"/>
Second Round	<u>1/10/1996</u>	_____	<input type="checkbox"/>
Extended Second Round	<u>1/2/2002</u>	_____	<input type="checkbox"/>

Does the Petition include any requests for a waiver from COAH Rules? Yes No
If Yes, Please note rule section from which waiver is sought and describe further in a narrative section: _____

FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
<input checked="" type="checkbox"/>		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
<input checked="" type="checkbox"/>		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box): <input checked="" type="checkbox"/> Petitioning <input type="checkbox"/> Filing <input type="checkbox"/> Re-petitioning <input type="checkbox"/> Amending Certified Plan
<input checked="" type="checkbox"/>		Service List (in the new format required by COAH)
<input checked="" type="checkbox"/>		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Zoning Ordinance (most recently adopted) ¹ Date of Last Amendment: <u>7/19/2007</u> Date of Submission to COAH: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: <u>7/19/2007</u> Date of Submission to COAH: <u>7/19/2007</u>
<input type="checkbox"/>	<input type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list):

FOR OFFICE USE ONLY		
Date Received _____	Affidavit of Public Notice _____	Date Deemed _____
Complete/Incomplete _____	Reviewer's Initials _____	

¹ Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

HOUSING ELEMENT

(N.J.A.C. 5:27.2 & N.J.S.A. 40:56D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by¹:

- Age;
- Condition;
- Purchase or rental value;
- Occupancy characteristics; and
- Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

Yes, Page Number: 2 No (incomplete)

Appendix 2A-2E

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to²:

- Population trends
- Household size and type
- Age characteristics
- Income level
- Employment status of residents

Yes, Page Number: 3 No (incomplete)

Appendix 3A-3D

3. The plan provides an analysis of existing and future employment characteristics of the municipality, including but not limited to³:

- Most recently available in-place employment by industry sectors and number of persons employed;
- Most recently available employment trends; and
- Employment outlook

Yes, Page Number: 3-6 No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections.
AND

Proposed mechanism to address 2004-2018 obligation

The analysis covers the following:

- The availability of existing and planned infrastructure;
- The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- Anticipated land use patterns;
- Municipal economic development policies;
- Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- Existing or planned measures to address these constraints.

Yes, Page Number: 6-8 No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

Yes, Page Number: 7 No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

Yes, Page Number: 6 No (go to 6a)

- 6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

Yes (go to 7 and 8) No (go to 6b)

- 6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

Yes, Page Number: _____ No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- Number of units for which certificates of occupancy were issued since January 1, 2004;
- Pending, approved and anticipated applications for development;
- Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at www.nj.gov/dca/coah/planningtools/gscalculators.shtml)

Yes, Page Number: _____

No (incomplete)

Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;

Square footage of pending, approved and anticipated applications for development;

Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;

Demolition permits issued and projected for previously occupied non-residential space; and

The worksheet for determining a higher non-residential growth projection provided by COAH.

Yes, Page Number: _____

No (incomplete)

Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

Rehabilitation share (from Appendix B);

Prior round obligation (from Appendix C); and

Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

Yes, Page Number: 6-7

No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

Yes, Page Number: _____

No (incomplete)

Not Applicable

Petition date: _____

Endorsement date: _____

¹ Information available through the U.S. Census Bureau at

http://factfinder.census.gov/servlet/ACSSAFFHousing?sse=on&_submenuId=housing_0

² Information available through the U.S. Census Bureau at <http://factfinder.census.gov/home/saff/main.html>.

³ Information available through the New Jersey Department of labor at

<http://www.wnjjpin.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html>

FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the "need" column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the "Need" column.

Line		Need
1	<input type="radio"/> Rehabilitation Share (From N.J.A.C. 5:97 Appendix B) OR	<u>13</u>
2	<input type="radio"/> Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit _____.)	_____
		Need
3	<input type="radio"/> Prior Round (1987-1999) Affordable Housing Obligation (From N.J.A.C. 5:97 Appendix C)	<u>543</u>
	<input type="radio"/> Prior Round Adjustments:	
	<input type="radio"/> 20% Cap Adjustment	_____
	<input type="radio"/> 1000 Unit Cap Adjustment	<u>0</u>
4	Total Prior Round Adjustments	<u>543</u>
5	Adjusted Prior Round Obligation: (Number in Appendix C minus Total Prior Round Adjustment(s))	<u>0</u>
6	<input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need) Realistic Development Potential(RDP) ¹	<u>0</u>

¹ RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

Determining the Growth Share Obligation

All municipalities must complete the "COAH projections" table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:

www.nj.gov/dca/coah/planningtools/gscalculators.shtml.

The applicable workbook has been completed and is attach to this application as Exhibit A.

Line	<i>○ Required 2004-2018 COAH Projections and Resulting Projected Growth Share</i>			
	Household Growth (From Appendix F)	<u>990</u>	Employment Growth (From Appendix F)	<u>3346</u>
	Household Growth After Exclusions (From Workbook A)	<u>973</u>	Employment Growth After Exclusions (From Workbook A)	<u>0</u>
	Residential Obligation (From Workbook A)	<u>194.60</u>	Non-Residential Obligation (From Workbook A)	<u>209.10</u>
7	Total 2004-2018 Growth Share Obligation			<u>403.70</u>
	<i>○ Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share</i>			
	Household Growth After Exclusions (From Workbook B)	_____	Employment Growth After Exclusions (From Workbook B)	_____
	Residential Obligation (From Workbook B)	_____	Non-Residential Obligation (From Workbook B)	_____
8	Total 2004-2018 Projected Growth Share Obligation			_____
	<i>○ Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share</i>			
	Household Growth After Exclusions (From Workbook C)	_____	Employment Growth After Exclusions (From Workbook C)	_____
	Residential Obligation (From Workbook C)	_____	Non-Residential Obligation (From Workbook C)	_____
9	Total 2004-2018 Growth Share Obligation			_____
10	Total Fair Share Obligation (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9)			<u>416.70</u>

Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	<u>Completed</u>	<u>Proposed</u>	<u>Total</u>
Rehabilitation Share			<u>13</u>
<i>Less: Rehabilitation Credits</i>	<u>42</u>		<u>42</u>
Rehab Program(s)		<u>13</u>	
Remaining Rehabilitation Share			<u>13</u>
Prior Round (1987-1999 New Construction) Obligation			<u>543</u>
<i>Less: Vacant Land Adjustment (If Applicable)</i>			
<i>(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):</i>			
Unmet Need			_____
RDP			_____
Mechanisms addressing Prior Round	_____	_____	_____
Prior Cycle Credits (1980 to 1986)			<u>4</u>
Credits without Controls			_____
Inclusionary Development/Redevelopment	<u>94</u>		<u>94</u>
100% Affordable Units	<u>57</u>		<u>57</u>
Accessory Apartments			_____
Market-to-Affordable			_____
Supportive & Special Needs	<u>41</u>		<u>41</u>
Assisted Living			_____
RCA Units previously approved	<u>251</u>		<u>251</u>
Other	<u>104</u>		<u>104</u>
Prior Round Bonuses	<u>24</u>		<u>24</u>
Remaining Prior Round Obligation	<u>0</u>		<u>0</u>
Third Round Projected Growth Share Obligation			_____
<i>Less: Mechanisms addressing Growth Share</i>			
Inclusionary Zoning	<u>42</u>		<u>42</u>
Redevelopment		<u>114</u>	<u>114</u>
100% Affordable Development			_____
Accessory Apartments			_____
Market-to-Affordable Units			_____
Supportive & Special Need Units	<u>23</u>		<u>23</u>
Assisted Living: post-1986 Units	<u>6</u>		<u>6</u>
Other Credits	<u>177</u>		<u>177</u>
Compliance Bonuses	<u>42</u>		<u>42</u>
Smart Growth Bonuses			_____
Redevelopment Bonuses			_____
Rental Bonuses			_____
Growth Share Total	<u>290</u>	<u>114</u>	<u>404</u>
Remaining (Obligation) or Surplus	<u>-114</u>	<u>114</u>	<u>0</u>

PARAMETERS¹

<u>Prior Round 1987-1999</u>			
RCA Maximum	293	RCAs Included	251
Age-Restricted Maximum	271	Age-Restricted Units Included	6
Rental Minimum	135	Rental Units Included	135

<u>Growth Share 1999-2018</u>			
Age-Restricted Maximum	101	Age-Restricted Units Included	48
Rental Minimum	101	Rental Units Included	101
Family Minimum	51	Family Units Included	51
Very Low-Income Minimum ²	52	Very Low-Income Units Included	52

¹ Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

² Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008; at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at www.nj.gov/dca/coah/planningtools/checklists.shtml.

Table 1. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed (use <u>Rehabilitation Unit Survey Form</u>)	Rental, Owner Occupied or Both	Checklist or Form Appendix Location ¹
1. <u>Municipal Progra</u>	<u>Completed</u>	<u>Both</u>	<u>On File</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age-restricted Cap	Checklist or Form Appendix Location ¹
16. Surplus Prior Round		Completed	32	32	32		
17. R65 Pac Project	Site Specific Zoning	Proposed	42			42	
18. R65 Pac (Njac 5:97-3.17)	Site Specific Zoning	Proposed	42			42	
19. Chelsea B82 L8	Alternative Living	Completed	6			6	
20. Cpnj B114 L22	Alternative Living	Proposed	6	6			
21. Coop Housing Corp (Shared Lyng)	Alternative Living	Proposed	6			6	
22. Cmg Chelsea	Special Needs	Proposed	11				
23. Woodland Acres	Control Extension	Completed	57		57		
24. Liberty Village	Control Extension	Completed	28	28	28		
25. Whispering Hills	Control Extension	Completed	60	60	60		
26. Future Project	Municipally Sponsored	Proposed	141		141		
27.							
28.							
29.							
30.							
Subtotal from any additional pages used						<u>404</u>	
Total family units			318			<u>126</u>	
Total age-restricted units			65			<u>126</u>	
Total Supportive/Special Needs units						<u>53</u>	
Total Special Needs bedrooms			17			<u>159</u>	
			Please add additional sheets as necessary.				
Total units (proposed and completed)						<u>404</u>	
Total rental units						<u>126</u>	
Total family rental units						<u>126</u>	
Total very-low units						<u>53</u>	
Total bonuses						<u>159</u>	

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CIM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)

1. Does the municipality have an affordable housing trust fund account? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.)

Yes, Bank Name Skylands Community Bank

(Choose account type) Separate interest-bearing account

State of New Jersey cash management fund

No (Skip to the Affordable Housing Ordinance section)

2. Has an escrow agreement been executed? Yes No
(If no, petition is incomplete. Submit an executed escrow agreement.)

3. Is all trust fund monitoring up-to-date as of December 31, 2007? Yes No
(If no, petition is incomplete. Submit an updated trust fund monitoring report.)

DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)

Yes,

Adopted OR Proposed

No Skip to the next category; Payments-in-Lieu

2. If adopted, specify date of COAH/Court approval here: March 1, 1992

- Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

Yes, Ordinance Number. _____ Adopted on¹ _____

No (Skip to the next category; Payments-in-Lieu)

- If yes, is the amended ordinance included with your petition?

Yes

No, (Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance)

3. Does the ordinance follow the ordinance model updated September 2008 and available at www.nj.gov/dca/coah/round3resources.shtml? If yes, skip to question 5.

Yes No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

Information and Documentation

The ordinance imposes a residential development fee of ____% and a Non-residential fee of 2.5 %

A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);

A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)

A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)

A description of collection procedures per N.J.A.C. 5:97-8.3(f)

A description of development fee appeals per N.J.A.C. 5:97-8.3(g)

A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)

If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (Note: must be at least 30 percent of all development fees plus interest)?

Yes (Specify actual or anticipated amount) \$34000 /based on prior 15 yr average

No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.)**

■ If yes, what kind of assistance is offered?

■ Has an affordability assistance program manual been submitted? Yes No

¹ Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

**PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON
SITE (N.J.A.C. 5:97-8.4)**

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?
 Yes No (Skip to the next category; Barrier Free Escrow)
2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? (Optional)
 Yes (attach applicable checklist)
 No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)
3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? (Optional)
 Yes (indicate ordinance section) _____
 No

BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?
 Yes No
2. Does the municipality anticipate collecting any other funds for affordable housing activities?
 Yes (specify funding source and amount) _____
 No

SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.)
 Yes No

2. Does the Spending Plan follow the Spending Plan model updated October 2008 and available at www.nj.gov/dca/coah/round3resources.shtml? If yes, skip to next section - Affordable Housing Ordinance.
 Yes No

3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

Information and Documentation

- A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;
- A projection of revenues anticipated from other sources (specify source(s) and amount(s));
- A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;
- A schedule for the expenditure of all affordable housing trust funds;
- A schedule for the creation or rehabilitation of housing units;
- If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;
- If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;
- The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and
- If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 et seq.)

1. Does the Fair Share Plan include an Affordable Housing Ordinance?
 Yes No
2. Does the ordinance follow the ordinance model available at www.nj.gov/dca/coah/round3resources.shtml ?
 Yes No
3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

Required Information and Documentation

- Affordability controls
- Bedroom distribution
- Low/moderate-income split and bedroom distribution
- Accessible townhouse units
- Sale and rental pricing
- Municipal Housing Liaison
- Administrative Agent
- Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

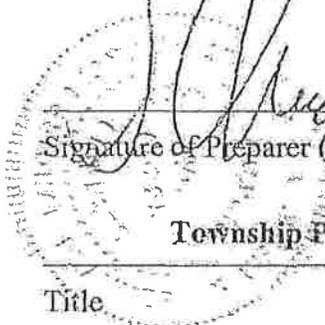
- Operating manual for rehabilitation program - On File
- Operating manual for affordability assistance - On File
- Operating manual for an Accessory Apartment program - Not Applicable
- Operating manual for a Market-to-Affordable program - Not Applicable
- COAH approved administrative agent if municipal wide - Contract w/NJHMFA

Items that must be submitted prior to any time prior to marketing completed units:

- COAH approved administrative agent(s) is project specific
- Operating manual for sale units
- Operating manual for rental units
- Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

CERTIFICATION

I, John Chadwick, have prepared this petition application for substantive certification on behalf of Warren Township. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.



Signature of Preparer (affix seal if applicable)

Date

Township Planner

Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

Narrative Section

CHECKLISTS

CHECKLIST INVENTORY OF SITES CHANGED FROM NON-
RESIDENTIAL TO RESIDENTIAL
CMG CHELSEA LLC

CHECKLIST REHABILITATION PROGRAM
WARREN TOWNSHIP REHABILITATION

CHECKLIST SUPPORTIVE AND SPECIAL NEEDS HOUSING
CEREBRAL PALSY OF NORTH JERSEY

CHECKLIST ASSISTED LIVING RESIDENCE
CHELSEA ASSISTED LIVING LLC

CHECKLIST EXTENSION OF EXPIRING CONTROLS
WOODLAND ACRES

CHECKLIST EXTENSION OF EXPIRING CONTROLS
WHISPERING HILLS

CHECKLIST EXTENSION OF EXPIRING CONTROLS
LIBERTY VILLAGE

**Inventory of Sites Changed From Non-residential to Residential Use
(P.L. 2008 c.46)**

Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

Municipalities must document at the time of petition, repetition or submission of amendment sites that have been or are proposed to be rezoned or that are the subject of a use variance from nonresidential to residential uses as follows: all sites that were rezoned from nonresidential to residential uses since July 17, 2006 where a developer has made an application for development after July 17, 2008. This would include both applications to the municipal planning board and to the municipal zoning board. Such sites shall include affordable housing as a percentage of the units constructed on site based on economic feasibility.

The determination of economic feasibility will be made based upon the presumptive densities and set-asides in COAH's rules pursuant to N.J.A.C. 5:97-6.4(b)2 (for-sale housing) and N.J.A.C. 5:97-6.4(b)6 (rental housing). A site zoned for inclusionary development will be presumed to be economically feasible if it meets these minimum densities and maximum set-asides.

Owner/Developer Name	Block	Lot	Previous Zoning	New Residential Density	Use Change Date	Development Application Date	Total Units	Total Affordable Units	Use Change Granted By
CMG Chelsea LLC	79	21.01	I	NA	NA	1/9/2008	42	11	Board of Adjustment

Change of Use Narrative Section

Zoning Board granted use variance for special needs housing September 15, 2008. COAH has
certified to 11 units subject to affirmative marketing plan.

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Warren Township, Somerset County, NJ

Program Name: Warren Township Rehabilitation Program

Number of proposed units to be rehabilitated: 13

Information and Documentation Required with Petition

- Determination of Rehabilitation Share COAH Appendix B
- Accept number in N.J.A.C. 5:97 – Appendix B; OR
- Exterior Housing Survey conducted by the municipality
- Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)
- Documentation demonstrating the source(s) of funding
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien. **On File**
- Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC **On File**

Rehabilitation Narrative Section

Program has been in existence since 1986. Program complies with COAH requirements.

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Cerebral Palsy of North Jersey

Date facility will be constructed or placed into service: Est Fall 2009

Type of facility: Residential Health Care Facility

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms proposed: 6 Age-restricted affordable bedrooms: _____

For permanent supportive housing:

Affordable units proposed: _____ Age-restricted affordable units: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date development approvals granted: 12/1/2008

**All conditions of land donation
completed and signed off.**

Information and Documentation Required with Petition or in Accordance with an

Implementation Schedule

Is the municipality providing an implementation schedule for this project/program.

Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the
implementations schedule.

No. Continue with this checklist.

- Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)
- Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- Name and address of owner
- Name and address of developer
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site

- Based on the above, a quantification of buildable and non-buildable acreage
- Pro-forma statement for the project
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(e)
- If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition	Complete	12/1/2008	
RFP Process	N/A	N/A	N/A

Developer Selection	7/1/2009		
Executed Agreement with provider, sponsor or developer	7/1/2009		
Development Approvals	7/1/2009		
Contractor Selection	3/1/2009		
Building Permits	3/1/2009		
Construction	3/1/2009		
Occupancy	3/1/2010		

Supportive/Special Needs Narrative Section

The Township sold 1.5 acres to CPNJ for \$1 consideration. Development plan is approved (Dec 2008). Further, the Township has authorized \$250,000 to CPNJ to further affordability of project.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

ASSISTED LIVING RESIDENCE (N.J.A.C. 5:97-6.11)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Chelsea Assisted Living LLC

Block(s) and Lot(s): B82 L8

Date facility will be constructed or placed into service: 11/9/1999

This facility including affordable units not included in 2nd round certification

Total units proposed _____

Market-rate units: _____

Affordable units/bedrooms: 6

Number restricted for Medicaid waivers: _____

Bonuses, if applicable:

Prior Round Rental bonuses as per N.J.A.C. 5:97-3.5 2

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date zoning adopted: 1998 Date Development approvals granted: 1997
Use Variance

Information and Documentation Required with Petition

- Completed Assisted Living survey form (If project was previously reported in 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

A general description of the site, including:

- Name and address of owner
- Subject property address
- Subject property block(s) and lot(s)
- Subject property total acreage
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- Description of surrounding land uses

- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site
- Based on the above, a quantification of buildable and non-buildable acreage
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Pro-forma statement for the project
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

Information and Documentation Required Prior to Marketing the Completed Units or Facility

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with UHAC
- An affirmative marketing plan in accordance with UHAC if the units are not restricted to recipients of Medicaid waivers
- Check here if the affirmative marketing plan and resolution/contract with an Administrative Agent is being replaced with an executed Memorandum of Understanding with the New Jersey Housing and Mortgage Finance Agency (HMFA)

Assisted Living Narrative Section

Chelsea Assisted Living was approved in 1997 and certificate of occupancy issued 11/4/1999. The project provides 6 medicaid occupied units. The project was not included in 2nd round certification.

EXTENSION OF EXPIRING CONTROLS (N.J.A.C. 5:97-6.14)

(Submit separate checklist for each location)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Woodland Acres

Block(s) and Lot(s): B114.01 L68

Affordable Units Proposed: 57

Non-Age-Restricted: 57 Sale: 57 Rental: _____

Age-Restricted: _____ Sale: _____ Rental: _____

Information and Documentation Required with Petition

- Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

Identification of unit(s) including:

- Name and address of owner
- Subject property address
- Subject property block and lot
- Description of units including if unit is age-restricted or not and rental or sale
- Description of expiring controls including prior program funding, date control first initiated and date when control is to expire
- Agreement or commitment to extend controls between the municipality and owner
- Proposed deed restriction
- Pro-forma statement for the project showing acquisition and/or rehabilitation costs
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Previous and proposed or revised Affirmative Marketing Plans

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- Affirmative Marketing Plan in accordance with UHAC

Extension of Controls Narrative Section

The Township has adopted a resolution extending controls. The Township contracts services for affordability and marketing with NJHMFA.

EXTENSION OF EXPIRING CONTROLS (N.J.A.C. 5:97-6.14)

(Submit separate checklist for each location)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Whispering Hills

Block(s) and Lot(s): _____

Affordable Units Proposed: 60

Non-Age-Restricted: 60

Sale: _____

Rental: 60

Age-Restricted: _____

Sale: _____

Rental: _____

Information and Documentation Required with Petition

- Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

Identification of unit(s) including:

- Name and address of owner
- Subject property address
- Subject property block and lot
- Description of units including if unit is age-restricted or not and rental or sale
- Description of expiring controls including prior program funding, date control first initiated and date when control is to expire
- Agreement or commitment to extend controls between the municipality and owner
- Proposed deed restriction
- Pro-forma statement for the project showing acquisition and/or rehabilitation costs
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Previous and proposed or revised Affirmative Marketing Plans

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- Affirmative Marketing Plan in accordance with UHAC

Extension of Controls Narrative Section

The project was initially occupied in 1991. The Township has begun negotiations for costs of extension of expiring controls. All units are proposed to be retained as affordable throughout the third round and beyond. The Township contracts services for affordability and marketing with NJHMFA.

EXTENSION OF EXPIRING CONTROLS (N.J.A.C. 5:97-6.14)

(Submit separate checklist for each location)

General Description

Municipality/County: Warren Township, Somerset County

Project or Program Name: Liberty Village

Block(s) and Lot(s): B24.01, L23

Affordable Units Proposed: 28

Non-Age-Restricted: 28

Sale: _____

Rental: 28

Age-Restricted: _____

Sale: _____

Rental: _____

Information and Documentation Required with Petition

- Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here in lieu of submitting forms.)

Identification of unit(s) including:

- Name and address of owner
- Subject property address
- Subject property block and lot
- Description of units including if unit is age-restricted or not and rental or sale
- Description of expiring controls including prior program funding, date control first initiated and date when control is to expire
- Agreement or commitment to extend controls between the municipality and owner
- Proposed deed restriction
- Pro-forma statement for the project showing acquisition and/or rehabilitation costs
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Previous and proposed or revised Affirmative Marketing Plans

Information and Documentation Required Prior to Substantive Certification

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- Affirmative Marketing Plan in accordance with UHAC

Extension of Controls Narrative Section

The project was initially occupied in 1991. The Township has begun negotiations for costs of extension of expiring controls. All units are proposed to be retained as affordable throughout the third round and beyond. The Township contracts services for affordability and marketing with NJHMFA.

APPENDIXES

APPENDIX 1	WORK BOOK A GROWTH SHARE DETERMINATION
APPENDIX 2A	HOUSEHOLD OCCUPANCY
APPENDIX 2B	HOUSING CHARACTERISTICS
APPENDIX 2C	TENURE/LENGTH OF OCCUPANCY
APPENDIX 2D	HOUSING VALUE
APPENDIX 2E	HOUSING RENT COST
APPENDIX 3A	POPULATION ESTIMATE
APPENDIX 3B	AGE PROFILE
APPENDIX 3C	EMPLOYMENT BY SECTOR
APPENDIX 3D	LABOR FORCE

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: **Warren**

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) *	980	3,346
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	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	17	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		
4 Net Growth Projection	973	3,346
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	194.6 Affordable Units	209.1 Affordable Units
6 Total Projected Growth Share Obligation		403.7 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.

** 5 single family homes CO'd 12/03 - occupied post 1/1/04

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Warren

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	0
Accessory Apartments	0
Municipally Sponsored and 100% Affordable	0
Assisted Living	0
Other	0
Total	0

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
Greenwood Meadows	N	17	0	0	17
		0	0	0	0
		0	0	0	0
		0	0	0	0
		0	0	0	0
Total		17	0	0	17

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
	0	0
	0	0
Total	0	0

[Return To Workbook A Summary](#)

APPENDIX 2A

Warren Township, Somerset County, NJ Household Occupancy

* US CENSUS		
	Actual 2000	%
Total Population	14,219	
Total Housing Units	4,705	
Occupied	4,616	98.11%
Vacant	89	1.89%
For seasonal, recreational or occasional use	16	0.34%
Homeowner vacancy rate %	0.4	
Rental vacancy rate %	2.0	
HOUSING TENURE		
Owner occupied units	4,266	92.42%
Renter occupied units	350	7.58%
Avg household size of owner occupied units	3.11	
renter occupied units	2.34	

* SOURCE: US Census Bureau.
Census 2000, data rev. 8/23/06.

Warren Township, Somerset County, NJ Housing Tenure & History

* US CENSUS		
	Actual 2000	%
Total Population	14,219	
Residence in 1995 - pop. 5 yrs and over	13,253	
Same house as in 1995	8,660	65.34%
Different house in US in 1995	4,453	33.60%
Same county	1,525	11.51%
Different county	2,928	22.09%
Same state	1,931	14.57%
Different state	997	7.52%
Outside US	140	1.06%

* SOURCE: US Census Bureau. Census 2000
data rev. 8/23/06

Warren Township, Somerset County, NJ - Housing - Characteristics

APPENDIX 2B

* US CENSUS	
Actual 2000	%
4,701	
4,458	94.83%
52	1.11%
53	1.13%
36	0.77%
64	1.36%
32	0.68%
6	0.13%
0	
0	
11	

TOTAL HOUSING UNITS 4,701 ~

Projected 2008 5,231 ~

1 unit detached	4,458	94.83%
1 unit attached	52	1.11%
2 units	53	1.13%
3 or more units	36	0.77%
5 to 9 units	64	1.36%
10 to 19 units	32	0.68%
20 or more units	6	0.13%
mobile home	0	
boat, RV, van etc	0	
Lacking complete kitchen facilities	11	

AGE OF STRUCTURE	# Units	%	# Units	COs	Demos	Aged Exist.	AGE OF STRUCTURE
1 year or less	95	2.02%	9	9			1 year or less
1 to 5 years	485	10.32%	234	234			1 to 5 years
5 to 9 years	557	11.85%	452	357		95	5 to 8 years
10 to 19 years	758	16.12%	1,042	0		1042	9 to 17 years
20 to 29 years	711	15.12%	758			758	18 to 27 years
30 to 39 years	835	17.76%	711		0	711	28 to 37 years
40 to 59 years	807	17.17%	835		-56	835	38 to 47 years
60 years and older	453	9.64%	751		-56	807	48 to 67 years
			439		-14	453	68 years and older

ROOMS

1 room	6	0.1
2 rooms	6	0.1
3 rooms	80	1.7
4 rooms	264	5.6
5 rooms	239	5.1
6 rooms	583	12.4
7 rooms	698	14.8
8 rooms	946	20.1
9 or more rooms	1,879	40
Median (rooms)	8	

* SOURCE: US Census Bureau, Census 2000, data rev 8/23/08.

Projected age of structure based on existing stock at census 2000 and building permits since 2000 from NJ DOL&WD data. Assumes all units proposed were completed.

~ There is no way to break out 1 & 2 unit or attached and detached from the CO or permit data. Therefore the only projection made is to total units. 600 CO's for new construction were issued and 70 units were demolished since the Census data was reported.

APPENDIX 2C

Warren Township, Somerset County, NJ
Housing - Length of Occupation

* US CENSUS	
Actual	%
2000	

Projected 2008

OCCUPIED HOUSING UNITS

4,616

5,153

LENGTH OF OCCUPATION

# Units	%
452	9.79%
1,184	25.65%
927	20.08%
969	20.99%
496	10.75%
601	13.02%

# Units	%
9	0.17%
234	4.54%
809	15.68%
1,184	23.00%
927	18.00%
969	18.80%
440	8.54%
586	11.47%

Permits Aged Exist. LENGTH OF OCCUPATION

Permits	Demos	Aged Exist.	LENGTH OF OCCUPATION
9			1 year or less
234			1 to 5 years
357		452	5 to 8 years
0		1,184	9 to 13 years
		927	14 to 17 years
	0	969	18 to 27 years
	-56	496	28 to 37 years
	-15	601	38 years and older

* SOURCE: US Census Bureau.
data rev. 8/23/08

Projected length of occup. based on existing stock at census 2000 and
CO's and demolitions since 2000 from NJ DOCA data.
Assumes all units constructed were occupied within a year.

APPENDIX 2D

Warren Township, Somerset County, NJ Housing - Value

		* US CENSUS	
		Actual 2000	%
Total Population		14219	
OWNER OCCUPIED UNITS Reporting		4122	
VALUE			
< \$50,000		19	0.46%
\$50,000 - \$99,999		20	0.49%
\$100,000 - \$149,999		77	1.87%
\$150,000 - \$199,999		197	4.78%
\$200,000 - \$299,999		708	17.16%
\$300,000 - \$499,999		1604	38.91%
\$500,000 - \$999,999		1279	31.03%
\$1,000,000 or more		218	5.29%
Median (dollars)		\$ 427,300	
UNITS WITH A MORTGAGE		3087	75%
Median Housing Monthly Cost (dollars)		\$ 2,606	
UNITS WITHOUT A MORTGAGE		1035	25%
Median Housing Monthly Cost (dollars)		\$ 734	

* SOURCE: US Census Bureau.
Census 2000, data rev 8/23/08

APPENDIX 2E

Warren Township, Somerset County, NJ Housing - Rentals

	* US CENSUS	
	Actual 2000	%
Total Population	14219	
RENTER OCCUPIED UNITS Reporting	332	
Gross Rent Per Month		
< \$200	0	0.00%
\$200 - \$299	0	0.00%
\$300 - \$499	0	0.00%
\$500 - \$749	5	1.51%
\$750 - \$999	93	28.01%
\$1,000 - \$1,499	102	30.72%
\$1,500 or more	71	21.39%
No-cash rent	61	18.37%
Median (dollars)	\$ 1,146	

* SOURCE: US Census Bureau.
Census 2000, data rev. 8/23/08.

APPENDIX 3A

Estimated V. Actual Population NJ						
Geographic Area	Population Estimates					
	July 1, 2007	July 1, 2006	July 1, 2005	July 1, 2004	July 1, 2003	July 1, 2002
Estimated Population NJ	8,685,920	8,666,075	8,657,445	8,641,235	8,604,990	8,558,327
Actual Population NJ		8,724,560	8,703,150	8,675,879	8,632,553	8,577,514
Population Growth		21,410	32,759	56,467	63,144	79,184
Net Internal Migration		-72,547	-56,989	-45,045	-33,225	-23,759
Net International Migration		54,058	47,392	56,265	59,067	62,813
Natural Increase		39,190	42,341	44,874	38,000	40,163
Yearly population Growth		0.246%	0.378%	0.654%	0.736%	

Source: Population Division, U.S. Census Bureau, NST - EST2007-03

Population Growth and Migration figures SOURCE: Rutgers Issue Paper #26
 October 2007: Where Have All the Dollars Gone? An Analysis of NJ Migration Patterns
 James Hughes, Dean, Edward J. Bloustein School of Planning & Public Policy, et. al.

APPENDIX 3B

Age Breakdown of Warren Township, Somerset County, NJ

	Actual	%	Actual	Projected			
	2000			2005	2010	2015	2020
Warren Population	14,259		15,630	16,720	17,370	18,020	18,150
under 5	1,019	7.15%	1,191	1,059	652	655	155
5 to 9	1,252	8.78%	1,051	1,206	1,059	672	685
10 to 14	1,341	9.40%	1,284	1,076	1,246	1,109	697
15 to 19	856	6.00%	1,373	1,312	1,116	1,296	1,133
20 to 24	413	2.90%	887	1,407	1,351	1,165	1,345
25 to 34	1,162	8.15%	1,024	1,431	2,160	2,478	2,476
35 to 44	2,764	19.38%	1,992	1,540	1,523	1,889	2,255
45 to 54	2,403	16.85%	2,612	2,332	1,971	1,792	1,885
55 to 59	868	6.09%	1,213	1,336	1,201	1,006	941
60 to 64	583	4.09%	879	1,243	1,351	1,221	1,051
65 to 74	953	6.68%	1,043	1,418	1,953	2,334	2,394
75 to 84	494	3.46%	707	857	1,139	1,552	1,949
84 and over	151	1.06%	376	502	646	850	1,183
Total over 55	3,049		4,217	5,356	6,292	6,964	7,518
Total over 65	1,598		2,125	2,776	3,739	4,737	5,526
% population 5 to 20		27.08%	23.72%	21.50%	19.70%	17.08%	13.85%
% population 21-64		57.46%	55.06%	55.56%	55.03%	53.00%	54.84%
% population 55 & over		21.38%	26.98%	32.03%	36.22%	38.65%	41.42%
% population 65 & over		11.21%	13.60%	16.61%	21.53%	26.29%	30.45%

* SOURCE: US Census Bureau. Census 2000

APPENDIX 3C

Employment by Sector WARREN TOWNSHIP

		Average Annual No. Employers	Average Annual Employed	Average Annual Wage	Average Weekly Wage
Federal Government	2006	3	23	\$64,145	\$1,234
	2005	3	23	\$56,258	\$1,082
	2004	3	17	\$56,525	\$1,087
Local Government	2006	10	779	\$58,100	\$1,117
	2005	10	758	\$57,418	\$1,104
	2004	10	745	\$53,223	\$1,024
Private Sector	2006	479	12,315	\$125,808	\$2,419
	2005	494	10,179	\$110,149	\$2,118
	2004	522	8,755	\$83,852	\$1,613
TOTAL	2006	492	13,117	\$121,679	\$2,340
	2005	507	10,960	\$106,390	\$2,046
	2004	535	9,517	\$81,406	\$1,566

Source: NJ Dept. of Labor & Workforce Development
 Developed from reported data on unemployment insurance, covered UI & UCFE

APPENDIX 3D

Warren Township LABOR FORCE ESTIMATES

	2,006	2005	2004	2003	2002	2001
Labor Force	7,813	7,688	7,564	7,472	7,455	7,339
Employment	7,657	7,539	7,408	7,281	7,258	7,207
Unemployment Rate (%)	2	1.9	2.1	2.6	2.6	1.8

*Source: New Jersey Department of Labor and Workforce Development
Labor Planning and Analysis, Bureau of Labor Force Statistics, 4/21/08*

SUPPORT DOCUMENTS

- 1 RESOLUTION ADOPTING HOUSING ELEMENT AND FAIR SHARE PLAN
(PLANNING BOARD AND TOWNSHIP COMMITTEE)

- 2 ORDINANCE REVISING AFFORDABLE HOUSING DEVELOPMENT FEES
(PURSUANT TO NEW COAH REGULATIONS)

- 3 RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON
(MARK KRANE – TOWNSHIP ADMINISTRATOR)

- 4 COAH CERTIFICATE SHOWING LIAISON COMPLETED
APPROPRIATE TRAINING

- 5 ESCROW AGREEMENT FOR HOUSING TRUST FUND

- 6 SERVICE LIST

**WARREN TOWNSHIP
PLANNING BOARD RESOLUTION
ADOPTING THE HOUSING ELEMENT AND FAIR SHARE**

WHEREAS, the Planning Board of Warren Township, Somerset County, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on December 11, 2006; and

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

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the municipality's total 1987 through 2018 fair share obligation; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of Warren Township held a public hearing on the Housing Element and Fair Share Plan on November 10, 2008; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Warren Township's December 11, 2006 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of Warren Township, Somerset County, State of New Jersey, that the Planning Board hereby adopts the November 10, 2008 Housing Element and Fair Share Plan.



Peter Villani
Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of Warren Township, Somerset County, on November 10, 2008.


Richard Kaufmann
Planning Board Secretary

RESOLUTION NO. 2008-264

PETITION COAH FOR SUBSTANTIVE CERTIFICATION WITH AN ADOPTED
HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Township of Warren, County of Somerset, State of New Jersey, adopted the Housing Element of the Master Plan on November 10, 2008; and

WHEREAS, the Planning Board adopted the Fair Share Plan on November 10, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board, adopting the Fair Share Plan, is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Warren, County of Somerset, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Warren Township Planning Board;

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Warren, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification;

BE IT FURTHER RESOLVED, that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition;

BE IT FURTHER RESOLVED, that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven (7) days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Warren Township Clerk's office located at 46 Mountain Boulevard, Warren, New Jersey, during the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, for a period of forty five (45) days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
	✓	SORDILLO	✓			
		PLAGER				✓
✓		GARAFOLA	✓			
		SALVATO	✓			
		DINARDO	✓			

CERTIFICATION

I, Patricia A. DiRocco, RMC, Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted at a meeting of the Township Committee held on November 20, 2008.

Patricia A. DiRocco, RMC
Township Clerk

EXPLANATION: This ordinance revises the Township's development fee ordinance in accordance with new rules issued by the NJ Council on Affordable Housing ("COAH"), and P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

**TOWNSHIP OF WARREN
ORDINANCE NO. 08-22**

AN ORDINANCE OF THE TOWNSHIP OF WARREN,
COUNTY OF SOMERSET, STATE OF NEW JERSEY,
AMENDING, REVISING AND SUPPLEMENTING THE
CODE OF THE TOWNSHIP OF WARREN, CHAPTER XV,
"LAND USE PROCEDURES AND DEVELOPMENT",
SECTION 15-5 "FEES", SUBSECTION 15-5.4
"AFFORDABLE HOUSING DEVELOPMENT FEES"

BE IT ORDAINED by the Township Committee of the Township of Warren, in the County of Somerset, State of New Jersey, as follows:

Section 1. Subsection 15-5.4 entitled "Affordable Housing Development Fees" of Section 15-5 entitled "Fees" of Chapter XV entitled "Land Use Procedures and Development" of the *General Land Development Ordinances of the Township of Warren*, is hereby deleted in its entirety and replaced to read as follows:

15-5.4 Affordable Housing Development Fees.

a. *Findings and Purposes.*

1. The Township Committee of the Township of Warren finds and declares that the creation and preservation of affordable housing in the Township serves the public interest. Maintaining and improving a stock of sound affordable housing requires affirmative steps by local government working cooperatively with public bodies at all levels and with the private sector.
2. The New Jersey Supreme Court, in *Holmdel Builder's Ass'n v. Holmdel Township*, 121 N.J. 550 (1990), determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et seq.*, and the State Constitution.
3. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

4. The purpose of this subsection is to establish standards for the collection, maintenance and expenditure of development fees in accordance with COAH's rules and regulations, and in accordance with P.L. 2008, c.46, Section 8 and 32-38. Fees collected pursuant to this subsection shall be used for the sole purpose of providing low- and moderate-income housing. This subsection shall be interpreted within the framework of COAH's regulations on development fees, including N.J.A.C. 5:97-8, and as may be amended.

b. *Basic Requirements.*

1. This subsection shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
2. The Township of Warren shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3

c. *Definitions.* For the purposes of this subsection, the following terms shall have the following meanings:

1. **AFFORDABLE** means a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9.
2. **AFFORDABLE UNIT** means any housing unit proposed or created pursuant to the Fair Housing Act of 1985, credited pursuant to N.J.A.C. 5:97-4., or funded through the Township's affordable housing trust fund.
3. **AFFORDABLE HOUSING DEVELOPMENT** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
4. **COAH or COUNCIL** means the New Jersey Council on Affordable Housing established under the Fair Housing Act of 1985, which has primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in the State.
5. **DEVELOPMENT FEES** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
6. **DEVELOPER** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other individual, person, partnership, association, company, or corporation having an enforceable proprietary interest in such land.

7. **EQUALIZED ASSESSED VALUE** means the assessed value of a property divided by the current average ratio of assessed to true value for the Township as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c). Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Tax Assessor.
 8. **GREEN BUILDING STRATEGIES** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.
 9. **SUBSTANTIAL CHANGE** means a modification or elimination of a significant condition or conditions in a memorializing resolution or any significant modification in the design or layout of the subdivision plan previously approved which require a revised or amended subdivision plan application.
- d. *Development Fee Schedule.*
1. *Residential Development.*
 - (a) Within all zoning districts in the Township of Warren, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half (1.5%) percent of the equalized assessed value for the residential development provided no increased density is permitted.
 - (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall pay a development fee of six (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

2. *Nonresidential Development.*

- (a) Within all zoning districts in the Township of Warren, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one half (2.5%) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (b) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one half (2.5%) percent of the increase in equalized assessed value resulting from any additions or alterations to existing structures to be used for non-residential purposes.
- (c) Development fees shall be imposed and collected when an existing non-residential structure is demolished and replaced. The development fee of two and one half (2.5%) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- (d) When an approval is granted for an increase in floor area pursuant to N.J.S.A. 40:55D-70d(4) (known as a "d" variance), developers shall pay a development fee of six (6%) percent on the additional floor area realized (above what is permitted by right under the existing zoning). However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

e. *Eligible Exactions, Ineligible Exactions and Exemptions.*

- 1. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- 2. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

3. Residential developments that have received preliminary or final site plan approval prior to the effective date of the initial development fee ordinance codified in this subsection shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary and final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
4. Development fees shall not be imposed when an existing residential structure is expanded (including additions, alterations, renovations or reconstruction work).
5. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one half (2.5%) percent development fee, unless otherwise exempted below.
6. The two and one half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs to non-residential developments.
7. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-residential Development Fee Act, P.L.2008, c.46 (N.J.S.A. 40:55D-8.1, *et seq.*, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Specifically, all non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, which is tax exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee, provided that the property continues to maintain its tax exempt status under the statute for a period of at least three (3) years from the date of issuance of the certificate of occupancy. In addition, the following shall be exempt from the imposition of a non-residential development fee:
 - A. parking lots and parking structures, regardless whether the parking lot or parking structure is constructed in conjunction with a non-residential development, such as an office building, or whether the parking lot is developed as an independent non-residential development;
 - B. any non-residential development which is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers, as defined by the Statewide Non-residential Development Fee Act, which are developed in conjunction with or funded by a non-residential developer;

- C. non-residential construction resulting from a relocation of or an on-site improvement to a nonprofit hospital or a nursing home facility;
 - D. projects that are located within a specifically delineated urban transit hub, as defined pursuant to N.J.S.A. 34:1B-208;
 - E. projects that are located within an eligible municipality, as defined under N.J.S.A. 34:1B-208, which a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system; and
 - F. projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the Department of Transportation.
8. Any exemption claimed by a developer shall be substantiated by that developer. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
9. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Warren as a lien against the real property of the owner.
- f. *Collection of Development Fees.*
- 1. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official or other designated Township official responsible for the issuance of a building permit.
 - 2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
 - 3. The construction official or other Township official responsible for the issuance of a building permit shall notify the Township Tax Assessor of

- the issuance of the first building permit for a development which is subject to a development fee.
4. Within ninety (90) days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
 5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
 6. Within ten (10) business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 7. Should Township fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
 8. The Township may collect up to fifty (50%) percent of the calculated development fee at the time of the issuance of the building permit, with the remaining portion to be collected at the issuance of the certificate of occupancy. Regardless of the time of collection, the development fee shall be based on the percentage that applies on the date that building permits are issued.
 9. The failure of the developer to make timely payments of the aforesaid deficiency shall entitle the Township to file, without notice to the developer, a lien against the subject development. In the event the Township shall file such lien, the Township may add to the aforesaid deficiency amount reasonable attorney fees to file and discharge such lien, together with any and all costs incurred to file and discharge said lien. In the event that the estimated equalized assessed value proves to have been too high, the Township shall promptly refund the difference between the estimated development fees actually paid by the developer and the development fees required to be paid by the developer once such final equalized assessed value has been determined.
 10. Appeal of development fees.
 - (a) A developer may challenge residential development fees imposed by filing a challenge with the Somerset County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in

an interest bearing escrow account by the Township of Warren. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(b) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty five (45) days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Warren. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

g. *Affordable Housing Trust Fund.*

1. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer of the Township for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls, which shall be designated as the "Affordable Housing Trust Fund."
2. The following additional funds may be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) payments in lieu of on-site construction of affordable units;
 - (b) developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multifamily attached development accessible;
 - (c) rental income from municipally operated units;
 - (d) repayments from affordable housing program loans;
 - (e) recapture funds;
 - (f) proceeds from the sale of affordable units; and
 - (g) any other funds collected in connection with the Township of Warren's affordable housing program.
3. Within seven days from the opening of the trust fund account, the Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
4. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

h. *Use of Money.*

1. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by COAH to address the Township of Warren's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
2. Funds shall not be expended to reimburse the Township for past housing activities.
3. At least thirty (30%) percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty (30%) percent or less of median income by region.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - (b) Affordability assistance to households earning thirty (30%) percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income. The use of development fees in this manner shall entitle the Township of Warren to bonus credits pursuant to N.J.A.C. 5:97-3.7.

- (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
4. The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
5. No more than twenty (20%) percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.
- i. *Monitoring.* The Township shall complete and submit to COAH all monitoring reports included in the monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of construction affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's affordable housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH.
- j. *Spending Plans.* The Township shall submit to COAH a spending plan for the development fees collected by the Township pursuant to this subsection. The Township will identify the funds on its monitoring report pursuant to N.J.A.C. 5:97-8.12 and include a plan for the use of the funds in its spending plan pursuant to N.J.A.C. 5:97-8.10. The spending plan shall be subject to the review and approval of COAH pursuant to N.J.A.C. 5:96-5.3. The plan to spend development fees shall consist of the following information:
1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
 2. A projection of revenues anticipated from other sources, including contributions from developers as a result of negotiated agreements, payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls,

proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

3. A description of the administrative mechanism that the Township will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8 and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. A schedule for the creation or rehabilitation of housing units, if applicable;
7. In the event the Township supports or sponsors public sector or nonprofit construction of housing, a proforma statement of the anticipated costs and revenues associated with the development, consistent with the standards required by the New Jersey Housing and Mortgage Finance Agency in its review of funding applications;
8. As to the existing affordable housing plan maintained by the Township, a plan to send the trust fund balance as of the date of its third round petition within four years of COAH's approval of the spending plan, or in accordance with an implementation schedule approved by COAH;
9. The manner through which the Township will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
10. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the Township's affordable housing obligation.

k. *Ongoing Collection of Development Fees.*

1. The Township's ability to impose, collect and expend development fees shall expire with its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of this subsection. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor

shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the *Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63(if required).

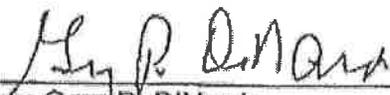
Section 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Warren for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; (3) filing of the final form of adopted ordinance by the Clerk with (a) the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1; and (4) approval from COAH pursuant to N.J.A.C. 5:96-5.1.

ATTEST:

TOWNSHIP OF WARREN


Name: Patricia DiRocco, RMC
Title: Township Clerk

By: 
Name: Gary P. DiNardo
Title: Mayor

INTRODUCED: November 6, 2008
ADOPTED: December 11, 2008
EFFECTIVE: December 18, 2008

RESOLUTION NO. 2008-179

APPOINTING MARK M. KRANE AS MUNICIPAL HOUSING LIAISON
(M.H.L.)
PURSUANT TO C.O.A.H. REGULATIONS

WHEREAS, the regulations of the Council on Affordable Housing require the designation of an Municipal Housing Liaison (M.H.L.) with the responsibility for oversight and administration of the Township's affordable housing program; and

WHEREAS, Township ordinance 16-6.8A.2b provides that the M.H.L. shall be appointed by the Township Committee and may be either a full time or part time employee; and

WHEREAS, Township Administrator, Mark M. Krane has completed the COAH Module 1 Training for Municipal Housing Liaison's;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Warren, Somerset County, New Jersey, that Mark M. Krane is hereby appointed as M.H.L. pursuant to the provisions of 16-6.8A and the appropriate notification shall be filed with the Council on Affordable Housing.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		SORDILLO	✓			
✓		PLAGER	✓			
	✓	GARAFOLA	✓			
		SALVATO	✓			
		DINARDO	✓			

CERTIFICATION

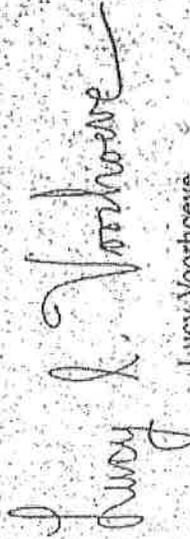
I, Patricia A. DiRocco, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on July 17, 2008.

Patricia A. DiRocco, RMC
Township Clerk

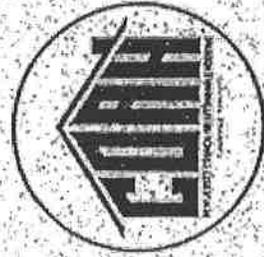
The New Jersey Council on Affordable Housing
Hereby Certifies that

MARK M. KRANE

Successfully Completed COAH's Module I
Training for Municipal Housing Liaisons, RCA
Administrators, and Administrative Agents,
held on June 18, 2008.



Lucy Voorthoeve
Executive Director
NJ Council on Affordable Housing

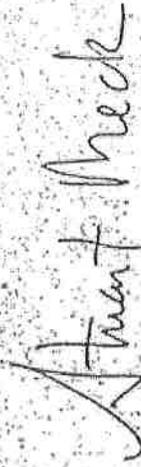


RUTGERS

Edward J. Bloustein School
of Planning and Public Policy



Joseph V. Doria, Jr.
Chair
NJ Council on Affordable Housing



Stuart Meck
Director
Center for Government Services

COPY**Escrow Agreement for Housing Trust Fund**

This Escrow Agreement made this 16 day of June, 2006, by and between:

**The Council on Affordable Housing ("COAH"),
The Township of Warren ("Warren"), and
Somerset Valley Bank (the "Bank")**

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

WHEREAS, on March 4, 1992, COAH approved the Township of Warren Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and requiring that funds shall only be applied directly toward implementation of Warren's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on March 12, 1992, the governing body of the Township of Warren adopted Ordinance #92-33, the Development Fee Ordinance of Warren Township amending the Municipal Code; and

WHEREAS, on September 6, 1995, COAH approved the Warren Township Second Round Spending Plan establishing standards for the expenditure of development fees pursuant to COAH's rules; and

WHEREAS, on December 7, 2005, the Township of Warren submitted a petition for third round substantive certification to COAH, and must submit a Third Round Spending Plan for COAH's approval; and

WHEREAS, the Township of Warren acknowledges that no expenditure of development fees, payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls collected after December 7, 2005, may occur prior to COAH's approval of a third round spending plan; and

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

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

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

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

1. Designation of Escrow Agent

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

2. Escrow Account

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

3. Application of Amounts on Deposit

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

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

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

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

action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

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

7. Notices

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

- a. If to COAH: Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813

- b. If to Municipality: Municipal Clerk and Chief Financial Officer
Township of Warren
48 Mountain Blvd.
Warren, New Jersey 07059

- c. If to Bank: ~~Chief Operating Officer~~ *PRESIDENT + CEO*
Somerset Valley Bank
70 EAST MAIN STREET
SOMERVILLE, NJ 08876

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

8. Further Assistance

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

9. Agreement Subject to the Fair Housing Act

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

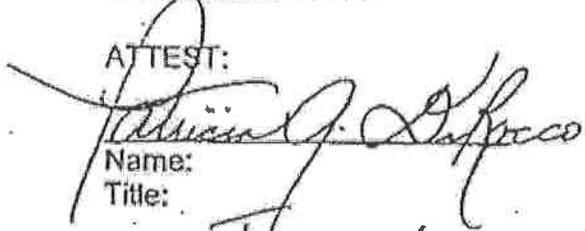
or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

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

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

ATTEST:

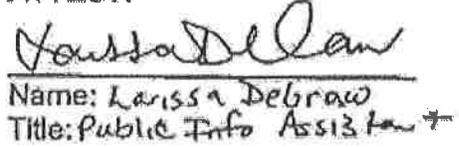

Name:
Title:

Dated: June 16, 2006

TOWNSHIP OF WARREN

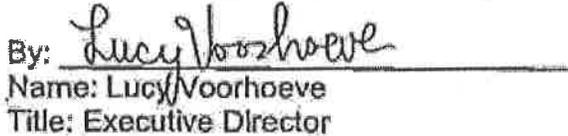
By: 
Name: Carolann Garafola
Title: Mayor

ATTEST:

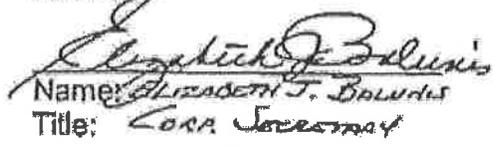

Name: Larissa DeBrow
Title: Public Info Assistant

Dated: July 13, 2006

COUNCIL ON AFFORDABLE HOUSING

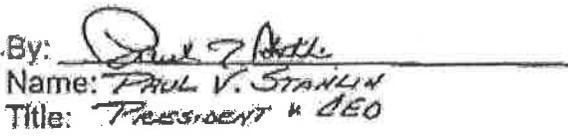
By: 
Name: Lucy Voorhoeve
Title: Executive Director

ATTEST:


Name: Elizabeth J. Baldwin
Title: CORA Secretary

Dated: JUNE 21, 2006

SOMERSET VALLEY BANK

By: 
Name: PAUL V. STANLIN
Title: PRESIDENT & CEO



**MUNICIPALITY, COUNTY
SERVICE LIST**
N.J.A.C. 5:96-3.7



A municipality that petitions the Council on Affordable Housing (COAH) for substantive certification or is otherwise participating in COAH's substantive certification process must include an updated service list in order for COAH to review its submittal. At the time it files or petitions for substantive certification a municipality must provide COAH with a Service List which includes the following information (Please print clearly):

1. Current names and addresses of owners of sites included in previously certified or court settled plans that were zoned for low- and moderate-income housing and/or were to pay a negotiated fee(s). Owners of sites that have been completely developed may be excluded;

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

PROJECT NAME		BLOCK	
		LOT	
PROPERTY OWNER		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



2. The names and addresses of owners of all new or additional sites included in the Fair Share Plan;

		BLOCK	24.01
PROJECT NAME	<u>Liberty Village</u>	LOT	<u>23</u>
PROPERTY OWNER	<u>Liberty Village at Warren Associates, LLC</u>	TITLE	
EMAIL		PHONE NO.	
ADDRESS	<u>16 Microlab Road, Suite D Livingston, NJ 07039</u>	FAX NO.	

PROJECT NAME	<u>Coop Housing Corp (Shared Lvng)</u>	BLOCK	
PROPERTY OWNER	<u>Cooperative Housing Corp</u>	LOT	
EMAIL		TITLE	
ADDRESS	<u>6 East High Street Somerville, NJ 08876</u>	PHONE NO.	
		FAX NO.	

PROJECT NAME	<u>CMG Chelsea</u>	BLOCK	<u>79</u>
PROPERTY OWNER	<u>Herb Heflich CMG@Chelsea</u>	LOT	<u>7.01</u>
EMAIL		TITLE	
ADDRESS	<u>316 South Avenue Fanwood, NJ 07023</u>	PHONE NO.	
		FAX NO.	

PROJECT NAME	<u>Chelsea Assisted Living</u>	BLOCK	<u>82</u>
PROPERTY OWNER	<u>Herb Heflich</u>	LOT	<u>8</u>
EMAIL		TITLE	
ADDRESS	<u>274 King George Road Warren, NJ 07059</u>	PHONE NO.	
		FAX NO.	

PROJECT NAME	<u>CPNJ B114 L22</u>	BLOCK	<u>114</u>
PROPERTY OWNER	<u>Cerebral Palsy of North Jersey</u>	LOT	<u>22.03</u>
EMAIL		TITLE	
ADDRESS	<u>c/o Alan Mucatel 515 Valley Street Maplewood, NJ 07040</u>	PHONE NO.	
		FAX NO.	



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



PROJECT NAME	Whispering Hills	BLOCK	88.03
		LOT	1
PROPERTY OWNER	Chasbob Inc.	TITLE	
EMAIL		PHONE NO.	
ADDRESS	31F Mountain Blvd	FAX NO.	
	Warren, NJ 07059		
PROJECT NAME	Woodland Acres Owners Association	BLOCK	114.01
		LOT	68
PROPERTY OWNER	Morel & Seigal Inc.	TITLE	
EMAIL		PHONE NO.	
ADDRESS	140 Littleton Rd, Ste 310	FAX NO.	
	Parsippany, NJ 07054		



MUNICIPALITY, COUNTY
SERVICE LIST

N.J.A.C. 5:96-3.7



3. Except for Mayors, Clerks, Municipal Attorneys and Municipal Housing Liaisons, which are automatically added to every Service List by COAH, the names and addresses of all municipal employees or designees that the municipality would like notified of all correspondence relating to the filing of petition;

NAME	<u>John T. Chadwick, IV, PP</u>	TITLE	<u>Township Planner</u>
EMAIL		PHONE NO.	
ADDRESS	<u>3176 State Highway 27, Suite 1A</u>	FAX NO.	
	<u>Kendall Park, NJ 08824</u>		

NAME	<u>Christian M. Kastrud, PE</u>	TITLE	<u>Township Engineer</u>
EMAIL		PHONE NO.	
ADDRESS	<u>46 Mountain Boulevard</u>	FAX NO.	
	<u>Warren, NJ 07059</u>		

NAME	<u>Mark Krane</u>	TITLE	<u>Township Administrator</u>
EMAIL		PHONE NO.	
ADDRESS	<u>46 Mountain Boulevard</u>	FAX NO.	
	<u>Warren, NJ 07059</u>		

NAME	<u>Kathy Lynch</u>	TITLE	<u>Zoning Board of Adjustment Secretary</u>
EMAIL		PHONE NO.	
ADDRESS	<u>46 Mountain Boulevard</u>	FAX NO.	
	<u>Warren, NJ 07059</u>		



MUNICIPALITY, COUNTY
SERVICE LIST
N.J.A.C. 5:96-3.7



4. The names and addresses of relevant County, Regional and/or State entities; AND

NAME	<u>Somerset County Planning Board</u>	TITLE	
EMAIL		PHONE NO.	
ADDRESS	<u>20 Grove Street, P.O.Box 3000</u>	FAX NO.	
	<u>Somerville, NJ 08876</u>		

NAME	<u>Christine Danis, PP, AICP</u>	TITLE	<u>Regional Planner New Jersey Highlands Council</u>
EMAIL		PHONE NO.	
ADDRESS	<u>100 North Road, Route 513</u>	FAX NO.	
	<u>Chester, NJ 07930-2322</u>		



**MUNICIPALITY, COUNTY
SERVICE LIST**
N.J.A.C. 5:96-3.7



5. Names of known interested party(ies).

NAME	J. Vogel	TITLE	Dev Director
EMAIL		PHONE NO.	
ADDRESS	Avalon Bay Communities, Inc. 517 Rt 1 South, Ste 5500 Iselin, NJ 08830	FAX NO.	

Additional Names COAH automatically adds.

NAME	The Honorable Gary DiNardo	TITLE	Mayor
EMAIL		PHONE NO.	908-753-8000
ADDRESS	Township of Warren 46 Mountain Blvd Warren, NJ 07059-5695	FAX NO.	

NAME	Patricia DiRocco	TITLE	Clerk
EMAIL		PHONE NO.	908-753-8000
ADDRESS	Township of Warren 46 Mountain Blvd Warren, NJ 07059-5695	FAX NO.	

NAME	John P. Belardo. Esq.	TITLE	Attorney
EMAIL		PHONE NO.	973-425-8755
ADDRESS	McElroy, Deutsch, Mulvaney & Carpenter, LLP 1300 Mount Kemble Ave P.O. Box 2075 Morristown, NJ 07962	FAX NO.	

NAME		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

NAME		TITLE	
EMAIL		PHONE NO.	
ADDRESS		FAX NO.	

WARREN TOWNSHIP

DEVELOPMENT FEE

SPENDING PLAN

Prepared for the
Warren Township
Committee

By

*John T. Chadwick IV, P.P.
3176 Route 27, Suite 1A
Kendall Park, NJ 08824*

December 19, 2008

This report was signed and sealed in accordance with NJJSA45:14A-12

INTRODUCTION

Warren Township 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.). The original development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on March 1992 and adopted by the municipality on March 12, 1992. The ordinance and amendments establish the Warren Township affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Warren Township has collected \$6,241,005, expended \$2,349,077, resulting in a balance of \$3,891,928. 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 Skylands Community Bank 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.

Warren Township first petitioned COAH for substantive certification on March 3, 1985 and received prior approval to maintain an affordable housing trust fund on March 4, 1992. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$3,179,979. From January 1, 2005 through July 17, 2008, Warren Township collected an additional \$1,925,895 in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, Warren Township expended funds on the affordable housing activities detailed in section 4 of this spending plan.

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	50	100	50	20	0							220
2. Development Pending Approval		60	40	30	20							150
3. Projected Development			30	30	40	60	60	60	60	60	60	460
(b) Payments in Lieu of Construction												
(c) Other Funds (Specify source(s))												
(d) Interest	0.5	1.6	1.2	0.8	0.6	0.6	0.6	0.6	0.6	0.6	0.6	8.3
Total	50.5	161.6	121.2	80.8	60.6	60.6	60.6	60.6	60.6	60.6	60.6	838.3

Warren Township projects a total of \$838,300 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 Warren Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Warren Township’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 Township distributes funds in accordance with standard procedures. The Township has been granted Dedication by Rider authority.

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)**

Warren Township will dedicate \$2,608,086 to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$150,000

New construction project(s): Township new construction project has not proceeded to development pro-forma. The Township has evaluated sites in accordance with COAH development criteria, evaluated and analyzed 100% affordable vs a blend of market and affordable units as well as type of construction. Pro-forma and estimated expenditures of available and projected development fee funds will be provided within the first three year period of third-round certification.

The Township has sold for one dollar consideration 1.5 acres of land to Cerebral Palsy of North Jersey for development of six special-needs units. The property is known as block 114, lot 22.03. A development plan has also been approved. Further, CPNJ has requested and the Township has approved a subsidy to advance affordability in the amount of \$250,000.

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

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$5,663,661
Actual interest earned through 7/17/2008	+	\$507,087
Development fees projected* 2008-2018	+	\$830,000
Interest projected* 2008-2018	+	\$8,300
Less housing activity expenditures through 6/2/2008	-	\$1,914,576
Total	=	5,094,472

30 percent requirement	x 0.30 =	\$1,528,342
Less Affordability assistance expenditures through 12/31/2004	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$1,528,342
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$509,447

* 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.

Warren Township will dedicate 30% of the development fee from the affordable housing trust fund to render units more affordable, including 1/3 of the above to render units more affordable to households earning 30 percent or less of median income by region, as follows:

The Township will spend funds in accordance with N.J.A.C. 5:97-8.7 inclusive. The Township opines expenditures for extension of expiring controls is eligible affordability assistance activity as per 5:97-8.7(a)-13. Simply put if controls expire affordability is lost. The Township further reserves its right to demonstrate that there are not sufficient units for which an affordability assistance program can be offered to equal or exceed 30% of Development Fee fund and funds may be utilized for other eligible activities.

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

Warren Township projects that \$1,018,894 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:

The Township will spend funds for activities set forth in N.J.A.C. 5:97-8.9. The Township anticipates the majority of funds will go to licensed engineers, architects, land planners, construction supervision and legal services in connection with Township partnered and/or sponsored affordable housing projects.

4. EXPENDITURE SCHEDULE

Warren Township 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 <i>(Individually list programs and projects e.g. Rehab, Accessory Apartments, for-sale and rental municipally sponsored, etc).</i>	Number of Units Projected	Funds Expended and/or Dedicated 2005- July 17, 2008	PROJECTED EXPENDITURE SCHEDULE 2009 -2018 (In Thousands)													
			7/18/08 – 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total		
Rehabilitation/	15	100	0	15	15	15	15	15	15	15	15	15	15	15	15	250
Units Assigned																
Extension of Controls*	88	0		1,120												1,120
Township Project #1	50	0		1,508												1,508
Township Project #2	64	0		500				600								1,100
Total Programs	217	100	0	15	3,143	15	15	615	15	15	15	15	15	15	15	3,978
Affordability Assistance																
* Extension of controls = affordability assistance																
Administration		0	0	100	100	100	100	100	100	100	100	100	100	100	100	1,000
Total		100		115	3,243	115	115	115	115	115	115	115	115	115	115	4,378

Note: figures are rounded to nearest \$1,000

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Warren Township will adopt a resolution of intent agreeing to fund any shortfall of funds required for implementing housing programs. In the event that a shortfall of anticipated revenues occurs, Warren Township intends to bond for shortfall.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to fund eligible projects and programs.

6. BARRIER FREE ESCROW

Warren Township has not adopted a barrier free option within its Affordable Housing Ordinance.

SUMMARY

Warren Township 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 and adopted November 10, 2008 by the Planning Board of Warren Township.

Warren Township has a balance of \$4,930,970 as of July 17, 2008 and anticipates an additional \$838,000 in revenues before the expiration of substantive certification for a total of \$5,094,472. The municipality will dedicate \$2,608,086 towards Fair Share Plan projects, \$1,528,342 to render units more affordable, and \$1,018,894 to administrative costs. Any shortfall of funds will be offset by bonding against future Development Fee revenues. The municipality will dedicate any excess funds toward implementation of its Fair Share Plan.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$4,930,970
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ \$830,000
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$8,300
TOTAL REVENUE	= \$5,769,270
EXPENDITURES	
Funds used for Rehabilitation	- \$250,000
Funds used for New Construction	
1. Township Project #1	- \$1,358,000
2. Township Project #2	- \$1,000,000
3. CPNJ/b114, I22.03	- \$250,000
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance (ext of controls/88 units)	- \$1,120,000
Administration	- \$1,000,000
Excess Funds for Additional Housing Activity	
1. Township Project #3	- \$791,270
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$5,769,270
REMAINING BALANCE	= \$0.00

Exhibit C

**Council On Affordable Housing
Project Summary Report**

DATE: 05/29/2015 01:2 PM

WARREN TWP,SOMERSET

Round: 3.1

Version: Petition

STATUS: Submitted

Project/Program	Mechanism/ Project Type	Mechanism SubType	Credit Type	RCA/ PAR	Afford Units	Comp	Prop PR Credit	App PR Credit	Prop GS Credit	App GS Credit	Prop Bonuses	App Bonuses	Prop Total	App Total
NEW CONSTRUCTION														
ARC Somerset -1	Supp/Spec Needs Hsg	Group Homes	Prior Cycle	4	4	4	0	0	0	0	0	0	4	0
ARC Somerset -2	Supp/Spec Needs Hsg	Group Homes	Post 1986 Completed	6	6	6	0	0	0	6	0	0	12	0
ARC Somerset -3	Supp/Spec Needs Hsg	Group Homes	Post 1986 Completed	3	3	3	0	0	0	3	0	0	6	0
Cerebral Palsy of North Jersey	Supp/Spec Needs Hsg	Group Homes	Proposed/Zoned	6	0	0	0	0	5	0	0	0	6	0
Chelsea I	Assisted Living Residences	None	Post 1986 Completed	8	8	0	0	0	8	0	0	0	8	0
Chelsea II	Supp/Spec Needs Hsg	Perm Supp Hsg (units)	Proposed/Zoned	11	0	0	0	0	11	0	0	0	11	0
Cooperative Housing Corp/Savo House	Supp/Spec Needs Hsg	Supp Shared Liv Hsg (bdrms)	Post 1986 Completed	5	5	0	0	0	5	0	0	0	5	0
Cooperative Housing/Warren Ridge	Supp/Spec Needs Hsg	Congregate Living Arrangements - RII	Post 1986 Completed	5	5	5	0	0	0	0	2	0	7	0
Liberty Village	Inclusionary Development	Incl Dev - On Site	Extension of Controls,Post 1986 Completed	28	28	28	0	0	28	0	28	0	84	0
R-65 PAC	Inclusionary Development	Incl Dev - On Site	Post 1986 Completed	42	0	0	0	0	42	0	42	0	84	0
Towne Center Drive	Inclusionary Development	Incl Dev - On Site	Post 1986 Completed	6	6	6	0	0	0	0	1	0	7	0
Township Rental Housing Project(s)	New Construction - 100% Afford	None	Proposed/Zoned	114	0	0	0	0	114	0	114	0	228	0
Whispering Hills	Inclusionary Development	Incl Dev - On Site	Extension of Controls,Post 1986 Completed	60	60	60	0	0	60	0	60	0	180	0
Woodland Acres	New Construction - 100% Afford	None	Extension of Controls,Post 1986 Completed	57	57	57	0	0	57	0	0	0	114	0
Sub Total				355	182	169	0	331	0	256	0	756	0	0
RCA/PARTNERSHIP-SENDING														
Warren / New Brunswick RCA				166	166	166	0	0	0	0	0	0	166	0

**Council On Affordable Housing
Project Summary Report**

DATE: 05/29/2015 01:2 PM

Project/Program	Mechanism/ Project Type	Mechanism SubType	Credit Type	RCA/ PAR	Afford Units	Comp	Prop PR Credit	App PR Credit	Prop GS Credit	App GS Credit	Prop Bonuses	App Bonuses	Prop Total	App Total
Warren / Perth Araboy RCA				85	85	85	0	0	0	0	0	0	85	0
Sub Total				251	251	251	0	0	0	0	0	0	251	0
New Construction Total				606	433	420	0	331	0	256	0	0	1007	0
REHAB														
Warren Rehab Program	Rehab	None	Rehabilitation	63	63	0	0	63	0	0	0	0	63	0
Sub Total				63	63	0	0	63	0	0	0	0	63	0
Total				669	496	420	0	394	0	256	0	0	1070	0
RCA PROJECTS IN MUNICIPALITY														
RCA/PARTNERSHIP-NEW														
Sub Total				0	0	0	0	0	0	0	0	0	0	0
Sub Total				0	0	0	0	0	0	0	0	0	0	0
Grand Total				669	496	420	0	394	0	256	0	0	1215	0

Exhibit D

Post 1999 Affordable Housing Production

Project/Program	Project Type	Mechanism SubType	Credit Type	Affordable Units
Cerebral Palsy of	Supp/Spec Needs Hsg	Group Homes	Post 1999 Completed	6
Chelsea I	Assisted Living Res	None	Post 1999 Completed	8
Chelsea II (Mt Bethel Village)	Supp/Spec Needs Hsg	Per Supp Hsg (units)	Post 1999 Completed	11
Cooperative Housing/ Warren	Supp/Spec Needs Hsg	Congregate Living	Post 1999 Completed	5
R-65 PAC	Inclusionary Dev	Incl Dev - On Site	Post 1999 Completed	42
Whispering Hills	Inclusionary Dev	Incl Dev - On Site	Ext of Cntrls- Post 1999 Completed	6
Woodland Acres	New Cnstrn-100% Aff	None	Ext of Cntrls- Post 1999 Completed	57
Warren Rehab Prgm	Rehab	None	Rehabilitation	21
Redev-Dubois Road	Inclusionary Dev	Incl Dev	Post 1999 Approved	6
Shelter Development	Inclusionary Dev	Incl Dev	Post 1999 Approved	11
			Total Units	173

Note: Chelsea II (aka Mt Bethel Village) has a total of 41 rental units. The Township contends that all meet standards as affordable housing credits

Exhibit E

RESOLUTION 2012-166.1

AUTHORIZING EXECUTION OF AGREEMENT WITH CHASBOB, INC RELATIVE TO THE EXTENSION OF AFFORDABILITY CONTROLS – WHISPERING HILLS

WHEREAS, Section 329.2d of the Fair Housing Act, as amended July 2008, requires that municipalities subject to the jurisdiction of the New Jersey Council on Affordable Housing obtain formal commitments for the expenditure of funds deposited into their Affordable Housing Trust Fund accounts within four (4) years from the date of collection; and

WHEREAS, the Township of Warren has been negotiating with Chasbob, Inc. to extend the affordability controls on each of the sixty (60) low and moderate income residential rental units located in the Whispering Hills low and moderate income rental development; and

WHEREAS, the attached Agreement has been negotiated by the Township Attorney and by the attorney for Chasbob, Inc.; and

WHEREAS the Township Committee of the Township of Warren believes that it is in the best interest of the Township of Warren to authorize the Mayor and Township Clerk to execute the attached Agreement so that the sixty (60) low and moderate income residential rental units located in the Whispering Hills development will be subject to a thirty (30) year extension on the affordability controls.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Warren, in the County of Somerset and State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized to execute the Agreement in the form attached hereto.
2. The Township Clerk is directed to forward execution copies of the Agreement to the Township Attorney so that he may forward a fully signed Agreement to (i) Assistant Commissioner Sean Thompson at the Department of Community Affairs ("DCA") for approval by the DCA of the same; and (ii) Martin Fenick, Esq., counsel for Chasbob, Inc.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		LAZO				
		MARION				
		DINARDO				
		SORDILLO				
		GARAFOLA				

CERTIFICATION

I, Patricia A. DiRocco, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on July 16, 2012.

Patricia A. DiRocco, RMC
Township Clerk