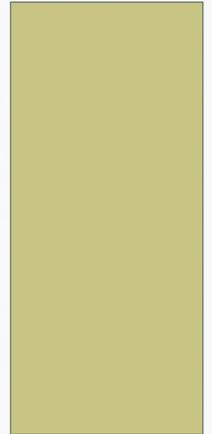




# OLD BRIDGE TOWNSHIP 1999-2025 HOUSING ELEMENT & FAIR SHARE PLAN

SEPTEMBER 26, 2016





# FAIR HOUSING ACT & COUNCIL ON AFFORDABLE HOUSING (COAH)

- ❑ **Since the Federal Housing Act of 1954 issues of affordable housing, sound planning have been intertwined with litigation, laws and regulations in New Jersey**
  - ❖ **DeSimone v. Greater Englewood Housing Corp (1970)**
  - ❖ **Oakwood at Madison Inc v. Township of Madison (1971)**
  - ❖ **Southern Burlington County NAACP v. Township of Mount Laurel (1975)**
  - ❖ **AMG Realty v. Warren Township (1984)**
  
- ❑ **The State Planning Act & Fair Housing Act enacted in 1985 created the Council on Affordable Housing (COAH) as an administrative alternative to the Courts**
  
- ❑ **Additional Affordable Housing Regulations:**
  - ❖ **1990 COAH Development Fees**
  - ❖ **2002 “Builder’s Remedy” Lawsuits**



# DETERMINING FAIR SHARE & 3<sup>RD</sup> ROUND COAH RULES

- ❑ **“Consensus Methodology” used to establish present & prospective need**
- ❑ **Six Year periods of compliance through “substantive certification”**
  - ❖ 1987-1993 First Round Rules (6 year)
  - ❖ 1993-1999 Second Round Rules (6 year)
- ❑ **Fair Share Act Amended to 10 year period to coincide with the 2000 Census Data; however this data was not released until August 2003**
  - ❖ **2004-2014 Third Round Rules**
    - ❖ Effective December 20, 2004 COAH adopted “Growth Share Rules” to produce 52,000 affordable units statewide– rejected by the Courts
    - ❖ Old Bridge Township submitted Third Round Housing Element and Fair Share Plan in December 2005
    - ❖ Obligation recalculated as a result of the new COAH rules effective October 2008 to produce 115,000 affordable units statewide
    - ❖ Due to COAH rule change Old Bridge Township recalculated Third Round Housing Element and Fair Share Plan and resubmitted in 2008
    - ❖ New COAH Rules rejected by Courts



# OLD BRIDGE TOWNSHIP HOUSING ELEMENT & FAIR SHARE PLAN TIMELINE

- ❑ **March 2015 – COAH deadlocked on rules**
  - ❖ **Supreme Court sends matter to trial courts (“Mount Laurel IV”)**
    - ❖ **Permits “interested parties” to participate in hearings**
      - Fair Share Housing Center
      - NJ Builder’s Association
      - Developers
- ❑ **July 2015 – Old Bridge filed Declaratory Judgement Action in accordance with Mount Laurel IV**
  - ❖ **July 2015- Alfieri, Foxboro, Avalon Bay intervene as interested parties**
  - ❖ **November 2015 - Brunetti submits letter of interest (never intervenes)**
  - ❖ **March 2016- FSHC intervenes (although already involved in all matters)**
  - ❖ **March 2016 - Traditional Developers motion to intervene however denied**
- ❑ **January 2016 to April 2016 - Mediation sessions conducted with Court Appointed Special Master**
- ❑ **April 2016 - Settlement Approved by Council and Planning Board**
- ❑ **May and June 2016 - Fairness Hearing conducted by Court to approve settlement**
- ❑ **June 2016 – Court approves fairness of settlement- pending action by Township in adopting Master Plan Amendment and Housing Plan**
- ❑ **October 17, 2016 –Hearing for Final Court Approval and Order of Repose until July 2025.**



# COURT SETTLEMENT VS. NO COURT SETTLEMENT

## Court Settlement vs. No Court Settlement (EXPRESSED IN DWELLING UNITS)

	Settlement <sup>1</sup>	No Settlement <sup>2</sup>
OBLIGATION	1,396	2,899
LESS BONUS & CREDITS	(702)	(725)
AFFORDABLE UNITS TO BE BUILT	694	2,174
MARKET RATE UNITS	2,415	8,696
TOTAL UNITS	3,109	10,870

*Notes:*

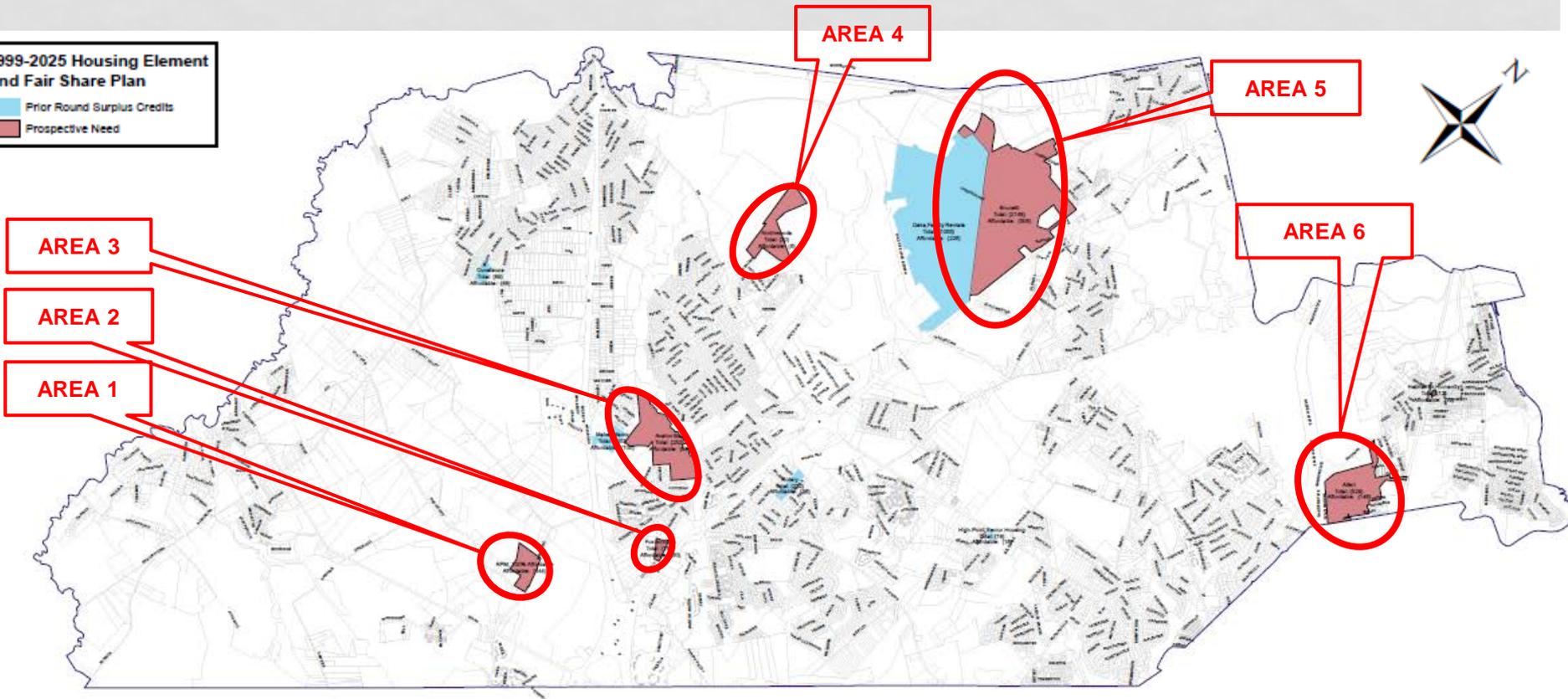
- 1. Old Bridge Township 1999-2025 Housing Element and Fair Share Plan, dated July 2016 prepared by Mark A. Remsa PP, LLA, AICP, ASLA.*
- 2. Data developed by Dr. David Kinsey on behalf of Fair Share Housing Center. Although these numbers have been disputed by the Township and other municipalities, they have been accepted by the trial court in Middlesex County.*



# AREAS TO ACCOMPLISH AFFORDABLE HOUSING OBLIGATION

**1999-2025 Housing Element  
And Fair Share Plan**

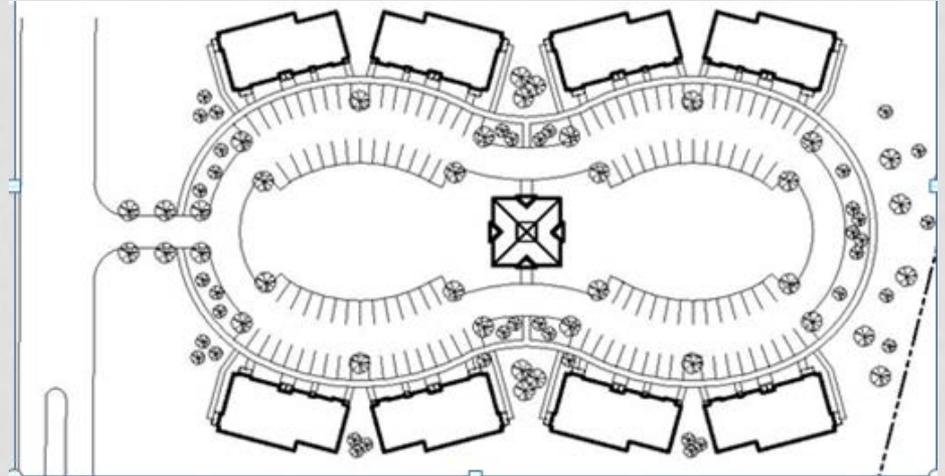
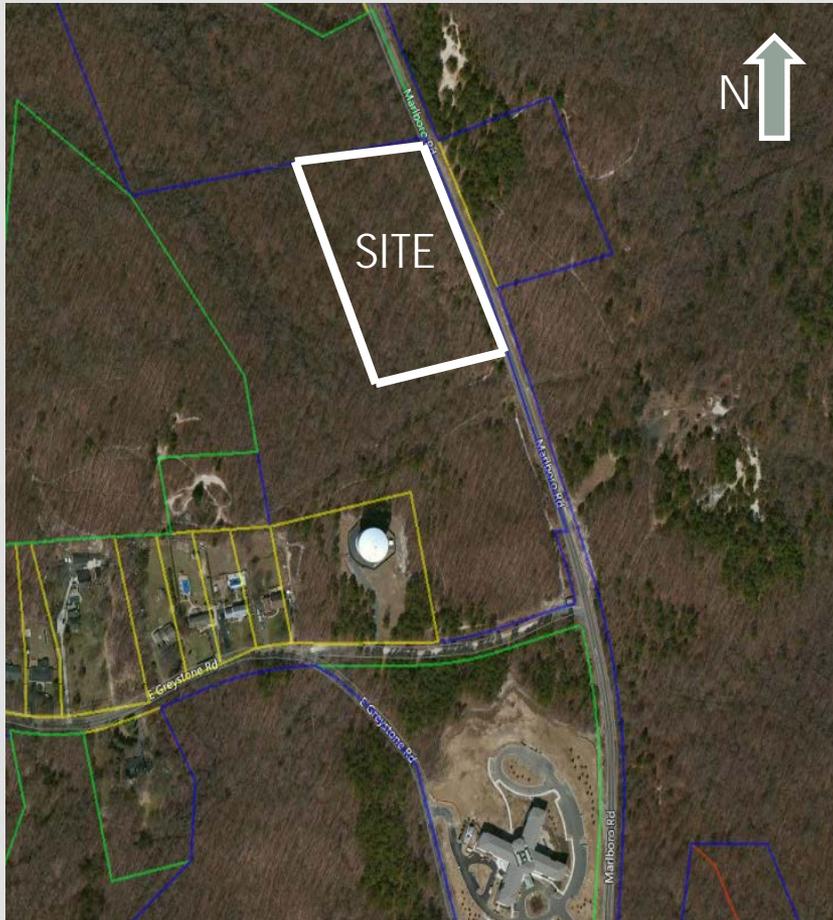
- Prior Round Surplus Credits
- Prospective Need





# AREA 1- OBRA MARLBORO ROAD SITE

72 TOTAL UNITS (100% AFFORDABLE = 72 UNITS)  
MARLBORO ROAD AND EAST GREYSTONE ROAD





# AREA 2 – FOXBORO (RENAISSANCE)

150 TOTAL UNITS (20% AFFORDABLE = 30 UNITS)  
OLD AMBOY ROAD





# AREA 3 – AVALON BAY COMMUNITY

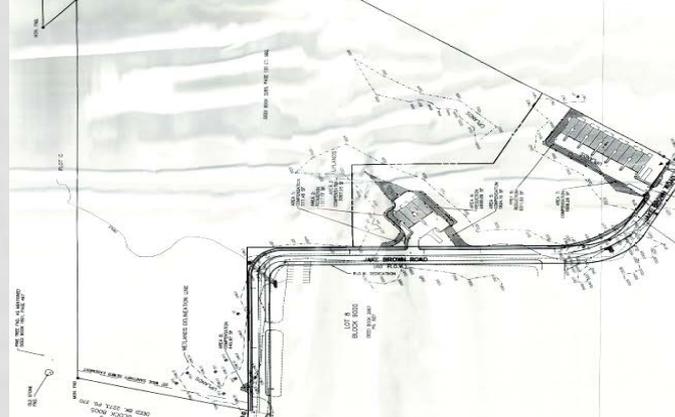
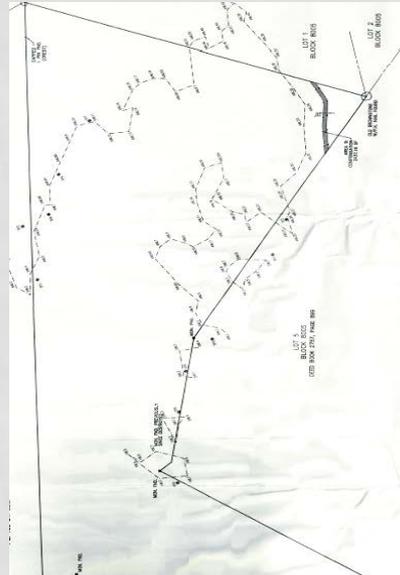
252 TOTAL UNITS (15% AFFORDABLE= 38 UNITS)  
FERRY ROAD





# AREA 4 – NORTHWOOD (APPROVED 2011)

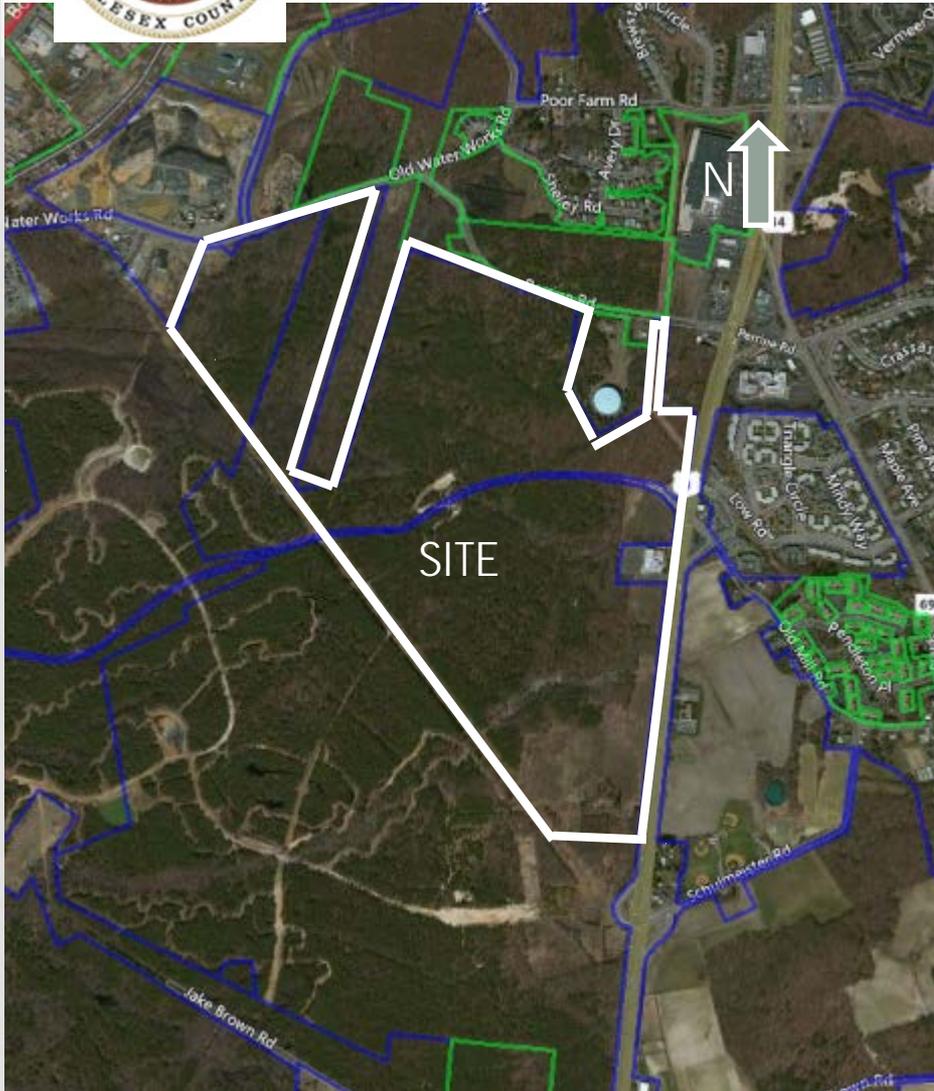
30 TOTAL UNITS (20% AFFORDABLE = 6 UNITS)  
JAKE BROWN ROAD





# AREA 5 – BRUNETTI (OAKS II)

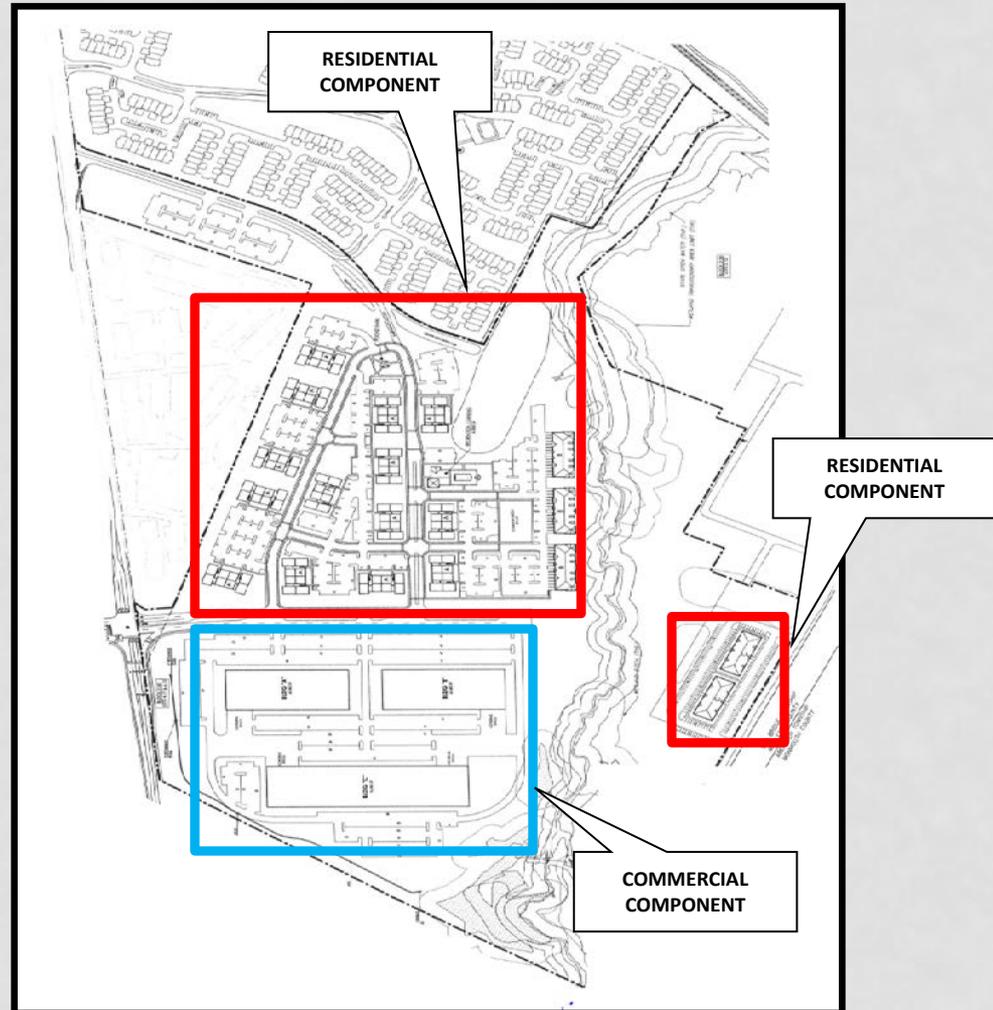
2148 TOTAL UNITS (20% AFFORDABLE = 430 UNITS)  
U.S. ROUTE 9





# AREA 6 - ALFIERI

529 TOTAL UNITS (20% AFFORDABLE = 106 UNITS)  
GARDEN STATE PARKWAY EXIT 120 & LAURENCE PARKWAY





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# NEXT STEPS

- Status of Existing Litigation**
- Benefits of approving Housing Element & Fair Share Plan**
- Detriments of non-approval of Housing Element & Fair Share Plan**

