

MASTER PLAN

HOUSING PLAN ELEMENT AND

FAIR SHARE PLAN AMENDMENT

BOROUGH OF RED BANK

MONMOUTH COUNTY, NEW JERSEY

DECEMBER, 2008

REVISED: SEPTEMBER, 2010

PREPARED FOR
BOROUGH OF RED BANK PLANNING BOARD

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*Adopted December 15, 2008 by the Borough of Red Bank Planning Board
Endorsed December 22, 2008 by the Borough Council of the Borough of Red Bank
Revised and Adopted _____ by the Borough of Red Bank Planning Board
Revised Plan Endorsed _____ by the Borough Council of the Borough of Red Bank*

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1: Affordable Housing Development Map

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- Appendix C: Ordinance 2009-46 – Affordable Housing Overlay Zone AH-1
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EXECUTIVE SUMMARY

The Borough of Red Bank has prepared this amended Master Plan Housing Element and Fair Share Plan in accordance with the requirements of the Municipal Land Use Law (NJSA 40:55D-1 et seq.), the Fair Housing Act (NJSA 52:27D-310 et seq.), and the substantive rules of the Council on Affordable Housing (COAH) (NJAC 5:97-1.1 et seq.). This document supersedes and replaces the previous amended Master Plan Housing Element and Fair Share Plan, which was adopted in 2008.

After providing all necessary background information on the demographic, housing, and economic characteristics, this plan details the fair share obligation of the Borough to provide affordable housing to low and moderate income households. The fair share obligation consists of: an obligation to rehabilitate 86 existing housing units that are occupied by low and moderate income households; an unmet need of 428 housing units which resulted from a vacant land adjustment that COAH approved for the obligation from the period 1987 through 1999; and an adjusted projected growth share obligation to provide 123 housing units for the period from 2004 to 2018.

Borough of Red Bank Fair Share Obligation

	Affordable Housing Units
Rehabilitation Obligation	86
Unmet Need - 1987 to 1999	428
Projected Growth Share Obligation - 2004 to 2018	123

Fulfillment of the Fair Share Obligation

The Fair Share Plan outlines how the Borough will fulfill its fair share obligation. The Borough approach to fulfilling its fair share obligation is three-pronged, and consists of an approach to fulfilling its rehabilitation obligation, its unmet need, and its projected growth share obligation. The strategy to fulfill each of these components is discussed below.

Rehabilitation Obligation

The Township will fulfill its rehabilitation obligation of 86 units through its Neighborhood Preservation Program. The Borough has partially satisfied this requirement through the rehabilitation of 37 units since 2000. The Borough will continue its Neighborhood Preservation Program to completely satisfy its remaining rehabilitation obligation through December 31, 2018.

Unmet Need

The Borough has established the Affordable Housing Overlay Zone – 1 (AH-1) to require a set-aside of twenty (20) percent for affordable housing, with a minimum density of six (6) units per acre, for all development applications consisting of five (5) or more residential units. The goal of the AH-1 district is to develop as much affordable housing as possible to meet the Borough's unmet need. As part of this plan, the Borough will amend the AH-1 district to require that thirteen (13) percent of the total number of all affordable units be affordable to "very-low income" households, as required by N.J.S.A. 52:27D-329.1.

Growth Share Obligation

With regard to the projected 123 unit growth share obligation, the Borough obligation will be satisfied by credit for existing group homes, credit for completed affordable age-restricted development, credit for completed affordable family development, credit for the development of a 100% affordable townhouse development, credit for affordable housing that will be constructed as a result of the set-aside requirement of the Borough growth share ordinance, and bonus credits. The specific developments providing affordable units to meet the growth share obligation are identified in the table below.

Borough of Red Bank ~ Fulfillment of Growth Share Obligation

Name of Development	Affordable Units
Bergen Square	10
55 West Front Street	4
Compliance Bonus Credits (55 West Front Street)	4
Cedar Crossing	36
Compliance Bonus Credits (Cedar Crossing)	26
Collaborative Support Programs of New Jersey	3
Locust Landing	6
River Street School	24
MW at Red Bank	10
Total Affordable Units Provided	123
Projected Growth Share Obligation	123

Introduction

The Borough of Red Bank has prepared this housing plan element and fair share plan in accordance with the requirements of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.), the State Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.), and the rules and regulations of the New Jersey Council on Affordable Housing.

The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., requires that a municipal master plan include a Housing Plan Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Plan Element and Fair Share Plan is adopted by the Borough Planning Board and endorsed by the Borough Council prior to the submission of a municipal petition to the New Jersey Council on Affordable Housing (COAH) for substantive certification of the Housing Plan Element and Fair Share Plan pursuant to N.J.A.C. 5:97-3.1. The Housing Plan Element and Fair Share Plan are drawn to achieve the goal of meeting the Borough obligation to provide for the Borough fair share of the regional need for affordable housing.

This amendment addresses the cumulative fair share obligation of the Borough for the period 1987 to 2018 and supersedes and replaces the Borough's previously adopted 2008 Master Plan Housing Element and Fair Share Plan Amendment, which was adopted by the Borough Planning Board on December 15, 2008 and was endorsed by the Governing Body.

The 2008 Master Plan Housing Element and Fair Share Plan Amendment was submitted to the New Jersey Council on Affordable Housing (COAH) as part of the Borough's original petition for substantive certification of its Third Round Fair Share Plan under COAH's third round rules (N.J.A.C. 5:97). However, the Fair Share Housing Center filed an objection to the Borough's plan. The objection and the Borough response are described in the section on the *Background to this Amendment to the Borough Housing Plan Element and Fair Share Plan*.

In addition, subsequent to the adoption of the 2008 Master Plan Housing Element and Fair Share Plan Amendment, its submission to COAH, and the Fair Share Housing Center's objection, the Borough performed a parcel-by-parcel analysis of its vacant land and its residential and non-residential development potential in accordance with provisions of N.J.A.C. 5:97-5.6. This analysis, which was reviewed and further adjusted by COAH, establishes that the Borough should be granted

a downward adjustment to COAH's household and employment projections. The adjusted growth share projection is 123 affordable units. Full details of this analysis are provided in Appendix A.

Because the analysis of Red Bank's vacant land and its residential and non-residential development potential results in a lower projected growth share obligation than COAH's projections, the Borough is required to zone or plan to the adjusted lower projection. This is confirmed by an October 23, 2008 letter to New Jersey's mayors from the former Commissioner of the New Jersey Department of Community Affairs, Joseph V. Doria, and the former Executive Director of COAH, Lucy Vandenberg, which states the following about N.J.A.C. 5:97-5.6:

Adjustments to COAH's projections based on local data: *COAH has a well-established process for municipalities to seek a downward adjustment of the housing and employment growth projections established by COAH based on a local parcel-level analysis of vacant land. ... The municipality is required to zone or plan to the adjusted lower projection, not the original COAH projection. (A true copy of this letter is attached as Appendix B).*

In consideration of the above, the Borough of Red Bank has prepared this amendment to address its adjusted growth share obligation of 123 affordable units. With this amendment, the Borough also addresses all objections of the Fair Share Housing Center to the original 2008 Master Plan Housing Element and Fair Share Plan.

This amendment shall be submitted to the New Jersey Council on Affordable Housing (COAH) as part of the Borough's re-petition for substantive certification of its Third Round Fair Share Plan under COAH's third round rules (N.J.A.C. 5:97).

Mandatory Contents of the Housing Element

Pursuant to the Fair Share Housing Act at N.J.S.A. 52:27D-310, the essential components of a local housing element are as follows:

- *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated.*
- *A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.*
- *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age.*
- *An analysis of the existing and probable future employment characteristics of the municipality.*
- *A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.*
- *A consideration of the 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.*

In addition, COAH's substantive rules (N.J.A.C. 5:97) for the period from January 1, 2004 through December 31, 2018 require the following:

- *The household projection for the municipality as provided in Appendix F of N.J.A.C. 5:97;*
- *The employment projection for the municipality as provided in Appendix F of N.J.A.C. 5:97;*
- *The municipality's prior round obligation as provided in Appendix C of N.J.A.C. 5:97;*
- *The municipality's rehabilitation share as provided in Appendix B of N.J.A.C. 5:97; and,*

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

In adopting the housing element, the Borough may provide for its share of low and moderate income housing by any means or technique or combination of techniques that provide a realistic opportunity for the provision of its share.

Background to this Amendment to the Borough Housing Plan Element and Fair Share Plan

The Borough of Red Bank is a very diverse and inclusionary community with a history of addressing community housing needs and providing opportunities for affordable housing for low and moderate-income households. Based on the 2000 U.S. Census, approximately 2,363 households, or 45.4% of the Borough's total households, were low and moderate income. Borough agencies and initiatives to provide and maintain affordable housing include the Red Bank Housing Authority, the Borough Neighborhood Preservation Program, a program with Habitat for Humanity, Regional Contribution Agreements with Middletown Township, and the Borough Rent Control Board.

1987 to 1999 Housing Obligation

COAH granted its initial substantive certification and a vacant land adjustment to the Borough of Red Bank Housing Element and Fair Share Plan in 1987. The plan fully addressed the Borough first round housing obligation. Ten years later, in 1997, COAH granted substantive certification to the Borough housing element and fair share plan addressing the 1987-1999 cumulative first and second round obligation of 482 dwelling units. The cumulative fair share obligation consisted of a 54 unit rehabilitation component and a new construction component of 428 units. Since Red Bank had received a vacant land adjustment as part of its 1987 certification, COAH established the Borough's realistic development potential (RDP) as zero (0) for the new construction of affordable housing. Consequently, the Borough second round certification required that the Borough address the rehabilitation component of 54 units and make an effort to capture opportunities to address the unmet need. The plan certified by COAH included a total of 14 credits for age-restricted units at the River Street School, leaving a 40 unit rehabilitation obligation to be addressed.

In January 2003, as the expiration of the Borough second round certification approached, COAH granted an extension to the Borough certification.

In December 2004, Red Bank filed a motion with COAH seeking extended substantive certification in accordance with N.J.A.C. 5:95-12. In requesting the extension, Red Bank committed to continue to implement its certified plan for addressing the 1987 to 1999 obligation. The Borough also committed to prepare and file a plan addressing the Borough third round, 2004-2014, fair share by December 20, 2005.

On April 13, 2005, COAH extended Borough certification subject to the Borough filing or petitioning for third round substantive certification by December 20, 2005. In extending Borough certification, COAH determined that the Borough had addressed its 54 unit fair share by completing 60 affordable units and had earned six surplus new construction credits that could be applied to unmet need.

2004 to 2018 Housing Obligation

Red Bank submitted a third round plan to COAH in 2005, and petitioned for substantive certification. However, COAH subsequently adopted a revised set of substantive rules (N.J.A.C. 5:97-1 et seq.) that became effective in May 2008 and were further amended in October 2008. In addition, during July 2008 the Governor signed into law Assembly Bill A-500 (P.L.2008, c.46) that made further changes to COAH's regulations and requirements. Therefore, the Borough was required to revise its Housing Plan Element and Fair Share Plan to conform to the new regulatory and statutory requirements.

Consequently, the Borough prepared and adopted a Master Plan Housing Element and Fair Share Plan Amendment on December 15, 2008. This plan was then submitted, as part of a petition for substantive certification, to COAH on December 30, 2008.

On April 29, 2009, the Fair Share Housing Center filed an objection to the Borough's December 15, 2008 Plan Amendment.

As a result of the objection, the Borough and the Fair Share Housing Center entered into mediation. Mediation was successfully completed with both sides reaching an agreement. The terms of the mediated settlement agreement are summarized as follows:

The MW at Red Bank development, which will produce ten (10) affordable units, lies within the AH-1 zone. However, the development was approved before the AH-1 zone was created. Therefore, all affordable units in the MW at Red Bank development will be credited to growth share and not to unmet need.

The Fair Share Housing Center agreed to the reallocation of these units from unmet need to the growth share, because the Borough has created and expanded the AH-1 overlay zone. It is noted that the expanded AH-1 overlay zone added several areas that were not contemplated in the original 1995 plan, including the Transit Village around the Train Station, and an area near the municipal parking lot. It is further noted that the Transit Village area includes zoning allowing for greater residential densities in order to encourage mixed-use development.

In addition, the Borough will continue to maintain its existing growth share ordinance in order to capture potential growth share opportunities. The present ordinance requires an eleven (11) percent set-aside in all new residential development outside of the overlay zone.

Further, and as required by NJSA 52:27D-329.1, the Borough will amend its growth share and AH-1 overlay zone ordinances to require that thirteen (13) percent of the total number of all affordable units be affordable to very-low income households earning less than thirty (30) percent of the regional median household income.

Concurrent to mediation with the Fair Share Housing Center, the Borough reviewed its vacant land capacity and prepared adjusted household and employment growth projections based on local data. This analysis was then reviewed, adjusted, and finalized by COAH. The adjusted projections establish a projected growth share obligation of 123 affordable units. Accordingly, the Borough is now required to zone or plan to the adjusted lower projection.

This 2010 Housing Plan Element and Fair Share Plan Amendment has been drafted to satisfy all terms of the mediated settlement agreement with the Fair Share Housing Center, and plan to the adjusted growth share obligation of 123 units.

An Analysis of Demographic, Housing and Employment Characteristics

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the community's demographic, housing, and economic characteristics. In fulfillment of this requirement, the following sections profile the Borough of Red Bank with information obtained from the U.S. Census Bureau, and the New Jersey Department of Labor and Workforce Development.

Red Bank's Demographics

At the time of the 2000 U.S. Census, the Borough of Red Bank had a population of 11,844 residents (Table 1). This figure represents an 11.4 percent increase from the population of 10,636 residents that was reported in 1990. Similarly, the population of Monmouth County grew by 11.2 percent during the same period. As indicated by the Monmouth County Planning Board's population projections, the Borough and County will continue to grow, reaching respective populations of 12,305 and 694,189, by the year 2025. Based on these projections, the Borough can expect to increase its population by approximately 3.9 percent over the next quarter-century, which is substantially slower than the County's growth rate of 12.8 percent.

Table 1: Population Trends, 1990-2025

	1990	2000	2005	2025	% Change 1990-2000	% Change 2000-2005	% Change 2000-2025
Borough of Red Bank	10,636	11,844	12,042	12,305	11.4%	1.7%	3.9%
Monmouth County	553,124	615,301	646,395	694,189	11.2%	5.1%	12.8%

Source: US Census Bureau, Monmouth County Planning Board

According to the 2000 U.S. Census, the Borough population is composed of 5,201 households, with an average household size of 2.2 members (Table 2). The average household size is smaller than both the State of New Jersey's average of 2.68 and the County's average of 2.70 persons per household. The Borough's percentage of population over 65 years of age, 18.3 percent, is higher

than the County and the State. The median household income in Red Bank is lower than the County and State median.

Table 2: Demographic Indicators, 2000

	Number of Household s	Average Household Size	Median Age	% of Population ≥ 65 years	Median Household Income
Borough of Red Bank	5,201	2.20	37.5	18.3	\$47,282
Monmouth County	224,236	2.70	37.7	12.5	\$64,271
New Jersey	3,064,645	2.68	36.7	13.2	\$55,146

Source: US Census Bureau

According to the 2000 U.S. Census, the Borough's median age of 37.5 years is slightly lower than the County's median age of 37.7 years, but higher than the statewide median age of 36.7 years (Table 2). As shown in Table 3, there were 682 pre-school age residents in 2000, or 5.8 percent of the Borough's population. School age children accounted for 1,653 or 14.9 percent of the total population. Working age persons accounted for 61.9 percent of the Borough's population, with 7,336 individuals. Seniors aged 65 years and older accounted for 18.3 percent of Red Bank's population.

Table 3: Population by Age, 2000

	Number	% of Total
Pre-School Age		
Under 5 Years	682	5.8
School Age		
5 to 9 Years	515	4.3
10 to 14 Years	548	4.6
15 to 19 Years	590	5.0
Working Age		
20 to 24 Years	766	6.5
25 to 34 Years	2,315	19.5
35 to 44 Years	1,855	15.7
45 to 54 Years	1,413	11.9
55 to 59 Years	562	4.7
60 to 64 Years	425	3.6
Senior Age		
65 Years and Older	2,173	18.3

Source: US Census Bureau

Red Bank's Housing Stock

COAH estimates that the Borough had a total of 5,563 housing units in 2004 (N.J.A.C. 5:97, Appendix F). According to the 2000 U.S. Census, Red Bank had a total of 5,450 housing units (Table 4). This was an increase of 338 units since the 1990 U.S. Census. Of this total, 5,201 units (95.4 percent) were listed as occupied in 2000; owners occupied 47.6 percent of these units and renters occupied 52.4 percent. This is more than twice the rate of renter-occupied units in Monmouth County, which reported that 25.4 percent of all occupied housing units were occupied by renters.

Of the total 5,201 households, the average household size was 2.20 persons and the average family size was 2.99 persons. These figures are smaller than the County and State figures. Of the total number of households, family households accounted for 2,504 (48.1 percent) and non-family households¹ for 2,697 (51.9 percent). Householders 65 years of age or older were present in 826 (15.9 percent) of households.

A total of 66 percent of the Borough's housing stock was constructed before 1960. The median year of construction, 1949, is older than the County's median of 1967 and the State median year of 1962. The Borough's housing stock increased by approximately 6.6 percent from 1990 to 2000.

¹ A non-family household consists of a householder living alone or where the household shares the home exclusively with people to whom he or she is not related.

Table 4: Housing Characteristics, 2000

	Number	% of Total
I. Housing Units		
Number of units	5,450	100.0
Occupied Housing Units	5,201	95.4
Number of units (1990)	5,112	100.0
Vacant Housing Units	249	4.6
II. Occupancy/Household Characteristics		
Number of Households	5,201	100.0
Persons Per Household	2.2	N/A
Family Households	2,504	48.1
Non-Family Households	2,697	51.9
Householders 65 and over	826	15.9
III. Year Structure Built		
1999 to March 2000	48	0.9
1995 to 1998	231	4.2
1990 to 1994	81	1.5
1980 to 1989	323	5.9
1970 to 1979	346	6.3
1960 to 1969	825	15.1
1940 to 1959	1,619	29.7
1939 or earlier	1,977	36.3
IV. Condition of Units		
Lacking complete plumbing facilities	0	0.0
Lacking complete kitchen facilities	24	0.5
V. Home Value (Owner Occupied Units)		
\$300,000 and up	195	10.8
\$200,000 - \$299,999	510	28.2
\$150,000 - \$199,000	477	26.4
\$100,000 - \$149,000	319	17.6
\$50,000 - \$99,999	304	16.8
\$0 - \$50,000	5	0.3
Median Value	\$178,900	N/A
VI. Rental Value (Renter Occupied Units)		
\$1,000 and up	754	27.8
\$750 - \$999	805	29.6
\$500 - \$749	729	26.8
\$200 - \$499	327	12.0
Less than \$200	37	1.4
No cash rent	64	2.4
Median Rent	\$813	N/A

Source: US Census Bureau
 Compiled by: T&M Associates

The housing stock in Red Bank had only a limited number of substandard units at the time of the 2000 U.S. Census, which indicates that the Borough had no units lacking complete plumbing facilities and 24

units lacking complete kitchen facilities. In addition, only 239 of the Borough's housing units (4.6 percent) exhibited overcrowded conditions (1.01 persons or more per room).

The 2000 median value of the owner-occupied housing units in Red Bank was \$178,900. This is greater than the State of New Jersey median home value of \$170,800, but less than Monmouth County's median home value of \$203,100. Red Bank's median gross rent of \$813 is greater than the County and State median gross rents of \$759 and \$751, respectively, but is less than the median gross rent of the immediately abutting municipalities of Middletown (\$836), Fair Haven (\$1,219), Tinton Falls (\$1,198), and Shrewsbury (\$898).

Housing units that have a monthly cost of less than 30 percent of gross household income are considered affordable. In Red Bank, 1,187 specified² owner-occupied units (65.6 percent of all owner-occupied units) and 1,513 (55.7 percent of all rental units) are considered affordable (Table 5).

Table 5: Housing Affordability as a Percentage of 1999 Household Income

	Number	% of Total
Selected Monthly Owner Costs		
< 15%	394	21.8
15% to 19%	346	19.1
20% to 24%	250	13.8
25% to 29%	197	10.9
30% or more	623	34.4
Not Computed	0	0.0
Gross Rent		
< 15%	440	16.2
15% to 19%	443	16.3
20% to 24%	288	10.6
25% to 29%	342	12.6
30% or more	1,118	41.2
Not Computed	85	3.1

Source: US Census Bureau

² Specified owner-occupied units do not include residences where a business activity (i.e., professional offices as an accessory use) takes place.

Red Bank's Employment Characteristics

At the time of the 2000 U.S. Census, 6,354 of Red Bank's residents (64.2 percent) aged 16 years and over were employed in the civilian labor force (Table 6). Slightly more than one-third of the civilian labor force was involved in management, professional, and related occupations, while approximately 29.8 percent of those employed in the civilian labor force were employed in sales and office-related occupations. Service occupations employed 19.5 percent of Red Bank residents that were employed in the civilian labor force. Construction, extraction, and maintenance-related occupations employed 6.5 percent of the Borough's residents, whereas production, transportation, and material-moving occupations employed 7.4 percent of the Borough's residents that were employed in the civilian labor force. 0.2 percent of the civilian labor force was employed by farming, fishing, and forestry-related occupations.

Table 6: Occupation of Employed Civilian Population Aged 16 and Over, 2000

	Number	% of Total
Management, Professional, and Related	2,194	36.6
Service	1,166	19.5
Sales and Office	1,788	29.8
Farming, Fishing, and Forestry	10	0.2
Construction, Extraction, and Maintenance	388	6.5
Production, Transportation, and Material Moving	444	7.4

Source: US Census Bureau

Compiled by: T&M Associates

In 1999, the median household income in Red Bank was \$47,282, up \$10,403 from the 1989 household income of \$36,879 (Table 7). After adjusting for inflation, however, this represents a decrease in household income of 4.8 percent. In 2000, per capita income was \$26,265, which places the Borough at 298 out of 566 municipalities (New Jersey Department of Labor and Workforce Development).

Table 7: Household Income, 1999

	Number	% of Total
Less than \$10,000	448	8.6
\$10,000 to \$14,999	373	7.2
\$15,000 to \$24,999	504	9.7
\$25,000 to \$34,999	573	11.0
\$35,000 to \$49,999	792	15.2
\$50,000 to \$74,999	989	19.0
\$75,000 to \$99,999	768	14.8
\$100,000 to \$149,999	484	9.3
\$150,000 to \$199,999	178	3.4
\$200,000 or More	96	1.8
Median Household Income (Dollars)	\$47,282	N/A

Source: US Census Bureau

Compiled by: T&M Associates

At the time of the 2000 Census, an estimated 45.4 percent of the Borough's households are low or moderate income based on COAH's moderate income limits as shown in Table 8.

Table 8: Estimate of Households Earning at or Below COAH's 2000 Moderate Income Level, based on 2000 US Census Figures

		Number
Average Household Size		2.20
		Amount
2000 COAH Moderate Income Limit for Region 4 (2.00 Person Household)		\$41,283
Interpolated 2000 COAH Moderate Income Limit for Region 4 (2.20 Person Household)		\$42,315
2000 COAH Moderate Income Limit for Region 4 (3.00 Person Household)		\$46,444
Median Household Income Level		Number of Households
Less than \$10,000		448
\$10,000 to \$14,999		373
\$15,000 to \$19,999		234
\$20,000 to \$24,999		270
\$25,000 to \$29,999		234
\$30,000 to \$34,999		339
\$35,000 to \$39,999		362
\$40,000 to \$42,315 (Interpolation of Census Figure)		103
\$42,316 to \$44,999 (Interpolation of Census Figure)		119
\$45,000 to \$49,999		208
\$50,000 to \$59,999		407
\$60,000 to \$74,999		582
\$75,000 to \$99,999		768
\$100,000 to \$124,999		360
\$125,000 to \$149,999		124
\$150,000 to \$199,999		178
\$200,000 or more		96
		Percent of Total Households
Total Households with Low or Moderate Incomes (Median Income Less than or Equal to \$42,315)		45.4

Source: 2008 COAH Regional Income Limits; 2006-2008 American Community Survey of the US Census Bureau

With regard to the number of jobs that are located within the Borough, the New Jersey Department of Labor indicates that there was an average of 15,726 jobs located within the municipality in 2006, which is the latest available data. This is up 938 jobs (6.3 percent) over the 2004 average of 14,788 jobs. The Department of Labor's basis for this information is the number of jobs that are covered by public unemployment and disability insurance.

With regard to future employment growth, COAH initially projected that the Borough will grow by 2,211 jobs during the Third Round period from 2004 through 2018.

The Borough, for the purpose of preparing this plan, has utilized a downward employment growth adjustment, as permitted by COAH rules, of the COAH N.J.A.C. 5:97 projections. The plan projection is for the growth of 1,194 jobs from 2004 to 2018.

Municipal Affordable Housing Obligation

COAH's substantive rules indicate that a municipality's affordable housing obligation consists of three components. These are the rehabilitation share, which is a measure of overcrowded and deficient housing that is occupied by low and moderate income households; the prior round obligation for the period from 1987 to 1999; and, the municipal "growth share" need for the period from 2004 through 2018. The growth share links the actual production of affordable housing to municipal development and growth.

Rehabilitation Obligation

Appendix B of N.J.A.C. 5:97 indicates that Red Bank's rehabilitation obligation is eighty six (86) units. The Borough's rehabilitation obligation will be addressed in its Fair Share Plan.

Total Remaining Prior Round Obligation 1987-1999

Appendix C of N.J.A.C. 5:97 indicates that the Borough's total remaining obligation is 427 units; however, the Borough is entitled to, and COAH has approved, a vacant land adjustment as part of the prior round certification and determined that the Borough had a realistic development potential (RDP) of 0 units.

The difference between a Borough's total remaining obligation and its realistic development potential is known as its "unmet need." In the case of Red Bank, the unmet need is 427 units (Total Remaining Obligation of 427 Units – Realistic Development Potential of 0 Units = Unmet Need of 427 Units). However, in granting the Borough extended certification in 2005, COAH determined in its Fact Sheet, dated March 24, 2005, that the Borough unmet need is 428³ units.

³ The number 427 is indicated by Appendix C of N.J.A.C. 5:97. However, the number 428 is the unmet need number identified by COAH in its 1997 certification of the Borough Plan.

The Borough notes that it has been successful in creating a large stock of affordable housing in standard condition. This is established in the 2000 Census, which indicates that an estimated 45.4 percent⁴ of Red Bank Borough's households are characterized by low and moderate incomes. Nonetheless, the Borough addresses its unmet need of 428 units. The Borough's mechanisms to address its unmet need are addressed in its Fair Share Plan.

Growth Share 2004-2018

The growth share obligation is based on the number of households projected to need affordable housing during the period from 2004 to 2018. COAH provides a projected obligation for each municipality. The actual obligation is linked to the residential and non-residential growth that occurs in the municipality from January 1, 2004 through December 31, 2018 such that a municipality is obligated to provide one affordable housing unit for every sixteen newly create jobs and one affordable housing unit for every four market rate residential units constructed.

COAH projected that the Borough growth share obligation would be 151 affordable units. The COAH projection is subject to adjustment based upon COAH regulations.

The Borough of Red Bank completed a parcel-based analysis of its vacant land capacity to determine if the COAH projection should be adjusted. COAH has reviewed, adjusted, and finalized this analysis. This analysis supports a downward adjusted growth share projection of 123 affordable units. This calculation is based upon COAH's Worksheet C, which is included in Appendix A to this plan.

The Borough fair share plan addresses the adjusted growth share projection of 123 affordable units.

Municipal Ability to Accommodate Affordable Housing Obligation

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 zoning will provide adequate capacity to accommodate residential and non-residential growth projections.

⁴ As indicated in Table 8.

Plan Endorsement Status

The Borough is identified as a regional center in the State Development and Redevelopment Plan. The Borough is participating in the State Plan Endorsement process.

Adequacy of Municipal Zoning Plan to Accommodate Projected Growth

The Borough of Red Bank is a fully developed community, and is seeking a downward adjustment to COAH's growth share projection. Future development is constrained by the lack of vacant developable land. The Borough anticipates that future development will be limited to redevelopment activity and infill development as may be permitted under the Borough's zone plan.

Anticipated Land Use Patterns

The Borough of Red Bank is a fully developed community. The anticipated land use pattern in Red Bank is expected to be consistent with the adopted land use and zone plan of the Borough.

Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics

Red Bank had a population of 11,844 at the time of the 2000 U.S. Census. According to the Monmouth County Planning Board, Red Bank's population is expected to slowly increase, reaching 12,305 in 2025. Since the Borough has no vacant developable land for residential use as established by the COAH approved vacant land adjustment, the projected residential and non-residential growth will be the result of redevelopment and infill.

Given the Borough's developed character, it is anticipated that the Borough's future development characteristics will be similar to the existing characteristics.

Availability of Existing and Planned Infrastructure

The Borough is in State Planning Area 1 and has an existing developed infrastructure.

The Borough is a fully developed community and water and sewer service are generally available. However, the Borough's ability to grow is constrained by its water supply, which is limited.

Economic Development Policies

As indicated in the 1995 Master Plan, the Borough needs economic growth for several reasons: the business community must grow to provide a ratable base that reduces the tax burden for the residents, shopping must continue to serve the needs of the residents and the region; and jobs are needed for residents of all economic classes. Part of the economic growth within the Borough is the attraction of new residents that give vitality and stability to the town, who are from a variety of household types. Finally a goal of the 1995 Master Plan is to promote the retention of existing businesses and the development of new businesses particularly within the Downtown area of the Borough. Red Bank is an important regional center, and the Borough seeks to provide an appropriate balance of civic, commercial, residential, and institutional land uses.

Constraints on Development

The Borough is bound on the northerly and westerly sides by the Navesink and Swimming Rivers, which have been designated a Category 1 waterways by the New Jersey Department of Environmental Protection. The area adjacent to these rivers is also constrained by floodplains, wetlands and stream corridors. The interior portions of the Borough are generally unconstrained by environmentally sensitive areas; however, there are pockets of isolated wetlands throughout the Borough. Constraints to development include the lack of vacant developable land and the remaining firm capacity which limits water withdrawals available to the Borough.

Identification of Potential Affordable Housing Sites

The Borough's 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. The Borough has no vacant developable land for residential use as established by the COAH approved vacant land adjustment.

The Borough has acquired and made Block 75.03, Lots 50.01 and 90 and Block 75.01, Lots 83, 84 and 85 available as a site for the construction of a municipally sponsored affordable housing development. This 2.22 acre site was acquired by the Borough in 2006 from Cedar Crossing at Red Bank, LLC. Borough acquisition was funded by the Department of Community Affairs Municipal

Land Acquisition Program for the sole purpose of developing the site for affordable housing. This site is located west of Bridge Avenue at the end of Cedar Avenue, River Street and Catherine Street.

This tract has been cleared of its previous non-residential use and is devoid of wetlands and/or floodplain areas. It is within a sewer service area and has access to sewer and water. Furthermore, the N.J.D.E.P Division of Remediation Management and Response issued a “No Further Action” determination on October 31, 2006. The site is unconstrained by steep slopes.

The land uses that adjoin the potential site are compatible with affordable housing developments. The site adjoins residential uses to the north, south and west. To the east is a railroad right-of-way.

FAIR SHARE PLAN

Introduction

The Borough notes that it has been successful in creating a large stock of affordable housing in standard condition. This is established in the 2000 US Census, which indicates that an estimated 45.4⁵ percent of Red Bank Borough's households are characterized by low and moderate incomes. In 1983, the New Jersey Supreme Court in *Mount Laurel II* estimated that 39.4 percent of New Jersey's households had low and moderate incomes. Among the recommendations of the report issued on March 19, 2010 by the Governor's Housing Opportunity Task Force is the recommendation to revise COAH regulations to recognize that, when a municipality can demonstrate through its household demographics that it has not excluded low and moderate income households, such municipality shall not have an obligation above its "rehabilitation share" as presently defined in the regulations. The Task Force recommends that, presumptively, a municipality such as Red Bank with 40 percent or more of its households occupied by persons of low and moderate income means would fall into this category.⁶

The Task Force recommendations have not yet been implemented and the Borough continues to be required under current COAH regulations to address its total fair share obligation. Thus, this Fair Share Plan outlines the Borough's plan to meet its fair share obligation for affordable housing.

Overview of Affordable Housing within the Borough

As evidenced by the Borough's high proportion of low and moderate income households, the Borough has provided for a variety of affordable housing development and has taken, and continues to take, affirmative steps to provide and maintain an affordable housing stock.

The Borough, through its prior housing plans, has provided, required, or planned for affordable housing development in the Borough. The locations are shown on the map of affordable housing development included with this compliance plan.

⁵ Refer to Table 8.

⁶ Housing Opportunity Task Force Recommendations, Suggestion 3 for Short Term Regulatory Correction, page 1, March 19, 2010.

The Borough of Red Bank Housing Authority manages 40 units of affordable family housing at Montgomery Terrace and 50 units of affordable housing for seniors and the disabled at Evergreen Terrace.

In addition, the Borough has in place a rent control ordinance that regulates rent in buildings with three or more dwelling units. There are a total of 1,289 rental units within the Borough that are subject to the rent control ordinance administered by the Borough Rent Control Board.

The Borough plan to meet its fair share obligation for affordable housing is presented below.

Components of the Fair Share

Pursuant to COAH's third round regulations, a municipality's fair share responsibility is based upon three components: (1) rehabilitation obligation; (2) total remaining obligation from prior rounds; and, (3) a growth share obligation.

COAH defines the rehabilitation share of a municipality's affordable housing obligation as the number of substandard or deteriorated units that are occupied by low or moderate income households based on 2000 Census data. COAH has assigned Red Bank a rehabilitation obligation of 86 units.

The total remaining prior round 1987 to 1999 obligation assigned to the Borough is the unmet need of 428 units that resulted from the vacant land adjustment approved by COAH. The vacant land adjustment recognizes that the realistic development potential (RDP) of the Borough to achieve the prior round obligation is zero units.

The growth share component accounts for new residential and nonresidential growth projected to be constructed in Red Bank from January 1, 2004 through December 31, 2018. Red Bank has prepared an analysis of its vacant developable land capacity, which has been reviewed, adjusted, and finalized by COAH. This analysis reveals that the Borough will have a growth share obligation of 123 affordable units.

Compliance with the Rehabilitation Obligation

With respect to its rehabilitation obligation of eighty-six (86) units, the Borough rehabilitates housing through the Borough Neighborhood Preservation Program (NPP), which is funded by the New Jersey Department of Community Affairs and a regional contribution agreement with the Township of Manalapan.

Since 2000, the Borough NPP has rehabilitated 34 dwelling units in Red Bank with HOME funds. In addition, 10 units have been rehabilitated in Red Bank through the Monmouth County Home Improvement Program using Community Development Block Grant funds.

The Borough will continue its NPP rehabilitation program and meet its rehabilitation obligation in accordance with COAH requirements.

Rehabilitation Share: 86 Units

Program Name	# Units
Rehab Program	86
TOTAL	86

Compliance with the Prior Round Obligation

The Borough has received a vacant land adjustment in the prior round. This leaves it with an unmet need of 428 units.

The 1995 Borough plan certified by COAH committed the Borough to address unmet need through surplus age restricted units and additional redevelopment programs for garden apartments and townhouses along the river, mid-rise apartments including elderly housing near the train station, rehabilitation and occupancy of units over stores and offices, rehabilitation of occupied units, and infill development within five redevelopment areas within the Borough that were mapped in the 1995 plan.

Subsequent to the certification of the 1995 plan, the Borough completed the following projects:

River Street School

The River Street School is a gut rehabilitation project containing 62 age restricted residential units and was included in the Borough 1987 to 1999 plan. It was partially funded through a regional contribution agreement with Middletown Township, and gave credit to Middletown for 11 units. The remaining 51 units of credit were given to Red Bank. The River Street School was completed as planned.

In the previously-adopted iteration of this Housing Plan Element and Fair Share Plan, 14 of the units were assigned towards the Borough first and second round rehabilitation obligation, and 37 of the units as contributing toward Borough unmet need. This Housing Plan Element and Fair Share Plan now revises this allocation and assigns 27 units to the Borough unmet need, and 24 units to the Borough growth share obligation.

Locust Landing Affordable Townhomes

Locust Landing was proposed as a 70-unit RCA project with Middletown, financed with tax credits and planned to consist of 40 rental and 30 sales units. Only the 40 unit rental component was built and completed. Of these, Middletown was given credit for 34 of these units; leaving 6 units to be credited towards the Borough's fair share obligation.

In the previously-adopted iteration of this Housing Plan Element and Fair Share Plan, these units were credited toward the Borough's prior round rehabilitation obligation. However, the Borough now seeks to credit these units to its new construction growth share obligation.

Wesleyan Arms

The Borough successfully implemented the development of affordable housing for the elderly near the Borough train station. With the cooperation and support of the Borough, United Methodist Homes, the United Methodist Church of Red Bank, and the Shrewsbury Avenue A.M.E. Zion Church completed Wesleyan Arms, a 60 unit mid-rise project at 9 Wall Street. The project was funded with monies from the US Department of Housing and Urban

Development's Section 202 Program, which provides financing to develop housing for the very low-income elderly. Additional funding was provided by the Monmouth County Home Program. The Borough approved the project and provided tax abatement.

Approved Development with On-Site Affordable Units within Redevelopment Areas for Unmet Need

In October 2005, relying upon COAH's then-current growth share rule (N.J.A.C. 5:94), the Borough enacted an Affordable Housing Development Fee Ordinance and a Growth Share Ordinance. (Ordinance Nos. 2005-45 and 2005-46, respectively.)

In accordance with the governing regulations, the fee ordinance enacted in 2005 required developers of fewer than nine (9) residential units to pay a development fee of 1% of the equalized assessed value and commercial projects that produced less than twenty-five (25) jobs pay a fee of 2% of the equalized assessed value.

The 2005 Growth Share Ordinance required an 11.1% set-aside on all residential projects containing nine (9) or more units and required commercial developers to produce one affordable unit for every twenty-five jobs created.

Since the passage of the 2005 Ordinances, the Borough of Red Bank Planning Board and its Zoning Board have approved the following developments, which have not yet been built and for which on-site affordable units have been required. These developments are within the redevelopment area locations depicted in the Borough's 1995 Housing Element and Fair Share Plan where the Borough proposed to capture opportunities for unmet need:

**Table 9: Approved Development with On-Site Affordable Units
within Redevelopment Areas**

Project Name	Location	Description	Affordable Units Required
Stavola Leasing	39 Maple Ave. Block 31, Lot 36.01	Four story building for mixed use retail, professional or business offices and 24 two bedroom apts. On 2nd through 4th floors.	3
Metrovation /Anderson	200-208 Monmouth St. Block 38, Lots 2.01, 3 through 6	Renovated 4 story warehouse containing 23 apts. with on-site parking.	3
RW Rivers Edge	Block 82, Lots 5, 6.01, 17 Block 83, Lots 6.01, 6.02	12 units total	1
R.B. Monmouth/ R.B. West	139-153 Monmouth St. Block 42, Lots 1 – 4, 19, 20 & 21	Mixed Use commercial with 20 apts. and underground parking garage	2
Total:			9

Overlay Zone for Unmet Need

As a result of a motion brought by the Fair Share Housing Center before COAH in September 2008, COAH imposed a Scarce Resource restraint upon the Borough. The Borough subsequently entered into an agreement by which the Borough adopted Ordinance 2009-46 establishing the Affordable Housing Overlay Zone – 1 (AH-1) in the Borough. The AH-1 overlay zone requires a setaside of twenty (20) percent for affordable housing, with a minimum density of six (6) units per acre, for all development applications consisting of five (5) or more residential units within the areas of residential redevelopment identified in the Borough 1995 Housing Element and Fair Share Plan. Following the enactment of Ordinance 2009-46, COAH removed the Scarce Resource restraint in October 2009.

The goal of the AH-1 district is to develop as much affordable housing as possible to meet the Borough's unmet need.

As part of this plan, the Borough will amend the AH-1 district to require that thirteen (13) percent of the total number of all affordable units be affordable to “very-low income” households⁷ as required by N.J.S.A. 52:27D-329.1.

Growth Share Obligation

Affordable units developed in areas outside of the AH-1 overlay zone are to be credited toward the Borough’s growth share obligation. The following table shows developments approved by the Red Bank Planning and Zoning Boards of Adjustment, which have not yet been built, and for which on-site affordable units have been required and which are located outside of the redevelopment areas depicted in the 1995 Housing Element and Fair Share Plan. These sites are applicable to the Borough’s growth share obligation.

Table 10: Approved Development with On-Site Affordable Units outside Redevelopment Areas

Project Name	Location	Description	Affordable Units Required
Bergen Square	Bergen Place	20 units of infill townhouse development.	10
55 W. Front St.	55 West Front St. Block 30, Lot 10.01	5 story building with 27 apts.	4
Total:			14

In addition to the developments listed in Table 10, the Borough anticipates the generation of additional units and credits as follows:

55 West Front Street Compliance Bonus Credits

Pursuant to the regulations of N.J.A.C. 5:97-3.17, the Borough applies a total of four (4) compliance bonus credits from the development known as 55 West Front Street at Block 30, Lot 10.01 to its growth share obligation.

⁷ This is required by current law (NJS 52:27D-329.1) and is a condition of the Borough’s mediated settlement agreement with the Fair Share Housing Center.

Cedar Crossing

With funding from the Department of Community Affairs' Municipal Land Acquisition Program, the Borough purchased and amended its Master Plan and zoning in 2006 and established the AH Affordable Housing Overlay Zone (Ordinance 2006-53) to develop a 100% affordable housing development at Block 75.03, Lots 50.01 and 69 and Block 75.01 Lots 83, 84, and 85. The Borough has entered into a Development Agreement with a subsidiary corporation of the Red Bank Housing Authority to build up to thirty-six (36) low and moderate income townhomes. This affordable development is known as the Cedar Crossing Project and is located outside the redevelopment areas depicted on the 1995 Housing Element and Fair Share Plan.

Cedar Crossing Compliance Bonus Credits

Pursuant to the regulations of N.J.A.C. 5:97-3.17, the Borough applies a total of 26 compliance bonus credits from the Cedar Crossing 100 percent affordable housing development to its growth share obligation.

The Borough acknowledges that this development is the subject of a developer's agreement that was executed after June 2, 2008. However, the Borough requests that COAH grant a waiver to the provisions of N.J.A.C. 5:97-3.17(a) on the basis that the Cedar Crossing Development Agreement was approved by the Borough's governing body on May 27, 2008 and by the Red Bank Affordable Housing Corporation on March 25, 2008. The Borough notes that these dates of approval should be considered the relevant dates with respect to the compliance bonus, since, once the agreement was authorized by both sides, the actual signing of the Agreement became a ministerial duty. In fact, the Development Agreement was not signed until July 31, 2008 in order to accommodate all the parties' schedules so that a public signing ceremony could be held at the site. Therefore, the Borough should be deemed eligible for a compliance bonus based upon the dates that the Cedar Crossing Development Agreement was actually approved by the respective governing bodies.

In addition to the above, the granting of a waiver would also be consistent with the provisions of N.J.A.C. 5:96-15.2. The granting of this waiver fosters the production of affordable housing and fosters the intent of, if not the letter of, the Council's rules. Moreover, the Borough housing element and fair share plan provides a mix of housing options.

Table 11
Bonus Maximum:⁸ 30 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
West Street Front Partners inclusionary	Compliance	4
Cedar Crossing 100% affordable	Family For-sale	26
TOTAL		30

Collaborative Support Programs of New Jersey/Union Development, Inc.

Since 1998, Collaborative Support Programs of New Jersey/Union Development, Inc. has operated a residence for adults with developmental disabilities on Block 23, Lot 2. The residence provides three (3) units of credit under the purview of N.J.A.C. 5:97-4.3(c)1. It is noted that this residence is funded with monies from the US Department of Housing and Urban Development's Section 811 Program, which is intended to increase the supply of supportive housing for developmentally challenged individuals with very low incomes. Additionally, it is noted that these units have been continuously operated as supportive and special needs housing since 1998, which serves as *de facto* proof of the satisfaction of N.J.A.C. 5:97-4.3(c)1.ii.

Locust Landing Townhomes

Locust Landing was proposed as a 70-unit RCA project with Middletown, and financed with tax credits and planned to consist of 40 rental and 30 sales units. Only the 40 unit rental component was built and completed. Of these, Middletown was given credit for 34 of these units; leaving 6 units of credit to the Borough of Red Bank.

In the previously-adopted iteration of this Housing Plan Element and Fair Share Plan, the 6 units were credited towards the Borough's prior round rehabilitation obligation. However, given the Borough's fully developed character, the Borough seeks to credit these units toward its new construction growth share obligation.

⁸ Projected Bonus Maximum: .25(Projected Growth Share) or .25(123)= 30.75 or 30 units N.J.A.C. 5:97-3.20

By crediting these units toward the growth share obligation, the Borough is making better use of its financial resources and capacity for development. The Borough's crediting of these units toward the growth share obligation is permitted under NJAC 5:97-4. The Borough will fulfill its rehabilitation obligation and capture opportunities to meet its unmet need by the mechanisms described in *Compliance with the Rehabilitation Obligation* and *Compliance with the Prior Round Obligation*, both of which are provided above.

River Street School

The River Street School is a gut rehabilitation project containing 62 age restricted residential units and was included in the Borough 1987 to 1999 plan. It was partially funded through a regional contribution agreement with Middletown Township, and gave credit to Middletown for 11 units. The remaining 51 units of credit were given to Red Bank. The River Street School development was completed as planned.

In the previously-adopted iteration of this Housing Plan Element and Fair Share Plan, 14 of the units were assigned towards the Borough first and second round rehabilitation obligation, and 37 of the units as contributing toward Borough unmet need. This Housing Plan Element and Fair Share Plan now revises this allocation and assigns 27 units to the Borough unmet need, and 24 units to the Borough growth share obligation.

Table 12
Age-Restricted Maximum:⁹ 30 Units

Development/Project Name	Type of Affordable Unit	# Units
River Street School gut rehabilitation project	Age-restricted rental	24
TOTAL		24

⁹ Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(123)= 30.75 or 30 units

N.J.A.C. 5:97-3.10(c)2

MW at Red Bank

MW at Red Bank (Block 37, Lot 6.01) is an approved, mixed-use inclusionary development containing: 10 affordable family rentals; 82 market rate rental units; a brew pub; 11,000 square feet of commercial space; and, a parking garage.

The Borough acknowledges that the MW at Red Bank site is located within the AH-1 overlay zone. However, the project was approved before the overlay zone was created. Further, crediting this project toward the growth share obligation complies with the mediated settlement agreement that has been jointly reached between the Borough and the Fair Share Housing Center.

Summary of Growth Share Compliance

The Borough will meet its adjusted growth share obligation of 123 units. The following table provides a summary of the Borough's growth share obligation compliance:

Table 13: Growth Share Compliance

Name of Development	Affordable Units
Bergen Square	10
55 West Front Street	4
Compliance Bonus Credits (55 West Front Street)	4
Cedar Crossing	36
Compliance Bonus Credits (Cedar Crossing)	26
Collaborative Support Programs of New Jersey	3
Locust Landing	6
River Street School	24
MW at Red Bank	10
Total Affordable Units Provided	123
Projected Growth Share Obligation	123

Family Requirement

COAH requires that at least 50% of the units within Red Bank addressing the growth share obligation shall be family housing units. The Borough is required to produce at least 48 units of

family housing. The Borough will meet its family requirement with 66 units of family housing at Bergen Square, West Front Street Partners, Cedar Crossing, Locust Landing, and MW @ Red Bank.

Table 14
Growth Share Minimum Family Requirement: ¹⁰ 48 Units

Development/Project Name	Type of Affordable Unit	# Units
Bergen Square inclusionary	Family For-sale	10
West Street Front Partners inclusionary	Family For-sale	4
Cedar Crossing 100% affordable	Family For-sale	36
Locust Landing	Family Rental	6
Overlay Zone: MW@Red Bank inclusionary	Family Rental	10
TOTAL		66

Rental Requirement

According to COAH requirements, a total of 31 units must be rental units, of which at least sixteen (16) shall be family rental units. The Borough will fulfill its rental requirement with: a set of fifteen (15) age-restricted rental units in the River Street School development; six (6) family rental units in the Locust Landing development; and, ten (10) family rental units in the MW at Red Bank development.

Beyond its rental requirement, the Borough will also provide: an additional nine (9) units of age-restricted rental units in the River Street School development; and, three (3) units of rentals for those with supportive or special needs at the group home of Collaborative Support Programs of New Jersey.

¹⁰ Projected Growth Share Family Requirement: .5 (Units Addressing the Growth Share Obligation) or .5(123 - 27)= 48 units N.J.A.C. 5:97-3.9

Table 15
Growth Share Rental Obligation:¹¹ 31 Units

Development/Project Name	Type of Affordable Unit	# Units
River Street School gut rehabilitation project (out of 24 units) ¹²	Age-restricted Rental	15
Locust Landing ¹³	Family Rental	6
Overlay Zone: MW@Red Bank inclusionary ¹⁴	Family Rental	10
TOTAL		31

Table 16
Growth Share Family Rental Requirement:¹⁵ 16 Units

Development/Project Name	Type of Affordable Unit	# Units
Locust Landing	Family Rental	6
Overlay Zone: MW@Red Bank inclusionary	Family Rental	10
TOTAL		16

Very Low-Income Units

According to COAH requirements, a total of twelve (12) units must be affordable to very low income households. Three (3) of these units are provided within the supportive residence operated by Collaborative Support Programs of New Jersey. Additionally, a total of nine (9) very low income units will be provided by the Borough's Affordable Housing Ordinance, which will be amended to require that thirteen (13) percent of the total number of all affordable units be affordable to "very-low income" households¹⁶.

¹¹ Projected Growth Share Rental Obligation: .25(Projected Growth Share) or .25(123)= 30.75 or 31 units - N.J.A.C. 5.97-3.10(b)3

¹² Previously used for rehabilitation credit and unmet need. At least 50 percent of the rental housing requirement for the projected growth share obligation addressed within a municipality shall be met with family housing in the Fair Share Plan.

¹³ Previously used for rehabilitation credit

¹⁴ Previously used for unmet need

¹⁵ Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(31)= 15.5 or 16 units N.J.A.C. 5.97-3.4(b)

¹⁶ This is required by current law (NJS 52:27D-329.1) and is a condition of the Borough's mediated settlement agreement with the Fair Share Housing Center.

In addition to the above, a total of 60 units are provided within the Wesleyan Arms development on Block 33, lots 6, 7, 8, and 9.02. As previously noted, this project was funded with monies from the US Department of Housing and Urban Development's Section 202 Program, which provides financing to develop housing for the very low-income elderly.

Table 17
Very Low Income Minimum Requirement:¹⁷ 12 Units

Development/Project Name	Type of Affordable Unit	# Units
Collaborator Support Programs of New Jersey/Union Development, Inc. group home	Supportive/Special Needs Housing	3
Growth Share Ordinance	Family	9
TOTAL		12

Affordable Housing Ordinance

The Borough has prepared an Affordable Housing Ordinance, which is provided in Appendix D. This Affordable Housing Ordinance provides for set-asides of 11.1 percent in zones that meet COAH's presumptive densities in order to help meet the Borough's growth share obligation.

The Borough will administer its affordable housing development in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26. Administration will include affirmative marketing and income qualifying the applicants and administering the units once they are occupied.

The units created by these measures will have a low/moderate income split in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26; the units will be affirmatively marketed in accordance with N.J.A.C. 5:97-3.4; and the units will have the appropriate controls on affordability in-accordance with N.J.A.C. 5:97.6.7

All units created as a result of these measures will have the appropriate bedroom distributions in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.

¹⁷ Growth Share Very Low Income Requirement: .13(Units Addressing the Growth Share Obligation) or .13(123- 27)= 12.48 or 12 units N.J.S.A. 52:27D-329.1

Development Fee Ordinance

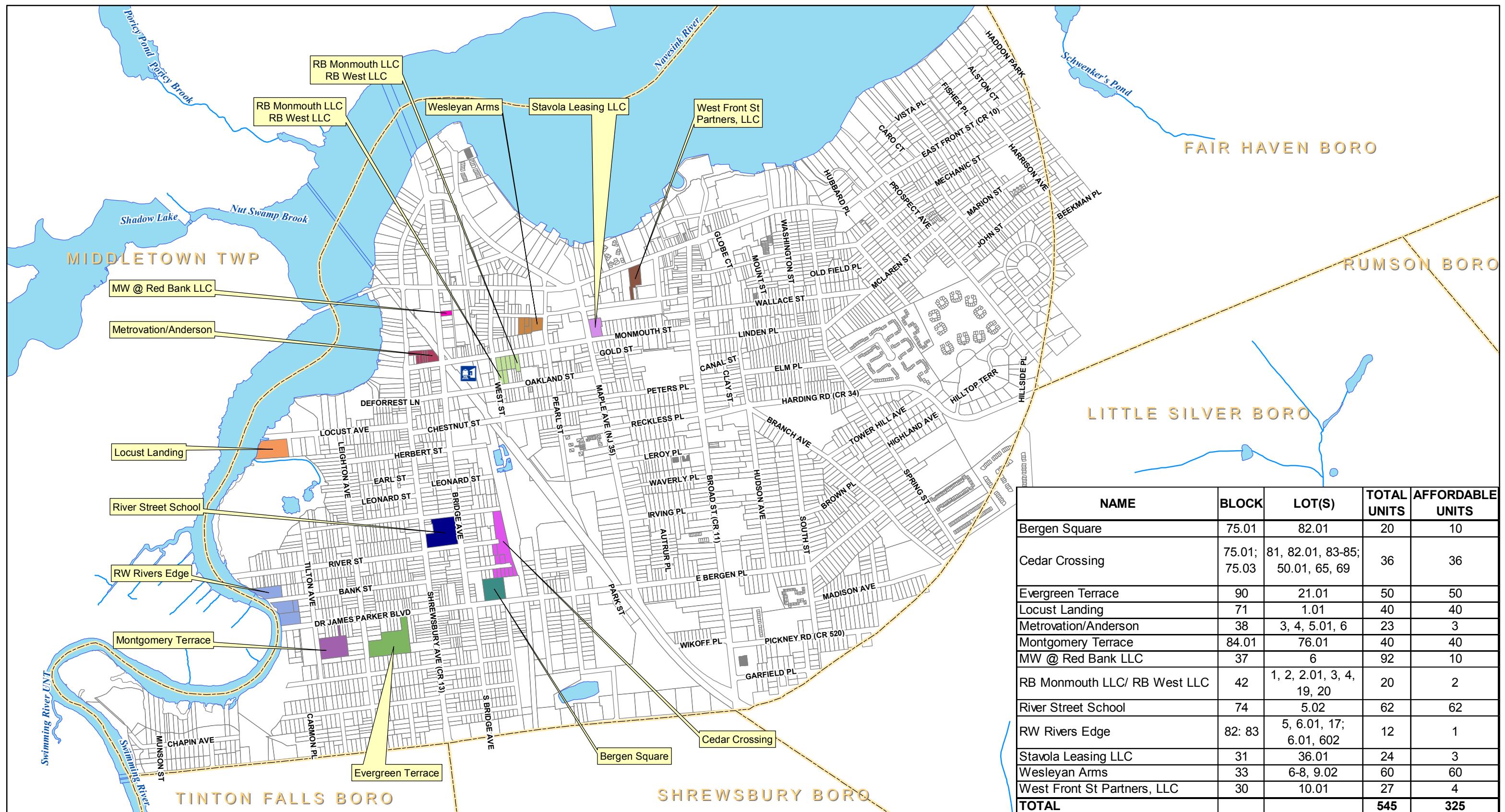
The Borough has amended its affordable housing development fee ordinance to be in accordance with COAH regulations and the Statewide Mandatory Development Fee Act. The amended ordinance (Ordinance 2008-28) was approved by COAH on January 26, 2009. The Borough will continue to collect fees and administer its Affordable Housing Trust Fund in accordance with all applicable COAH regulations.

Accessible and Adaptable Affordable Units

The first floor of all new townhouse dwelling units and all other new multi-story dwellings that are attached to at least one other dwelling unit shall be accessible in accordance with N.J.A.C. 5:97-3.14.

Further Identification of Credits and Adjustment

The Borough reserves its right to further identify and take any and all credits and adjustments against its Fair Share obligation to which it may be entitled under COAH regulations and policies.



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Associates Middletown, NJ 07748-2792
Phone: 732-671-6400
Fax: 732-671-7365

0 500 1,000 2,000 Feet

Prepared by: STK, December 23, 2008; Upd

Source: NJDEP - Stream; NJDOT - 2007 Road

GIS - Municipal Boundaries, Open Water, Tax Parcels
File Path: U:\PRNIK\01020\GIS\Projects\21AUG19_UPDATE_PRNIK1020_COAL Units.mxd

	Bergen Square		Metrovation/Anderson		Stavola Leasing LLC	
	Cedar Crossing		Montgomery Terrace		Wesleyan Arms	
	Evergreen Terrace		RB Monmouth LLC/ RB West LLC		West Front St Partners, LLC	
	Locust Landing		RW Rivers Edge			
	MW @ Red Bank LLC		River Street School			

A legend box containing four entries: 'Tax Parcel' with a white square, 'Open Water' with a blue square, 'Stream' with a blue line, and 'Municipal Boundary' with an orange dashed line.

Affordable Housing Development Borough of Red Bank Monmouth County, New Jersey

Monmouth County, New Jersey

Prepared by: STK, December 23, 2008; Updated by: RED, August 31, 2010

Source: NJDEP - Stream; NJDOT - 2007 Roads; Monmouth County

GIS - Municipal Boundaries, Open Water, Tax Parcels

File Path: H:\RBNK\01920\GIS\Projects\31AUG10_UPDATE__RBNK1920_COAH Units.mxd

 NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

APPENDIX A

Workbook C and Mapping

Summary of Adjusted Growth Share Projection Based On Land Capacity

(Introduction to Workbook C)

Municipality Name: COAH Revised RED BANK (Scenario A)

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. The Worksheet is a tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the projected Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.

[Click Here to complete Worksheet A](#)

Municipalities seeking to request a downward adjustment to the COAH-generated growth projections may do so by providing a detailed analysis of municipal land capacity. After completing this analysis, the growth projections may be lowered if the resulting growth share obligation results in a figure that is at least 10 percent lower than the projected Growth Share Obligation that would result from the COAH-generated growth projections. Actual growth must first be determined using the Actual Growth worksheet. A growth projection adjustment may only apply to any remaining growth.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Complete the Residential Parcel Inventory and Capacity Analysis](#)

[Click Here to Complete the Non-residential Parcel Inventory and Capacity Analysis](#)

Summary Of Worksheet Comparison

	COAH Projected Growth Share (From Worksheet A)	Growth Share Based on Municipal Capacity (From Worksheet C)
Residential Growth	106	334
Residential Exclusions	43	43
Net Residential Growth	63	291
Residential Growth Share	12.53	58.19
Non-Residential Growth	2,211	1,043
Non-Residential Exclusions	0	0
Net Non- Residential Growth	2,211	1,043
Non-Residential Growth Share	138.19	65.16
Total Growth Share	151	123

The Municipal land capacity analysis results in a reduction to the COAH-generated growth projection. Please file Workbook C and use a Residential Growth Share of 58.19 plus a Non-residential Growth Share of 65.16 for a total Growth Share Obligation of 123 affordable units

Growth Projection Adjustment - Actual Growth

Municipality Name: COAH Revised RED BANK (Scenario)

Actual Growth 01/01/04 to Present

Residential COs Issued	71	Square Feet Added (COs Issued)	Square Feet Lost Demolition Permits Issued)	Jobs/1,000 SF	Total Jobs
Non-residential CO's by Use Group					
B	243,060	32,063	2.8	590.79	
M	31,515	3,966	1.7	46.83	
F	4,378		1.2	5.25	
S	51,100	5,305	1.0	45.80	
H	0		1.6	0.00	
A1	85,788		1.6	137.26	
A2	1,778		3.2	5.69	
A3	34,176	22,200	1.6	19.16	
A4	119		3.4	0.40	
A5	0		2.6	0.00	
E	13,493		0.0	0.00	
I	1,000	29,060	2.6	-72.96	
R1	0		1.7	0.00	
Total	466,407	92,594		778	

[Return to Growth Projection Adjustment Summary Screen](#)

[Proceed to Inventory of Vacant Residential Land](#)

[Proceed to Inventory of Non-residential Land](#)

Worksheet A: Growth Share Determination Using Published Data

(Appendix F(2), Allocating Growth To Municipalities)

COAH Growth Projections

Must be used in all submissions

Municipality Name: COAH Revised RED BANK (Scenario A)

Enter the COAH generated growth projections form 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 or the links within the 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 based on COAH's growth projections.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2)*	106	2,211
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab		Click Here to enter Prior Round Exclusions
COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	7	
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	36	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs	0	
4 Net Growth Projection	63	2,211
5 Projected Growth Share (Conversion to Affordable Units)	12.53	Affordable Units
Divide HH by 5 and Jobs by 16)		138.19
		Affordable Units
6 Total Projected Growth Share Obligation	151	Affordable Units

[Click Here to return to Workbook C Summary](#)

* For Residential Growth, See Appendix F(2), Figure A.1, Housing Units by Municipality. For Non-residential Growth, See Appendix F(2), Figure A.2, Employment by Municipality

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: COAH Revised RED BANK (Scenario A)

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	
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. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
RW River's Edge	N	12	11	1	4
Stavola Leasing	Y	24	21	3	17
RB Monmouth/RB West	Y	20	18	2	11
Grandview Towers	N	5	4	1	4
Total		56	54	7	36

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

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

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

[When finished, click here to return to Worksheet A](#)

COAH Revised RED BANK (Scenario A) Growth Projection Adjustment - Residential Parcel Inventory

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
13.02	44	HADDON PARK	WERNER, JOHN V. & MARY G	1	N	Y		0.11	0.00		0.00	8.00	0.00
109	4.01	TOWER HILL AVENUE	BARRETT, DEBORAH	1	N	Y		0.07	0.00		0.00	8.00	0.00
97	57.02	PEARL ST	DUCKWORTH, ROBERT W	1	N	Y		0.17	0.00		0.17	8.00	1.33
13.02	43	HADDON PARK	WERNER, JOHN V. & MARY G.	1	N	Y		0.12	0.00		0.00	8.00	0.00
13	25	ALSTON CT	LUMISH, STAN & ROSEMAN ANN LYNN	1	N	Y		0.24	0.00		0.24	8.00	1.95
13.01	13.01	E FRONT ST	CLARK, DAVID W	1	N	Y		0.02	0.00		0.00	8.00	0.00
27	11	80 E FRONT ST	BANK SIDE ASSOCIATES LLC	1	N	Y		0.20	0.00		0.20	8.00	1.61
52	23	WILLIAM ST.	HERBERT, FRANCIS J & ELIZ K	1	N	Y		0.18	0.00		0.18	8.00	1.48
43	4	95 MONMOUTH ST	TREBIES, INC. %RUMSON MANAGEMENT C	1	N	Y		0.18	0.00		0.18	8.00	1.47
43	7	54 MAPLE AVE	TREBIES, INC. %RUMSON MANAGEMENT C	1	N	Y		0.19	0.00		0.19	8.00	1.53
57	1	HUDSON AVE.	UNLIMITED BUILDING SERVICES, INC	1	N	Y		0.11	0.00		0.00	8.00	0.00
62	1	75 OAKLAND ST	WRIGHT, LEERAY	1	N	Y		0.12	0.00		0.00	8.00	0.00
52.05	20	HARDING RD	MACALUSO, MADELINE	1	N	Y		0.30	0.00		0.30	8.00	2.40
109	3	TOWER HILL AVE	BARRETT, DEBORAH	1	N	Y		0.05	0.00		0.00	8.00	0.00
66	13	9 LOCUST AVE	COLLINS, JOSEPH & PAULA	1	N	Y		0.08	0.00		0.00	8.00	0.00
65	8.02	HERBERT ST	O'NEILL,EDWARD JR & ROVELL,CHRISTINE	1	N	Y		0.10	0.00		0.00	8.00	0.00
76	1.01	1 BERRY ST	VOKODIC, VILDANA NAZIM	1	N	Y		0.03	0.00		0.00	8.00	0.00
71	27.01	40 LEIGHTON AVE	MASON, JEROME	1	N	Y		0.19	0.02 WETLAND AND/OR FLOODPLAINS		0.18	8.00	1.40
70	5	CATHERINE ST	REINECKE, LYNNE	1	N	Y		0.10	0.00		0.00	8.00	0.00
73	16	RIVER ST	MATRIXX, L.L.C.	1	N	Y		0.13	0.00		0.13	8.00	1.08
Subtotal This Page												14.24	
Subtotal Page 2												8.08	
Subtotal Page 3												175.00	
Subtotal Page 4												66.00	
Grand Total												263.32	

[Click Here to Return to Workbook C Summary](#)

[Add More sheets](#)

[Click Here to Proceede to Non-residential Parcel Inventory and Capacity Analysis](#)

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

COAH Revised RED BANK (Scenario A) Growth Projection Adjustment - Residential Parcel Inventory Page 2

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
73	17	RIVER ST	MATRIX II, L.L.C.	1	N	Y		0.12	0.00		0.00	8.00	0.00
72	10	102 LEIGHTON AVE	RONKO DEVELOPERS, INC.	1	N	Y		0.10	0.00		0.00	8.00	0.00
77	17.01	222 BRIDGE AVE	CHELSEA PLACE @ RED BANK, LLC	1	N	Y		0.30	0.30	Added to sites on Page 4	0.00	8.00	0.00
78	4	113 RIVER ST	YARBROUGH, CHARLES & MARY	1	N	Y		0.21	0.00		0.21	8.00	1.71
75.01	78	CEDAR ST	LINCOLN SQUARE @ RED BANK, LLC	1	N	Y		0.09	0.00	See note on Res3 Tab	0.00	8.00	0.00
78	20.03	BANK ST	FISHER, ELLEN M	1	N	Y		0.11	0.00		0.00	8.00	0.00
76	2.02	232 S PEARL ST	DUNBAR, BLANCHE ANITA	1	N	Y		0.07	0.00		0.00	8.00	0.00
81	13.01	134 LEIGHTON AVE	BERGIN, ANITA C.	1	N	Y		0.06	0.00		0.00	8.00	0.00
79	10	41 BANK ST	REYNOLDS, GLORIA LOCUST, EXEC.	1	N	Y		0.09	0.00		0.00	8.00	0.00
79	24	180 DRS JAMES PARKER BLVD	RED BANK SHREWSBURY AVENUE, L.L.	1	N	Y		0.05	0.00		0.00	8.00	0.00
80	11	LEIGHTON AVE	PAREKH, MOHANLAL N	1	N	Y		0.13	0.00		0.13	8.00	1.02
96	4	DRS JAMES PARKER BLVD	JAMES PARKER ONE, LLC	1	N	Y		0.17	0.17	Added to sites on Page 4	0.00	8.00	0.00
90	13	177 DRS JAMES PARKER BLVD	DMC, LLC	1	N	Y		0.09	0.00		0.00	8.00	0.00
90	15	288 SHREWSBURY AVE	DMC, LLC	1	N	Y		0.16	0.00		0.16	8.00	1.32
97	57	PEARL ST	DUCKWORTH, ROBERT W	1	N	Y		0.16	0.00		0.16	8.00	1.32
86	5.01	WEST SIDE	PICCOLO, CARL	1	N	Y		0.10	0.00		0.00	8.00	0.00
91	6.01	BRIDGE AVE	CRIPPEN, RANDY & SUSAN	1	N	Y		0.21	0.00		0.21	8.00	1.67
119	34	GRANT PL	LAFFERTY, KAREN	1	N	Y		0.13	0.00		0.13	8.00	1.05
93	10	DRUMMOND AVE	HOWELL, WARREN	1	N	Y		0.09	0.00		0.00	8.00	0.00
84	1.03	CHAPIN PL	MATRIX II, L.L.C.	1	N	Y		0.09	0.08	WETLAND AND/OR FLOC	0.00	8.00	0.00

Total Page 2 8.08

[Add More Sheets](#)

[Residential Inventory Main Page](#)

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

COAH Revised RED BANK (Scenario A) Growth Projection Adjustment - Residential Parcel Inventory Page 3

Total Page 3 175.00

[Add More Sheets](#)
[Residential Inventory Main Page](#)

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

COAH Revised RED BANK (Scenario A) Growth Projection Adjustment - Residential Parcel Inventory Page 4

Add More Sheets

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

COAH Revised RED BANK (Scenario A) Growth Projection Adjustment - Non-Residential Parcel Inventory

[Click Here to Return to Workbook C Summary](#)

[Click Here to Proceed to Residential Parcel Inventory and Capacity Analysis](#)

Add More Sheets

Subtotal This Page

Subtotal Page 2

112.13

152.15

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Grand Total

264 28

COAH Revised RED BANK (Scenario A) Growth Projection Adjustment - Non-Residential Parcel Inventory Page 2

[Click Here to Return to Workbook C Summary](#)

[Add More Sheets](#)

[Click Here to Proceed to Residential Parcel Inventory and Capacity Analysis](#)

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.



T & M 11 Tindall Road
Middletown, NJ 07748-2792
Phone: 732-671-6400
ASSOCIATES Fax: 732-671-7365

0 500 1,000 2,000
Feet

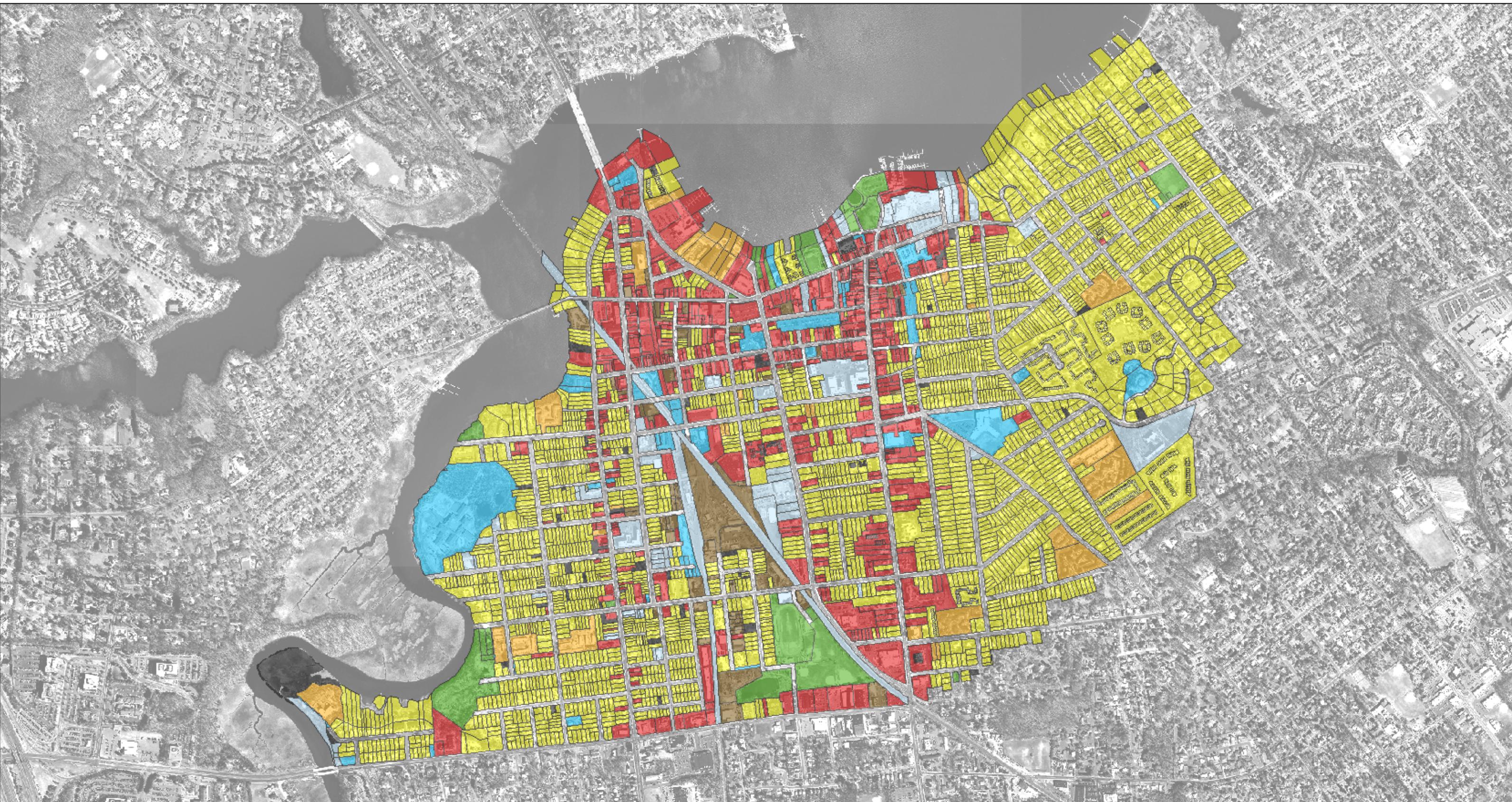
Prepared by: RED, July 29, 2008
Source: NJDEP, Monmouth County GIS, MOD-IV (Accessed on June 12, 2009), NJDOT
File Path: H:\RBNK\01920\GIS\Projects\Vacant Land.mxd

- Privately-Owned Vacant Parcel
- Borough-Owned Vacant Parcel
- Flood Hazard Area
- Wetland Area

Vacant Land Borough of Red Bank Monmouth County, New Jersey



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.



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 0 550 1,100 2,200 Feet

COMMERCIAL	PUBLIC
INDUSTRIAL	RESIDENTIAL
MULTI-FAMILY RESIDENTIAL (4 FAMILIES OR MORE)	SEMI-PUBLIC
PARK	VACANT

Existing Land Use
Borough of Red Bank
Monmouth County, New Jersey



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

APPENDIX B

Guidance Letter to Mayors from COAH

October 23, 2008



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 800
TRENTON NJ 08625-0800

JON S. CORZINE
Governor

JOSEPH V. DORIA, JR.
Commissioner

October 23, 2008

Dear Mayor:

As you develop affordable housing plans to submit to the New Jersey Council on Affordable Housing (COAH) in preparation for COAH's December 31, 2008 deadline, we want to take this opportunity to inform you of several provisions in COAH's regulations that provide you with flexibility based on local input. As incorrect information continues to be disseminated about the COAH process, we thought it important to communicate with you now. We hope that you will take advantage of this invitation to work with COAH staff to provide local data and develop affordable housing plans that make sense for your community.

Adjustments to COAH's projections based on local data. COAH has a well-established process for municipalities to seek a downward adjustment of the housing and employment growth projections established by COAH, based on a local, parcel-level analysis of vacant land. COAH staff is available to answer questions or meet with municipalities regarding this adjustment process prior to the December 31st deadline. The municipality is required to zone or plan to the adjusted lower projection, not the original COAH projection.

COAH will also consider potential growth share opportunities for municipalities seeking an adjustment, as appropriate, depending upon the individual circumstances of each municipality. Examples include adoption of a municipal development fee ordinance, capturing redevelopment opportunities and/or adopting an ordinance to permit accessory apartments.

Data on actual jobs. As permitted in the revised rules, municipalities may submit data on actual jobs for non-residential construction for warehouse development. Municipalities may also submit a waiver to use data on actual jobs for other development types where there is a significant disparity between actual job growth and the job estimates by UCC Use Group category provided in COAH's rules. COAH will review actual job creation for the specified development as part of the municipality's biennial monitoring. Please contact COAH for more information on how to submit data on actual jobs.



Credit for demolitions. On September 22nd, COAH proposed an amendment to allow municipalities to subtract certificates of occupancy issued for owner-occupied residential homes, where the previous structure was demolished, from the actual residential growth share obligation. This would include, but not be limited to, homes replaced as a result of natural disaster, such as fires or floods. This amendment is scheduled to be published in the November 3rd NJ Register and is open for comment until January 2, 2009. Demolitions of non-residential structures that have been occupied at least one year prior to demolition can already be subtracted from the actual non-residential growth share under the adopted rules.

Phasing schedule. COAH permits municipalities to phase in their affordable housing programs over a 10-year period, including redevelopment areas, 100 percent affordable housing projects, and supportive and special needs housing, among other areas. We want to ensure that these programs create a realistic opportunity, but we also recognize that it may take time to identify sites or work with a non-profit or for-profit developer to accrue the funds needed to complete a project.

Funding sources. COAH has prepared an Affordable Housing Funding Guide which is now available on COAH's website at www.nj.gov/dca/coah/round3resources.shtml. The Guide provides information on potential affordable housing funding sources of approximately \$800 million annually over a 10 year period.

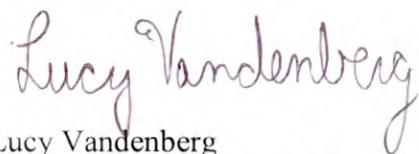
Planning assistance. COAH staff is available now to assist municipalities in the preparation of Fair Share Plans to meet the December 31st submission deadline. Model documents have been posted on COAH's website, as well as the new application required for plan submission (www.nj.gov/dca/coah/round3resources.shtml). The application is designed to streamline the petition process.

If you should have any questions, please do not hesitate to contact us or COAH staff at (609) 292-3000 or COAHmail@dca.state.nj.us.

Sincerely,



Joseph V. Doria, Jr.
DCA Commissioner



Lucy Vandenberg
COAH Executive Director

APPENDIX C

Ordinance 2009-46 – Affordable Housing Overlay Zone AH-1

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-10.2, "DESCRIPTION OF DISTRICTS"
SECTION 10.21, "REGULATIONS CONTROLLING AFFORDABLE HOUSING OVERLAY
DISTRICT ONE (AH-1 ZONE)"

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter XXV of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Planning and Development Regulations" is hereby amended and supplemented as follows:

SECTION ONE: Subsection 25-10.2, "Description of Districts" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.2 Description of Districts.

a. The Borough of Red Bank is hereby divided into districts as follows:

Name of Zone District	Map Designation	Regulations in Section
<i>[“Class A Residence” through “Industrial” Zones ... No Change]</i>		
Affordable Housing Overlay Zone	AH	25-10.20
<u>Affordable Housing Overlay Zone One</u>	<u>AH-1</u>	<u>25-10.21</u>

SECTION TWO: New Subsection 25-10.21, "Regulations Controlling Affordable Housing Overlay District One" is hereby established as follows (*This section consists of entirely new material, therefore use of underlined text is omitted for ease of reading*):

25-10.21 Regulations Controlling Affordable Housing Overlay District One.

a. *Purpose.* The purpose of the Affordable Housing Overlay District One is to establish an area for capturing the Borough's unmet need from its prior First and Second Round Fair Share Affordable Housing obligations, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH").

b. *Applicability.*

1. Affordable Housing Overlay District One shall be applied to the areas of residential development identified at page eighteen of the Borough's Housing Element and Fair Share Plan, dated April 10, 1995 which was incorporated in its Master Plan and entitled, "Residential Redevelopment Strategy." These areas are depicted in greater detail in the areas designated as Residential Redevelopment Areas in the map entitled, "Proposed Overlay Zone, AH-1, Affordable Housing-1 Overlay Zone", prepared by T&M Associates and dated September 2, 2009, which is hereby incorporated by reference.
2. The Official Zoning Map of the Borough of Red Bank is hereby amended in accordance with the foregoing and is further incorporated by reference.

c. *Affordable Housing Set Aside.* A twenty percent (20%) set aside for affordable housing with a minimum density of six units per acre for all development applications consisting of five (5) or more residential units within the areas describe in sub-section (b), above, is required.

d. *Compliance with Other Regulations and Ordinances.*

1. All other development regulations applicable to the underlying zones for each property located within Affordable Housing Overlay District One

2. shall remain in full force and effect unless in conflict with this Section.
2. All affordable units constructed within this overlay zone shall also comply with Chapter 11B of this Code.

SECTION THREE: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION FOUR: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FIVE: This Ordinance shall take effect immediately upon the following:

- a. Amendment of Official Zoning Map of the Borough of Red Bank in accordance with §25-10.1(4) of the Revised General Ordinances of the Borough of Red Bank and its filing with the Monmouth County Planning Board; and
- b. Approval by the New Jersey Council on Affordable Housing together with the dissolution of the Scarce Resource Restraints imposed upon the Borough in accordance with the terms and conditions of the Council's resolution dated, December 10, 2008.

ZONE DISTRICTS

RESIDENTIAL

RA	RESIDENTIAL "A"
RB	RESIDENTIAL "B"
R-B1	RESIDENTIAL "B1"
R-B2	RESIDENTIAL "B2"
RD	RESIDENTIAL "D"

BUSINESS / COMMERCIAL

NB	NEIGHBORHOOD BUSINESS
BR-1	BUSINESS / RESIDENTIAL - 1
BR-2	BUSINESS / RESIDENTIAL - 2
HB	HIGHWAY BUSINESS
CCD-1	CENTRAL COMMERCIAL DISTRICT - 1
CCD-2	CENTRAL COMMERCIAL DISTRICT - 2

MIXED USE

PO	PROFESSIONAL OFFICE
WD	WATERFRONT DEVELOPMENT

MEDICAL SERVICES

MS	MEDICAL SERVICES
----	------------------

INDUSTRIAL

LI	LIGHT INDUSTRIAL
I	INDUSTRIAL

AFFORDABLE HOUSING

AH	AFFORDABLE HOUSING OVERLAY ZONE
----	---------------------------------

AFFORDABLE HOUSING OVERLAY ZONE

NAVESSINK RIVER

RD

PROPOSED OVERLAY ZONE

AH-1 AFFORDABLE HOUSING 1
OVERLAY ZONE

AFFORDABLE HOUSING 1 MAPPING PREPARED BY
T&M ASSOCIATES ON SEPTEMBER 2, 2009

DESIGN
DISTRICT
OVERLAY
ZONE

NAVESSINK RIVER

BOROUGH OF
EAST HAVEN

BOROUGH OF
RED BANK
MONMOUTH COUNTY, N.J.
ZONING MAP AMENDMENT
AH-AFFORDABLE HOUSING OVERLAY ZONE

1000' 800' 600' 400' 200'

PREPARED BY:
RICHARD A. ROSENKRANZ, P.E.
RED BANK BOROUGH ENGINEER

TM CONSULTING ENGINEERS
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APPENDIX D

Affordable Housing Ordinance

ORDINANCE NO. 2009-_____

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
ADDING CHAPTER 11B,
"AFFORDABLE HOUSING – THIRD ROUND OBLIGATION"
AS REQUIRED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING**

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 11B of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Affordable Housing – Third Round Obligation" is hereby added as follows:

SECTION ONE:

11B-1 AFFORDABLE HOUSING OBLIGATION

- a. This Chapter is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- b. The Borough of Red Bank Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et. seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Borough of Red Bank shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- c. This Ordinance implements and incorporates the Borough's Third Round Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.

- d. This Chapter is intended to supplement Chapter 11A, entitled "Low and Moderate Income Housing", which was enacted to fulfill the requirements of N.J.A.C. §5:93, *et. seq.* As such, this Chapter 11B shall be applicable to all development projects approved after June 2, 2008, the effective date of COAH's Third Round Rules.
- e. The Borough of Red Bank shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Red Bank Municipal Building, Municipal Clerk's Office, 90 Monmouth Street, Red Bank, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

11B-2 DEFINITIONS.

The following terms when used in this Ordinance shall have the meanings given in this Section:

- a. "Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.
- b. "Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222

(N.J.S.A. 52:27D-301 et seq.)

- c. "Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- d. "Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.
- e. "Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.
- f. "Affordability average" means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.
- g. "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; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.
- h. "Affordable development" means a housing development all or a portion of which consists of restricted units.
- i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes; but is

not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

- .j. "Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.
- k. "Affordable unit" means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.
- l. "Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).
- m. "Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that:
 - 1. all the residents of the development where the unit is situated are 62 years or older; or
 - 2. at least 80 percent of the units are occupied by one person that is 55 years or older; or
 - 3. the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.
- n. "Assisted living residence" means a facility licensed by the New

Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

- o. "Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.
- p. "COAH" means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).
- q. "DCA" means the State of New Jersey Department of Community Affairs.
- r. "Deficient housing unit" means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.
- s. "Developer" means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

- t. "Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.
- u. "Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.
- v. "Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the median household income.
- w. "Low-income unit" means a restricted unit that is affordable to a low-income household.
- x. "Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

- y. "Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.
- z. "Median income" means the median income by household size for the applicable county, as adopted annually by COAH.
- aa. "Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.
- bb. "Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.
- cc. "Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.
- dd. "Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).
- ee. "Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an

income at 80 percent of the regional median as defined by COAH's adopted Regional Income Limits published annually by COAH.

- ff. "Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure pursuant to the Rehabilitation Subcode, N.J.A.C. §5:23-6.
- gg. "Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.
- hh. "Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.
- ii. "UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.
- jj. "Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income.
- kk. "Very low-income unit" means a restricted unit that is affordable to a very low-income household.
- ll. "Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement

storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

11B-3 AFFORDABLE HOUSING PROGRAMS – Rehabilitation

Program. The Borough of Red Bank has determined that it will use a Rehabilitation Program to satisfy its affordable housing obligations:

- a. The Borough's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
- b. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
- c. The Borough both administers its own rehabilitation program and further participates in the County of Monmouth Home Improvement Program, administered by the Monmouth County Planning Board. Information concerning the County Rehabilitation program may be found at the County's website, www.co.monmouth.nj.us.
- d. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

- e. The Borough of Red Bank shall dedicate an average of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit and which shall include the rehabilitation of a major system.
- f. The Borough of Red Bank shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Borough of Red Bank.
- g. The Borough of Red Bank shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- h. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - 1. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.

2. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
3. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
4. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

11B-4 AFFORDABLE HOUSING PROGRAMS – Inclusionary Zoning.

The Borough of Red Bank has determined that it will use Inclusionary Zoning to satisfy its affordable housing obligations. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

- a. For Sale Developments
 1. Red Bank is a designated center. Under COAH regulations, inclusionary zoning in designated centers permits residential development at a presumptive minimum gross density of six units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;
 2. The following chart shows the required set-aside

percentages for restricted for sale units and the maximum permitted densities per acre for all zones in the Borough.

	Name of Zone District	Regulations in Section	Map Designation	Maximum Density per Acre	Set Aside (For Sale Units)
	Class A Residence	25-10.4	RA	6.7 units	11.1%
	Class B Residence	25-10.5	RB	12.4 units	11.1%
	Class B-1 Residence	25-10.6	R-B1	14.5 units	11.1%
	Class B-2 Residence	25-10.7	R-B2	12.4 units	11.1%
	Class D Residence	25-10.8	RD	15 units	11.1%
	Neighborhood Business	25-10.9	NB	Greater than 6 units	11.1%
	Highway Business	25-10.10	HB	No residential permitted	n/a
	Central Commercial District-1	25-10.11	CCD-1	Greater than 6 units	11.1%
	Central Commercial District-2	25-10.12	CCD-2	Greater than 6 units	11.1%
	Business/Residential-1	25-10.14	BR-1	14 units	11.1%
	Business/Residential-2	25-10.19	BR-2	14 units	11.1%
	Professional Office	25-10.15	PO	4 units	n/a
	Waterfront Development	25-10.16	WD	40 units along River and Riverside Ave; 10 for all other areas	11.1%
	Medical Service	25-10.17	MS	No residential permitted	n/a
	Light Industrial	25-10.18	LI	No residential permitted	n/a
	Industrial	25-10.18	I	No residential permitted	n/a
	Affordable Housing Overlay Zone	25-10.20	AH	16 units	100%
	Affordable Housing Overlay Zone - 1	25-10.21	AH-1	6 units per N.J.A.C. §5:93-5.6	20%

b. Rental Developments

1. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region.

2. The following chart shows the required set-aside percentages for restricted rental units and the maximum permitted density per acre for all zones in the Borough.

Name of Zone District	Regulations in Section	Map Designation	Maximum Density per Acre	Set Aside (Rental Units)
Class A Residence	25-10.4	RA	6.7 units	n/a
Class B Residence	25-10.5	RB	12.4 units	11.1%
Class B-1 Residence	25-10.6	R-B1	14.5 units	11.1%
Class B-2 Residence	25-10.7	R-B2	12.4 units	11.1%
Class D Residence	25-10.8	RD	15 units	11.1%
Neighborhood Business	25-10.9	NB	Greater than 6 units	11.1%
Highway Business	25-10.10	HB	No residential permitted	n/a
Central Commercial District-1	25-10.11	CCD-1	Greater than 6 units	11.1%
Central Commercial District-2	25-10.12	CCD-2	Greater than 6 units	11.1%
Business/Residential-1	25-10.14	BR-1	14 units	11.1%
Business/Residential-2	25-10.19	BR-2	14 units	11.1%
Professional Office	25-10.15	PO	4 units	n/a
Waterfront Development	25-10.16	WD	40 units along River and Riverside Ave; 10 for all other areas	11.1%
Medical Service	25-10.17	MS	No residential permitted	n/a
Light Industrial	25-10.18	LI	No residential permitted	n/a
Industrial	25-10.18	I	No residential permitted	n/a
Affordable Housing Overlay Zone	25-10.20	AH	16 units	100%
Affordable Housing Overlay Zone - 1	25-10.21	AH-1	Set aside required by N.J.A.C. §5:93-5.6 for all development 6 units per acre, or greater	20%

C. *Planned Sites for Affordable Housing.* Executed development agreement(s) exist for affordable housing on the following specific site or sites.

1. Cedar Crossing, Block 75.01, Lots 81, 83 – 85; Block 75.03, Lots 50.01, 65 and 69 and the portions of Lot 75.01 and 82.01. The project's density is 17.5 units per acre with a 100% set-aside.

d. *Incentives for Very-Low Income Housing.* The Borough may provide additional incentives to subsidize the creation of affordable housing available to very-low income households by ordinance or by specification in a developer's or redeveloper's agreement.

e. *Phasing.* In inclusionary developments the following schedule shall be followed:

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

f. *Design.* In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

g. *Payments-in-lieu and off-site construction.* The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4 (the Borough is currently located in Region 4, in the event of any conflict between the regional designation in this Ordinance and in N.J.A.C. §5:97-6.4, the regulation then in force shall control).

h. *Utilities.* Affordable units shall utilize the same type of heating source as market units within the affordable development.

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

a. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13% of affordable housing units shall be affordable to very low income households.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - (b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

- (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- 4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

b. Accessibility Requirements.

- 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
- 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;

- (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough of Red Bank has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

- (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
- (2) To this end, the builder of restricted units shall deposit funds within the Borough of Red Bank's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
- (3) The funds deposited under paragraph ii, above shall be used by the Borough of Red Bank for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a

disability who occupies or intends to occupy the unit and requires an accessible entrance.

- (4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Red Bank.
- (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- (6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

c. Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
4. At least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
5. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different

prices for each bedroom type.

6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
- (b) A one-bedroom unit shall be affordable to a one and one-half person household;
- (c) A two-bedroom unit shall be affordable to a three-person household;
- (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
- (e) A four-bedroom unit shall be affordable to a six-person household.

7. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
- (b) A one-bedroom unit shall be affordable to a one and one-half person household; and

(c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

8. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
10. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the

last recorded purchase price.

11. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
12. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

11B-6 General Guidelines Applicable to All Low and Moderate Income Housing Units.

The following general guidelines, as set forth in Sections 11B-5 through 11B-18, *below*, shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

11B-7 Affirmative Marketing Requirements.

- a. The Borough of Red Bank shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- b. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority

groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region Four and covers the period of deed restriction.

- c. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region Four which is comprised of Monmouth and Ocean Counties.
- d. The Administrative Agent designated by the Borough of Red Bank shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- e. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- f. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- g. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Red

Bank.

11B-8 Occupancy Standards

- a. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- b. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

11B-9 Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Red Bank elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- b. The affordability control period for a restricted ownership unit shall

commence on the date the initial certified household takes title to the unit.

- c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- d. At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- e. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- f. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

11B-10 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- c. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

11B-11 Buyer Income Eligibility

- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross

household income less than 80 percent of median income.

- b. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

11b-12 Limitations on Indebtedness Secured by Ownership Unit; Subordination

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- b. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

11B-13 Control Periods for Restricted Rental Units

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the

requirements of this Ordinance until the Borough of Red Bank elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

- b. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Monmouth. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- c. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure.

11B-14 Price Restrictions for Rental Units; Leases

- a. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted

rental unit shall be provided to the Administrative Agent.

- b. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- c. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

11B-15 Tenant Income Eligibility

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

b. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

- c. The applicant shall file documentation sufficient to establish the existence of the circumstances in (2)(a) through (e), *above* with the Administrative Agent, who shall counsel the household on budgeting.

11B-16 Administration¹.

The position of Municipal Housing Liaison (MHL) for the Borough of Red Bank is established by this ordinance. The Borough Council shall appoint the MHL by resolution.

- a. The MHL must be either a full-time or part-time employee of the Borough of Red Bank.
- b. The person appointed as the MHL must be reported to COAH for approval.
- c. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
- d. The MHL's compensation may be fixed by the governing body from time to time in the Salary Ordinance. No additional compensation is authorized by this Section.
- e. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Red Bank, including the following responsibilities which may not be contracted out to an Administrative Agent:

¹ *The position of Municipal Housing Liaison was previously established by Ordinance No. 2007-37, which is hereby repealed and replaced by this new Section 11B-16.*

1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
2. The implementation of the Affirmative Marketing Plan and affordability controls;
3. When applicable, supervising any contracting Administrative Agent;
4. Monitoring the status of all restricted units in the Borough of Red Bank's Fair Share Plan;
5. Compiling, verifying and submitting annual reports as required by COAH;
6. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

f. The Borough of Red Bank shall designate by resolution of the, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.

g. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be

available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

- h. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 3. Household Certification;
 4. Affordability Controls;
 5. Records retention;
 6. Resale and re-rental;
 7. Processing requests from unit owners; and
 8. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
9. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

- i. *Initial Appointment.* John Gurzo is appointed as the Borough's Municipal Housing Liason (MHL) and Administrative Agent, unless otherwise provided.

11B-17 Enforcement of Affordable Housing Regulations

- a. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- b. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be

subject to one or more of the following penalties, at the discretion of the court:

- (a) A penalty of not more than \$2,000.00 per day for each day that the Owner, Developer or Tenant is in violation of this Chapter. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense. In setting the appropriate penalty, the Court shall consider the Borough's costs and expenses, including reasonable attorney's fees, in bringing an action for compliance;
- (b) In addition to the penalty set forth above, in the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, shall be liable for an additional penalty equal to the gross amount of rent illegally collected, which shall be deposited into the Borough's Affordable Housing Trust Fund; and
- (c) Further, in the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, an additional penalty equal to an innocent tenant's reasonable relocation costs, as determined by the court.

2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature

of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.

- (a) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with

collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the

municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with COAH's Executive Director.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Pasquale Menna
Mayor

Clerk

First Reading:

Final Reading:

APPENDIX E

Ordinance 2006-53

Overlay Zone AH (Cedar Crossing)

ORDINANCE NO. 2006-53

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 10.2, "DESCRIPTION OF DISTRICTS"
SECTION 10.20, "REGULATIONS CONTROLLING AFFORDABLE
HOUSING OVERLAY DISTRICT"

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter XXV of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Planning and Development Regulations" is hereby amended and supplemented as follows:

SECTION ONE: Subsection 25-10.2, "Description of Districts" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denotes additions*):

25-10.2

Description of Districts.

a. The Borough of Red Bank is hereby divided into districts as follows:

Name of Zone District	Map Designation	Regulations in Section
<i>[“Class A Residence” through “Industrial” Zones ... No Change]</i>		
<u>Affordable Housing Overlay Zone</u>	<u>AH</u>	<u>25-10.20</u>

SECTION TWO: New Subsection 25-10-20, "Regulations Controlling Affordable Housing Overlay District" is hereby established as follows (*This section consists of entirely new material, therefore use of underlined text is omitted for ease of reading*):

25-10.20

Regulations Controlling Affordable Housing Overlay District.

- a. **Purpose.** The purpose of the Affordable Housing Overlay District is to provide an opportunity to develop affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing, in conformance with the requirements of the New Jersey Council on Affordable Housing ("COAH").
- b. **Applicability.** The Affordable Housing Overlay District shall be applied to Block 75.01, Lots 81, 83 – 85; Block 75.03, Lots 50.01, 65 and 69 and the portion of Lot 75.01, lot 82.01 that lies north of a line drawn between the northwest corner of Block 75.01, Lot 86 to the southeast corner of Block 75.01, Lot 81. This District shall further require a minimum tract size of 1.95 acres for development. The Official Zoning Map of the Borough of Red Bank is hereby amended in accordance with the foregoing and is incorporated by reference.
- c. **Principal Permitted Uses.** Townhouse or multi-family dwellings. Such units may be owner-occupied, or age restricted or rental units. At least twenty-five percent of all dwelling units (25%) shall be rental units and at least twenty-five (25%) percent of all dwelling units shall be owner occupied. All uses in this zone shall be in accordance with, and subject to, COAH regulations and/or approvals.
- d. **Accessory Uses.** The following shall be permitted:
 1. Off street parking facilities.
 2. Fences in accordance with the standards of §25-8.14, except that noise barriers shall be exempt from the height restrictions contained in §25-8.14.
 3. Active recreation shall be required, but shall not be subject to the requirements of §25-8.19(l).
- e. **Bulk, Area and Building Requirements.** The following requirements shall apply:
 1. Maximum Lot Coverage (Buildings) 65%

2.	Maximum Building Height	50 Ft. (3 Stories)
3.	Minimum Unoccupied Open Space	10%
4.	Minimum Gross Habitable Floor Area:	
	(a) Efficiency Units:	750 Sq. Ft. per Unit
	(b) 1 Bedroom Units	900 Sq. Ft. per Unit
	(c) 2 Bedroom Units	1,100 Sq. Ft. per Unit
	(d) 3 Bedroom Units	1,250 Sq. Ft. per Unit
5.	Setback from Public Streets	20 Ft.
6.	Setback from Other Property Lines	7.5 Ft.
7.	Minimum Distance Between Principal Buildings	15 Ft.
8.	Maximum Building Length	175 Ft.
9.	Minimum Distance Between Principal Buildings and Internal Drives	5 Ft.
10.	Minimum Distance Between Principal Buildings and Parking Areas	10 Ft.

f. *Bedrooms Per Unit.* The number of bedrooms per unit shall be in accordance with COAH regulations or resolutions of approval.

g. *Density Requirements.* The maximum permitted density shall be sixteen (16) units per acre.

h. *Parking Standards.* Multi-family dwellings shall provide two parking stalls per dwelling unit. Under the Residential Site Improvement Standards, §5:21-4.14(c), alternative parking standards shall be accepted if the applicant demonstrates that other standards better reflect local conditions.

i. *Income Restrictions.* Consistent with N.J.A.C. §5:80-26.3(a), at least half of the units (50%) shall be available to low income households; the balance may be affordable to either low or moderate income households.

j. *Marketing.* All dwelling units shall be affirmatively marketed in accordance with the Council on Affordable Housing regulations. All rental units shall be rented in accordance with the Council on Affordable Housing regulations.

k. *Accessibility.* In accordance with N.J.A.C. §5:94-4.21, as of October 1, 2006, the Fair Housing Act requires that the first floor of all multi-floor dwellings must be adaptable for use by physically disabled person in order to be eligible for COAH credit.

SECTION THREE: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION FOUR: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FIVE: This Ordinance shall take effect immediately upon the amendment of Official Zoning Map of the Borough of Red Bank in accordance with §25-10.1(4) of the Revised

General Ordinances of the Borough of Red Bank and its filing with the Monmouth County
Planning Board.

First Reading: October 23, 2006

Final Reading: November 13, 2006

ZONE DISTRICTS

RESIDENTIAL

RA RESIDENTIAL "A"
RB RESIDENTIAL "B"
R-B1 RESIDENTIAL "B1"
R-B2 RESIDENTIAL "B2"
RD RESIDENTIAL "D"

BUSINESS / COMMERCIAL

NB NEIGHBORHOOD BUSINESS
BR-1 BUSINESS / RESIDENTIAL - 1
BR-2 BUSINESS / RESIDENTIAL - 2
HB HIGHWAY BUSINESS
CCD-1 CENTRAL COMMERCIAL DISTRICT - 1
CCD-2 CENTRAL COMMERCIAL DISTRICT - 2

MIXED USE

PO PROFESSIONAL OFFICE
WD WATERFRONT DEVELOPMENT

MEDICAL SERVICES

MS MEDICAL SERVICES

INDUSTRIAL

LI LIGHT INDUSTRIAL
I INDUSTRIAL

AFFORDABLE HOUSING

AH AFFORDABLE HOUSING OVERLAY ZONE

"I CERTIFY THAT THIS IS THE OFFICIAL
ZONING MAP OF THE BOROUGH OF RED
BANK, NEW JERSEY, REFERRED TO IN THE
COPIED ORDINANCES OF THE BOROUGH
OF RED BANK, NEW JERSEY."

John J. Koenigsberg 4/17/03
MAYOR DATE

Carolyn Koenigsberg 4/17/03
CLERK DATE

AFFORDABLE HOUSING OVERLAY ZONE

NAVESINK RIVER

BASE MAP

PREPARED BY MONMOUTH COUNTY PLANNING BOARD, LAST REVISED: 8/83
REVISED BY TAM ASSOCIATES, 3/84, 4/86, 4/88, 11/88, 5/90, 3/93, 6/96, 1/98
SOURCE: RED BANK BOROUGH TAX MAP, LAST REVISED: 8/83, 1/86, 1/98, 10/00

BOROUGH OF TINTON FALLS

BOROUGH OF SHREWSBURY

BOROUGH OF
LITTLE SILVER

BOROUGH OF
FAIR HAVEN

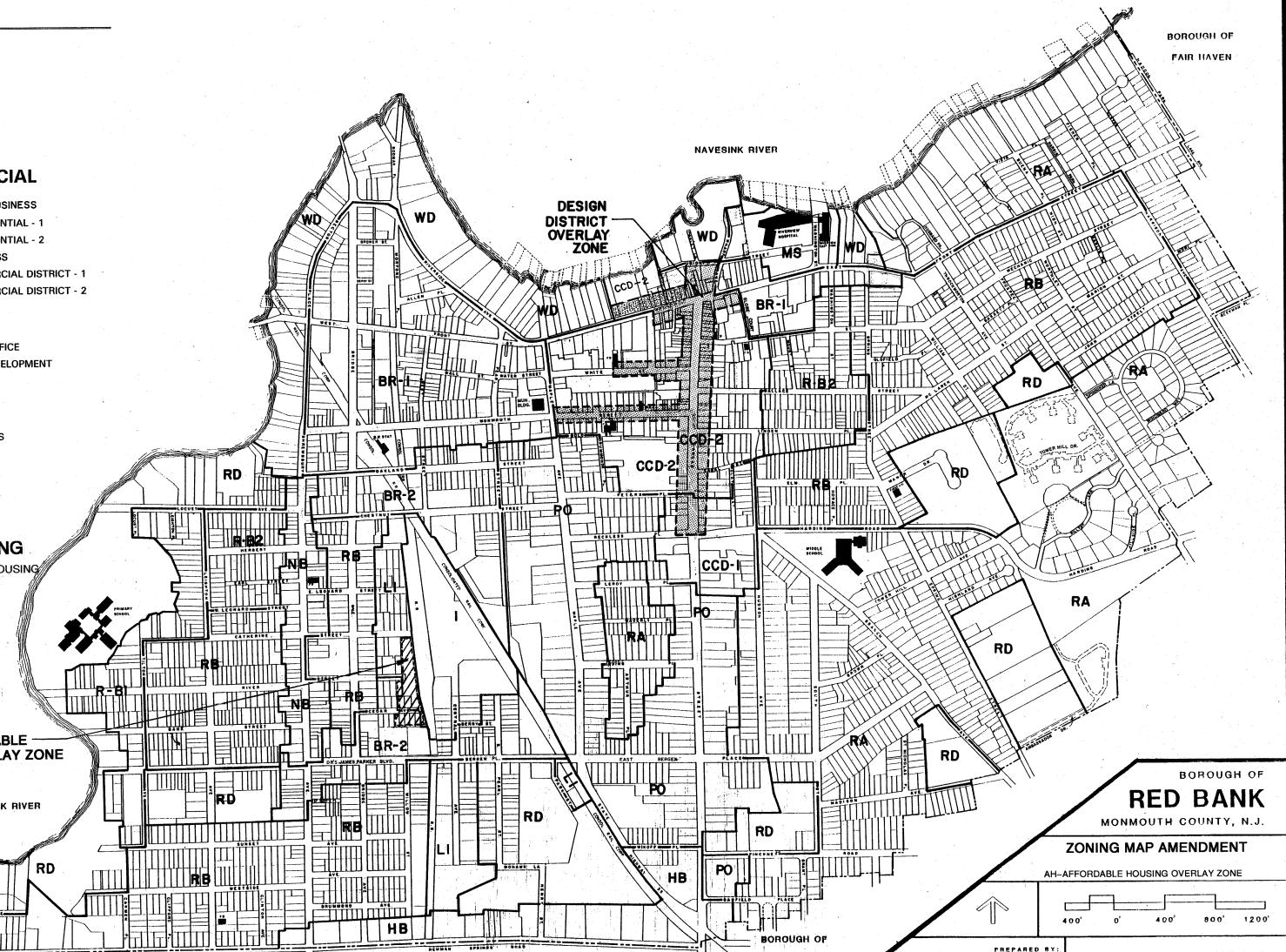
BOROUGH OF
RED BANK
MONMOUTH COUNTY, N.J.

ZONING MAP AMENDMENT

AH-AFFORDABLE HOUSING OVERLAY ZONE

PREPARED BY:
RICHARD A. KOENIGSKIE, P.E., P.P.
RED BANK BOROUGH ENGINEER
TM CONSULTING ENGINEERS
ASSOCIATES P.O. BOX 828 RED BANK

400' 0' 400' 800' 1200'



APPENDIX F

COAH 2010 Income Limits

COUNCIL ON AFFORDABLE HOUSING (COAH)
2010 REGIONAL INCOME LIMITS

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8 Person	Max. Increase**	Regional Asset Limit***
												Rents	Sales
Region 1	Median	\$57,293	\$61,386	\$65,478	\$73,663	\$81,847	\$85,121	\$88,395	\$94,943	\$101,491	\$108,039	0.2% 1.55%	\$158,266
	Moderate	\$45,835	\$49,108	\$52,382	\$58,930	\$65,478	\$68,097	\$70,716	\$75,954	\$81,193	\$86,431		
	Low	\$28,647	\$30,693	\$32,739	\$36,831	\$40,924	\$42,561	\$44,198	\$47,472	\$50,745	\$54,019		
	Very Low	\$17,188	\$18,416	\$19,643	\$22,099	\$24,554	\$25,536	\$26,519	\$28,483	\$30,447	\$32,412		
Region 2	Median	\$61,470	\$65,861	\$70,252	\$79,033	\$87,814	\$91,327	\$94,840	\$101,865	\$108,890	\$115,915	0.2% 0.34%	\$168,472
	Moderate	\$49,176	\$52,689	\$56,201	\$63,226	\$70,252	\$73,062	\$75,872	\$81,492	\$87,112	\$92,732		
	Low	\$30,735	\$32,930	\$35,126	\$39,517	\$43,907	\$45,664	\$47,420	\$50,932	\$54,445	\$57,958		
	Very Low	\$18,441	\$19,758	\$21,075	\$23,710	\$26,344	\$27,398	\$28,452	\$30,559	\$32,667	\$34,775		
Region 3	Median	\$71,400	\$76,500	\$81,600	\$91,800	\$102,000	\$106,080	\$110,160	\$118,320	\$126,480	\$134,640	0.2% 1.90%	\$194,224
	Moderate	\$57,120	\$61,200	\$65,280	\$73,440	\$81,600	\$84,864	\$88,128	\$94,656	\$101,184	\$107,712		
	Low	\$35,700	\$38,250	\$40,800	\$45,900	\$51,000	\$53,040	\$55,080	\$59,160	\$63,240	\$67,320		
	Very Low	\$21,420	\$22,950	\$24,480	\$27,540	\$30,600	\$31,824	\$33,048	\$35,496	\$37,944	\$40,392		
Region 4	Median	\$62,236	\$66,681	\$71,127	\$80,018	\$88,909	\$92,465	\$96,021	\$103,134	\$110,247	\$117,359	0.2% 0.75%	\$167,239
	Moderate	\$49,789	\$53,345	\$56,901	\$64,014	\$71,127	\$73,972	\$76,817	\$82,507	\$88,197	\$93,887		
	Low	\$31,118	\$33,341	\$35,563	\$40,009	\$44,454	\$46,232	\$48,011	\$51,567	\$55,123	\$58,680		
	Very Low	\$18,671	\$20,004	\$21,338	\$24,005	\$26,673	\$27,739	\$28,806	\$30,940	\$33,074	\$35,208		
Region 5	Median	\$54,810	\$58,725	\$62,640	\$70,470	\$78,300	\$81,432	\$84,564	\$90,828	\$97,092	\$103,356	0.2% 0.64%	\$145,112
	Moderate	\$43,848	\$46,980	\$50,112	\$56,376	\$62,640	\$65,146	\$67,651	\$72,662	\$77,674	\$82,685		
	Low	\$27,405	\$29,363	\$31,320	\$35,235	\$39,150	\$40,716	\$42,282	\$45,414	\$48,546	\$51,678		
	Very Low	\$16,443	\$17,618	\$18,792	\$21,141	\$23,490	\$24,430	\$25,369	\$27,248	\$29,128	\$31,007		
Region 6	Median	\$47,518	\$50,912	\$54,306	\$61,095	\$67,883	\$70,598	\$73,314	\$78,744	\$84,175	\$89,605	0.2% 0.92%	\$127,135
	Moderate	\$38,014	\$40,730	\$43,445	\$48,876	\$54,306	\$56,479	\$58,651	\$62,995	\$67,340	\$71,684		
	Low	\$23,759	\$25,456	\$27,153	\$30,547	\$33,941	\$35,299	\$36,657	\$39,372	\$42,087	\$44,803		
	Very Low	\$14,255	\$15,274	\$16,292	\$18,328	\$20,365	\$21,179	\$21,994	\$23,623	\$25,252	\$26,882		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

*These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

**This column is used for calculating the pricing for resale and rent increases for units as per N.J.A.C. 5:97-9.3. However, low income tax credit developments may increase based on the low income tax credit regulations.

***The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

APPENDIX G

Illustrative Affordable Sale and Rent for COAH Region

Illustrative*
2009
Low and Moderate Income
Sales Prices for New Construction

Region 4 Mercer - Ocean - Monmouth

<i>Median Income 1.5 person</i>	\$66,187
<i>Median Income 3 person</i>	\$79,424
<i>Median Income 4.5 person</i>	\$91,779

Size	Very Low Income (30%)	Low Income (40%)	Max. Low (50%)	Average (55%)	Max. Moderate (70%)
1 bedroom	\$44,676	\$59,568	\$74,460	\$81,906	\$104,244
2 bedroom	\$53,611	\$71,482	\$89,352	\$98,287	\$125,093
3 bedroom	\$61,951	\$82,601	\$103,251	\$113,576	\$144,552

NOTE: One bedroom housing is affordable to a 1.5 person household
 Two bedroom housing is affordable to a 3 person household
 Three bedroom housing is affordable to a 4.5 person household

*Illustrative Only: The prices will vary depending upon municipal tax rate, county equalization ratio, permanent interest rate and condominium association fee, if applicable.

Illustrative*
2009
Low and Moderate Income
Rents for New Construction and/or Reconstruction

Region 4 Mercer - Ocean - Monmouth

<i>Median Income 1.5 person</i>	\$66,187
<i>Median Income 3 person</i>	\$79,424
<i>Median Income 4.5 person</i>	\$91,779

Low Income (30% Median)

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$496	\$100	\$396
2 bedroom	\$596	\$125	\$471
3 bedroom	\$688	\$151	\$537

Low Income (35% Median)

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$579	\$100	\$479
2 bedroom	\$695	\$125	\$570
3 bedroom	\$803	\$151	\$652

Low Income (46% Median)

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$761	\$100	\$661
2 bedroom	\$913	\$125	\$788
3 bedroom	\$1,055	\$151	\$904

Moderate Income (60% Median)

Size	Gross Rent	Utility Allowance*	Net Rents
1 bedroom	\$993	\$100	\$893
2 bedroom	\$1,191	\$125	\$1,066
3 bedroom	\$1,377	\$151	\$1,226

At least one rent shall be set for low-income units by bedroom size and at least one rent shall be set for moderate-income units by bedroom size. However, the rents must average no more than 52 percent of median income. At least 10 percent of all low- and moderate-income units shall be affordable to households earning no more than 35 percent of median income.

NOTE: One bedroom housing is affordable to a 1.5 person household

Two bedroom housing is affordable to a 3 person household

Three bedroom housing is affordable to a 4.5 person household

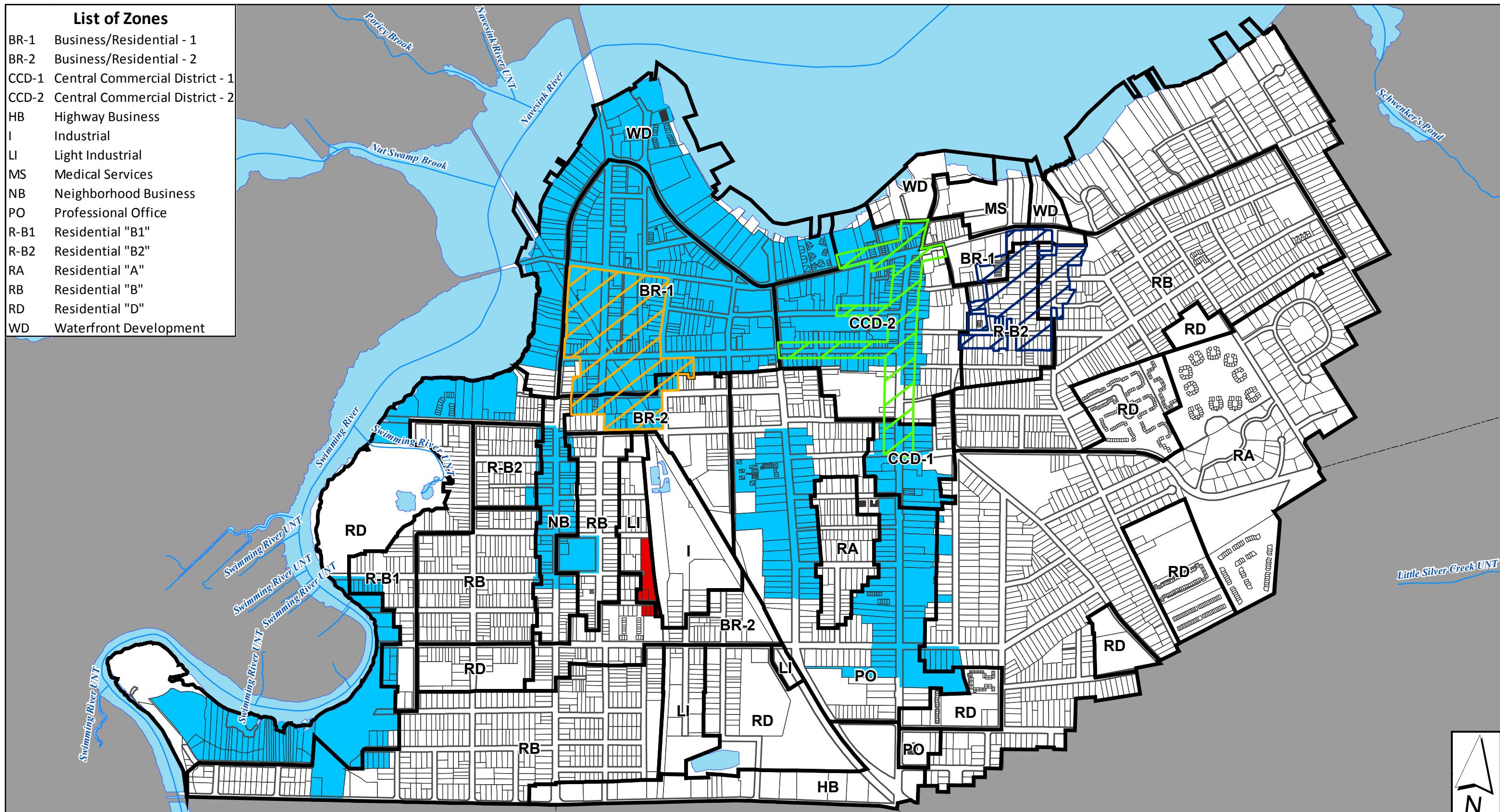
***Illustrative Only - Use the HUD Utility Allowances for the appropriate unit type**

APPENDIX H

Borough of Red Bank Zoning Map

List of Zones

BR-1	Business/Residential - 1
BR-2	Business/Residential - 2
CCD-1	Central Commercial District - 1
CCD-2	Central Commercial District - 2
HB	Highway Business
I	Industrial
LI	Light Industrial
MS	Medical Services
NB	Neighborhood Business
PO	Professional Office
R-B1	Residential "B1"
R-B2	Residential "B2"
RA	Residential "A"
RB	Residential "B"
RD	Residential "D"
WD	Waterfront Development



The logo consists of a large blue 'T' and 'M' with a white ampersand symbol inside the 'T'. To the right of the logo, the text '11 Tindall Road' and 'Middletown, NJ 07748-2792' is displayed. Below this, the phone number 'Phone: 732-671-6400' and fax number 'Fax: 732-671-7365' are listed.

ASSOCIATES Fax: 732-671-7365

0 425 850 1,700 Foot

Fe

Prepared by: ARR, August 31, 2010
Source: Borough of Red Bank, Curr

Source: Borough of Red Bank - Current Zoning, Affordable Housing Overlay Zones; NJDEP - Stream, Municipal Boundary, Open Water, Tax Block, Tax Parcel
File Path: H:\RBNK\01920\GIS\Projects\2010 Zoning Map with AH Overlay Districts.mxd

Prepared by: ABB August 31, 2010

Source: Borough of Red Bank - Current Zoning, Affordable Housing Overlay

Source: Borough of Red Bank - Current Zoning, Affordable Housing Overlay, NIDEP - Stream, Municipal Boundary, Open Water, Tax Block, Tax Parcel

File Path: H:\RBNK01920\GIS\Projects\2010 Zoning Map with AH Overlay Districts.mxd

The Path: PARKNR01920CS01 Projects 2018 Zoning Map with ARA Overlay Districts.mxd

Affordable Housing Overlay Zone

Affordable Housing Overlay Zones

Affordable Housing (AH) Overlay Zone Tax Parcel

Affordable Housing (AH-1) Overlay Zone

Additional Overlay Zone

 Design District Overlay Zone

Train Station, Garden District

Train Station Overlay District

 Washington Street Historic

Affordable Housing Overlay Zones and Current Zoning Borough of Red Bank Monmouth County, New Jersey

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.