

Master Plan Amendment Housing Plan Element and Fair Share Plan

**Township of Berkeley
Ocean County, New Jersey**

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Adopted on _____ by the Berkeley Township Planning Board.
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*The original of this document has been signed
and sealed in accordance with New Jersey Law.*

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Housing Plan Element

The Township of Berkeley, Ocean County, has prepared this Housing Plan Element and Fair Share Plan as an amendment to the municipal master plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310 et seq.).

The Municipal Land Use Law requires that a municipal master plan include a housing plan element to enable the municipality to exercise the power to zone and regulate land use. The housing plan element is adopted by the municipal planning board and endorsed by the municipal governing body, and is drawn to achieve the goal of meeting the municipal obligation to provide for a fair share of the regional need for affordable housing.

This Housing Plan Element and Fair Share Plan amends the township's master plan to address current affordable housing planning requirements. It addresses the township's cumulative fair share obligation for the period from 1987 through 2025, and supersedes and replaces the Housing Plan Element and Fair Share Plan that was previously adopted by the Berkeley Township Planning Board on December 4, 2008 and endorsed by the Berkeley Township Council on December 9, 2008.

The rules and regulations that have been followed to prepare this plan are the applicable provisions of the substantive rules of the New Jersey Council on Affordable Housing (COAH) for the periods beginning on June 6, 1994 (N.J.A.C. 5:93-1.1 et seq.) and on June 2, 2008 (N.J.A.C. 5:97-1.1 et seq.), as impacted and influenced by the March 10, 2015 decision of the New Jersey Supreme Court In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by COAH.

Background to Berkeley's Housing Plan Element and Fair Share Plan

Berkeley last prepared a housing plan element and fair share plan in December 2008. The 2008 Housing Plan Element and Fair Share Plan addressed the township's cumulative need for affordable housing. Specifically, it addressed: the township's present need, which is a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households and in need of rehabilitation¹; the remaining portion of the township's prospective need for affordable housing for

¹ It is acknowledged that a January 18, 2017 ruling of the New Jersey Supreme Court has modified the definition of "present need". However, the township entered into a settlement agreement with the Fair Share Housing Center that was approved by the court before the January 18, 2017 New Jersey Supreme Court ruling. Consequently, this Housing Plan Element and Fair Share Plan continues to define "present need" as a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households and in need of rehabilitation.

the period from 1987 through 1999; and, the township's prospective need for the period from 2004 through 2018.

After the adoption of the 2008 Housing Plan Element and Fair Share Plan, however, COAH's methodology for determining prospective need for the period from 2004 through 2018 was invalidated by an October 2010 Appellate Division decision In the Matter of the Adoption of N.J.A.C. 5:96 and N.J.A.C. 5:97 by COAH. This decision rendered the prospective need calculation of the 2008 Housing Plan Element and Fair Share Plan invalid.

In 2013, the New Jersey Supreme Court upheld and modified the aforementioned 2010 Appellate Division ruling, which partially invalidated COAH's rules for the period from 2004 through 2018 (viz., N.J.A.C. 5:96 and N.J.A.C. 5:97). As a result, COAH was then charged with the task of adopting new affordable housing rules.

COAH failed to adopt new rules. Due to COAH's failure to adopt new rules, the New Jersey Supreme Court ruled on March 10, 2015 that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the COAH process. The New Jersey Supreme Court's March 10 ruling notes that: "parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation."

Under the New Jersey Supreme Court's March 10 ruling, municipalities are afforded an opportunity to file declaratory judgment actions to validate their affordable housing plans as compliant with constitutional affordable housing obligations. On July 2, 2015, the township filed such a declaratory judgment action. The township secured immunity from builder's remedy lawsuits while it prepared this Housing Plan Element and Fair Share Plan. The township has prepared this Housing Plan Element and Fair Share Plan in advance of the expiration of temporary immunity.

Mandatory Contents of the Housing Plan Element

Pursuant to the New Jersey Fair Housing Act, the essential components of a municipal housing plan element are:

- 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 to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing; and,
 - 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.

This Housing Plan Element and Fair Share Plan addresses these requirements.

Analysis of Demographic, Housing, and Employment Characteristics

As required by N.J.S.A. 52:27D-310, all housing plan elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Township of Berkeley with information from the US Census Bureau (incl., the 2010 US Census and 2010–2014 American Community Survey), the New Jersey Department of Labor and Workforce Development, and the North Jersey Transportation Planning Authority.

Berkeley's Demographics

The Township of Berkeley had a population of 41,255 residents at the time of the 2010 US Census. This figure represents a 3.2 percent increase over the 2000 US Census population figure of 39,991, which represented a 7.2 percent increase over the 1990 US Census population figure of 37,319. By comparison, Ocean County's population grew by 12.8 percent during the period between 2000 and 2010, and 17.9 percent between 1990 and 2000. Table 1 shows the rate of growth experienced by Berkeley Township and Ocean County from 1990 through 2010.

Table 1: Population Trends, 1990-2010

	1990	2000	2010	Percent Change 1990-2000	Percent Change 2000-2010
Township of Berkeley	37,319	39,991	41,255	7.2%	3.2%
Ocean County	433,203	510,916	576,567	17.9%	12.8%

Source: US Census Bureau

According to the 2010 US Census, the township's population is composed of 20,349 households with an average household size of 2.0 members (Table 2). The average household size is smaller than the State of New Jersey's average of 2.68 persons per household, as well as Ocean County's average of 2.58 persons per household. The township's percentage of population over 65 years of age (43.4 percent) is significantly higher than at the county and state levels. This is also reflected in the township's median age of 61.1 years, which is significantly higher than the county and state median ages of 42.6 years and 39.0 years, respectively

Table 2: Demographic Indicators, 2010

	Number of House-holds	Average Household Size	Median Age	Percent of Population ≥ 65 Years
Township of Berkeley	20,349	2.0	61.1	43.4
Ocean County	221,111	2.58	42.6	21.0
New Jersey	3,214,360	2.68	39.0	13.5

Source: US Census Bureau

As shown in Table 3, there were 1,282 pre-school age residents in 2010, or 3.1 percent of the township's population. School age children accounted for 4,194 residents, or 10.1 percent of the total population. Working age persons accounted for 43.2 percent of the township's population, with 17,883 individuals. Seniors aged 65 years and older accounted for 43.4 percent of Berkeley's population.

Table 3: Population by Age, 2010

	Number	Percent
Pre-School Age		
Under 5 Years	1,282	3.1
School Age		
5 to 9 Years	1,409	3.4
10 to 14 Years	1,382	3.3
15 to 19 Years	1,403	3.4
Working Age		
20 to 24 Years	1,311	3.2
25 to 34 Years	2,781	6.7
35 to 44 Years	3,521	8.5
45 to 54 Years	4,296	10.4
55 to 59 Years	2,578	6.2
60 to 64 Years	3,396	8.2
Senior Age		
65 Years and Older	17,896	43.4

Source: US Census Bureau

Berkeley's Housing Stock

According to 2010 US Census, Berkeley had a total of 23,818 housing units (Table 4). This was an increase of 1,530 units since 2000. Of this total, 20,349 units (85.4 percent) were listed as occupied; owners occupied 88.9 percent of these units, and renters occupied 11.1 percent.

Of the total of 20,349 households, the average household size was 2.0 persons and the average family size was 2.63 persons. Of the total number of households, family households accounted for 11,547 units and non-family household accounted for 8,802 units. Householders 65 years of age or older were present in 12,753 (62.7 percent) of households.

Table 4: Housing Unit Totals and Occupancy Characteristics, 2010

	Number	Percent
I. Housing Units		
Number of units	23,818	100.0
Occupied Housing Units	20,349	85.4
Vacant Housing Units	3,469	14.6
Number of units (2000)	22,288	100.0
II. Occupancy/Household Characteristics		
Number of Households	20,349	100.0
Average Persons Per Household	2.0	N/A
Average Persons Per Family	2.63	N/A
Family Households	11,547	56.7
Non-Family Households	8,802	43.3
Householders 65 and over	12,753	62.7

Source: US Census Bureau

With regard to the age of the township's housing stock, it is noted that a total of 52.5 percent of all housing units was constructed in 1980 or later, and a total of about 20.1 percent of all housing units was constructed in 1990 or later (Table 5). It is also noted that the housing stock has 114 units lacking complete plumbing facilities, 69 units lacking complete kitchen facilities, and 74 units exhibiting overcrowded conditions (i.e., having at least 1.01 persons per room). The source of this information is the 2010–2014 American Community Survey of the US Census Bureau.

In addition to the above, it is noted that the 2010–2014 American Community Survey of the US Census Bureau indicates that the median value of the owner-occupied housing units in Berkeley is \$171,300. This is lower than the median values of \$264,100 in Ocean County and \$319,900 in the State of New Jersey. The 2010–2014 American Community Survey of the US Census Bureau also indicates that Berkeley's median gross rent is \$1,250 per month; this is higher than the median gross rents of \$1,188 in the State of New Jersey, but lower than the median gross rent of \$1,337 in Ocean County.

Table 5: Housing Physical and Value Characteristics, American Community Survey (2010–2014 Five-Year Estimates)

	Number	Percent
I. Year Structure Built (2010–2014 American Community Survey)		
2010 or Later	8	0.0
2000 to 2009	1,952	8.0
1990 to 1999	2,945	12.1
1980 to 1989	7,881	32.4
1970 to 1979	7,220	29.7
1960 to 1969	2,009	8.3
1950 to 1959	1,406	5.8
1940 to 1949	382	1.6
1939 or earlier	546	2.2
II. Condition of Units and Overcrowding (2010–2014 American Community Survey)		
Lacking complete plumbing facilities	114	0.6
Lacking complete kitchen facilities	69	0.3
Overcrowding (units with ≥ 1.01 persons/room)	74	0.3
III. Median Home Value (Owner-Occupied Units; 2010–2014 American Community Survey)		
Median Value	\$171,300	N/A
IV. Median Gross Rent (Renter-Occupied Units; 2010–2014 American Community Survey)		
Median Gross Rent	\$1,250	N/A

Source: US Census Bureau

In addition to the above, it is important to note that Berkeley Township's housing stock is highly affordable. This is evident not only in data from the American Community Survey, but also in the asking price of residential properties listed on the Multiple Listing Service of the Ocean County Board of Realtor and information on recorded sales of residential properties in municipal tax records. Complete details are provided in the following subsections.

Affordability Indicated by American Community Survey Data

Township-wide, an estimated 67.6 percent of the township's occupied housing stock is affordable to low- and moderate-income households. This estimate is derived from the 2010–2014 American Community Survey, and includes both owner-occupied units and renter-occupied units. Specifically:

- An estimated 12,331 of the owner-occupied units reported in the 2010–2014 American Community Survey have a value that would be affordable to low- or moderate-income households, if: estimated value is used as a proxy for sale price; and, when using affordable sale price calculators of the New Jersey Department of Community Affairs (n.b., affordable sale price is calculated based on a weighted average of one-, two-, and three-bedroom units at a bedroom distribution of 20 percent, 60 percent, and 20 percent, respectively).
- An estimated 1,585 of the renter-occupied units with a cash rent reported in the 2010–2014 American Community Survey have a cash rent that would be affordable to low- or moderate-income households when using affordable rental price calculators of the New Jersey Department of Community Affairs (n.b., affordable rental price is calculated based on a weighted average of one-, two-, and three-bedroom units at a bedroom distribution of 20 percent, 60 percent, and 20 percent, respectively).

Based on the above, a total of 13,916 units have a value or rental price that is affordable to low- or moderate-income households. When this number is divided by the total number of occupied housing units (i.e., 20,597 units) reported in the 2010–2014 American Community Survey², it is determined that an estimated 67.6 percent of the township’s occupied housing stock is affordable to low- and moderate-income households.

Affordability Indicated by Multiple Listing Service

To further demonstrate the affordability of the township’s housing stock, the township conducted a search for “residential” and “multi-family” units with one or more bedrooms on the Multiple Listing Service of the Ocean County Board of Realtors on June 6, 2016. The search yielded a total of 264 units, of which at least 164 units or approximately 62.1 percent were listed at a price that would be affordable to low- or moderate-income households when using affordable rental price calculators of the New Jersey Department of Community Affairs to determine the maximum sale price for the specific unit.

Affordability Indicated by Tax Data on Recently-Sold Properties

Information on recorded sales of Class 2 (Residential) properties in the period from January 2011 through May 2016 provides further evidence of the affordability of Berkeley Township’s housing stock. This information, which contains 4,290 records and was obtained in June 2016 from the Berkeley Township Tax Assessor’s Office, indicates that the median sale price of all Class 2 (Residential) properties over the indicated period was \$145,000.³ The average sale price was \$176,395.

² It is noted that the number of occupied housing units recorded at the time of the 2010 US Census, which is reported in Table 4, was 20,349.

³ This calculation is based on units that are not income-restricted and, when the same unit was sold more than once, only the most recent sale price.

While the information received from the Berkeley Township Tax Assessor's Office does not include information on the number of bedrooms in each unit sold, we note that 2,975 of the 4,290 records were priced less than or equal to \$185,424 (n.b., the average sale price of these units was \$124,962), which is the maximum sale price of a one-bedroom unit, as calculated with affordable sale price calculators of the New Jersey Department of Community Affairs. Thus, at least 69.3 percent of the units sold in the indicated period were affordable to low- or moderate-income households. Please note, however, that using the sales price for a one-bedroom unit as the benchmark for affordability results in a very conservative estimate of the actual number of affordably priced units.

Berkeley's Employment and Income Characteristics

According to the 2010–2014 American Community Survey of the US Census Bureau, 13,778 of Berkeley's residents aged 16 years and over were employed in the civilian labor force (Table 6). A total of 29.5 percent of those who were employed in the civilian labor force were involved in management, business, science, and arts occupations, while approximately 30.1 percent were employed in sales and office-related occupations. Service occupations employed 17.8 percent of Berkeley residents that were employed in the civilian labor force. Natural resources, construction, and maintenance occupations employed 12.5 percent of the township's residents, whereas production, transportation, and material moving occupations employed 10.1 percent of the township's residents.

Table 6: Occupation of Employed Civilian Population, 16 and Over, American Community Survey (2010–2014 Five-Year Estimates)

	Number	Percent
Management, Business, Science, and Arts Occupations	4,065	29.5
Sales and Office Occupations	4,154	30.1
Service Occupations	2,451	17.8
Natural Resources, Construction, and Maintenance Occupations	1,723	12.5
Production, Transportation, and Material Moving Occupations	1,385	10.1

Source: US Census Bureau

With regard to the number of jobs that are located within the township, it is noted that the New Jersey Department of Labor indicates that there was an average of 4,547 jobs located within the municipality in 2015, which is the latest available data. This is down 121 jobs over the 2005 average of 4,668 jobs. The Department of Labor's basis for this information is the number of jobs that are covered by public unemployment and disability insurance.

The number of jobs in Berkeley is expected to grow in the future. This is indicated by recent projections of the North Jersey Transportation Planning Authority, which projects a total of 9,760 jobs by 2040. When the difference between the average of 4,547 jobs recorded in 2015 and the 9,760 jobs projected for 2040 is divided by the number of years from 2015 through 2040 (i.e., 25 years), it is determined that an annual average increase of approximately 209 jobs may be expected, based upon the North Jersey Transportation Planning Authority's projections.

With regard to household income, it is noted that Berkeley's median household income, as reported by the 2010–2014 American Community Survey of the US Census Bureau, is \$43,558. This was \$11,424 more than the 1999 median household income of \$32,134. After adjusting for inflation, however, this represents an increase in median household income of just \$1,499. Table 7 provides complete information on the income of Berkeley's households.

Table 7: Household Income, American Community Survey (2010–2014 Five-Year Estimates)

	Number	Percent
Less than \$10,000	1,007	4.9%
\$10,000 to \$14,999	1,434	7.0%
\$15,000 to \$24,999	2,907	14.1%
\$25,000 to \$34,999	2,941	14.3%
\$35,000 to \$49,999	3,488	16.9%
\$50,000 to \$74,999	3,083	15.0%
\$75,000 to \$99,999	2,337	11.3%
\$100,000 to \$149,999	2,336	11.3%
\$150,000 to \$199,999	684	3.3%
\$200,000 or More	380	1.8%
Median Household Income (Dollars)	\$43,558	N/A

Source: US Census Bureau

Affordable Housing Obligation

The township's affordable housing obligation is described in the following subsections.

Present Need

The present need is a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households⁴. The present need has previously been called "rehabilitation share." As established by a court-approved settlement agreement with the Fair Share Housing Center, Berkeley's present need is 94 units.

Prior Round Obligation

The prior round obligation covers the period from 1987 through 1999. The township's prior round obligation is 610 units, as established by a court-approved settlement agreement with the Fair Share Housing Center.

Prospective Need

The prospective need is a measure of low- and moderate-income housing needs, based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The prospective need covers the period from 1999 through 2025. The township's prospective need is zero (0) units; this is established by a court-approved settlement agreement with Fair Share Housing Center.

Ability to Accommodate Affordable Housing Obligation

Berkeley anticipates that most future development and growth will occur in: designated centers, which are located along the US Route 9 corridor and were established by the township to direct development away from a pattern of suburban sprawl; or, as limited infill development in existing neighborhoods.

Anticipated Land Use Patterns

The anticipated land use pattern is expected to be consistent with the adopted land use plan, zone plan and redevelopment plans of the township.

⁴ It is acknowledged that a January 18, 2017 ruling of the New Jersey Supreme Court has modified the definition of "present need". However, the township entered into a settlement agreement with the Fair Share Housing Center that was approved by the court before the January 18, 2017 New Jersey Supreme Court ruling. Consequently, this Housing Plan Element and Fair Share Plan continues to define "present need" as a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households and in need of rehabilitation.

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

As has been previously demonstrated, Berkeley's population has grown in the period since 1990. Indeed, in the period from 1990 to 2010, the township's population grew by more than 3,900 residents, or slightly more than 10.5 percent. The North Jersey Transportation Planning Authority projects that the township's population could reach 53,870 by 2040, which represents an increase of 12,615 residents, or slightly more than 30.5 percent, over the population of 41,255 that was reported in the 2010 US Census.

Growth in the township's population will spur demand for an expanded housing stock, as well as non-residential uses to service the local market, and limited regional market. It is anticipated that the township can accommodate this demand through existing planning and zoning initiatives, as well as through its redevelopment plans.

Availability of Existing and Planned Infrastructure

As has been previously stated, Berkeley anticipates that most future development and growth will occur in: designated centers, cores, and nodes which are located along the US Route 9 corridor and were established by the township to direct development away from a pattern of suburban sprawl; or, as limited infill development in existing neighborhoods.

Public water and sewer services are available in the areas where future development is expected.

Economic Development Policies

The municipal master plan articulates the township's economic goals.

Constraints on Development

The township contains a number of environmental features that are constraints to development, including: water bodies; flood hazard areas; wetlands; and, forested areas. Generally, these environmentally constrained areas are located along the township's waterways and -bodies, with forested areas being more widely distributed within the Pineland Area. The township also contains areas in the CAFRA Zone and the Pinelands Area, which results in additional regulatory constraints on development the township.

The township's 2015 Master Plan Reexamination Report includes recent mapping of environmental constraints throughout the township.

Identification of Affordable Housing Sites

As is discussed later in this Housing Plan Element and Fair Share Plan, the township: has identified credits without controls in a quantity that exceeds its prior round obligation⁵; and, has a prospective need of zero (0) units. Thus, there is no need to identify affordable housing sites to satisfy the township's current affordable housing obligation.

Nonetheless, and in anticipation of any future affordable housing obligation, the township has identified several affordable housing sites, which are introduced later in this Housing Plan Element and Fair Share Plan. The township, however, is not currently seeking credit for these units, though it retains its right to do so at any point in the future⁶.

It is noted that during the preparation of this Housing Plan Element and Fair Share Plan no other affordable housing sites beyond those listed and mapped in this document were offered for consideration by developers who have expressed a commitment to provide low- and moderate-income housing.

⁵ The township does not apply excess credits resulting from credits without controls to its prospective need.

⁶ The court-approved settlement agreement with the Fair Share Housing Center allows for crediting of these sites toward future affordable housing obligations, as permitted by applicable rules and regulations.

Fair Share Plan

The fair share plan outlines the mechanisms by which the township proposes to fulfill its: present need, which is a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households; prior round obligation; and, prospective need, which is a measure of low- and moderate-income housing needs based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The following subsections provide complete details on the township's proposals to fulfill its present, prior round, and prospective needs.

Fulfillment of the Present Need

As has been previously noted, the township's present need is 94 units. The township's present need of 94 units is specified in a court-approved settlement agreement with the Fair Share Housing Center.

The township participates in the Ocean County Community Development Block Grant Housing Rehabilitation Program. Through the township's participation in this program, a total of 211 units⁷ occupied by low- or moderate-income households have been rehabilitated. However, only 69 units⁸ have been rehabilitated since April 1, 2010, which is the earliest date that a rehabilitation can be credited toward fulfillment of the present need obligation of 94 units. Thus, there exists a need for 25 additional rehabilitations to fulfill the township's present need obligation.

To address its complete present need obligation, the township will rehabilitate a minimum of 25 additional units through 2025. It will do so by continuing to participate in the Ocean County Community Development Block Grant Housing Rehabilitation Program.

⁷ Please note that the court-approved settlement agreement references a total of 189 units. However, since the settlement agreement was prepared, an additional 22 units have been rehabilitated. Thus, a total of 211 units have been rehabilitated.

⁸ Please note that the court-approved settlement agreement references a total of 47 rehabilitated units. However, since the settlement agreement was prepared, an additional 22 units have been rehabilitated. Thus, a total of 69 units have been rehabilitated.

Fulfillment of the Prior Round Obligation

As has been previously noted, the township's prior round obligation is 610 units.

The township has identified a total of 826 credits without controls, which are applicable toward its prior round obligation. These credits without controls were identified in two surveys, as follows:

1. Survey 1, which identified 276 units and was approved by order of Judge Gibson in 1994.
2. Survey 2, which identified 550 units and was approved by order of Judge Serpentelli in 2000.

Based on the above, the township has exceeded its prior round obligation by 216 units, or more than 35 percent. It is important to note, however, that this excess of credits cannot be applied to the prospective need. In addition, the terms of the court-approved settlement agreement with the Fair Share Housing Center stipulate that the township waives and rights that it may have, now or in the future, to any credits without controls beyond those needed to fulfil the 610-unit prior round obligation.

Fulfillment of the Prospective Need

As established by a settlement agreement with the Fair Share Housing Center and approved by the court, Berkeley's prospective need is zero (0) units.

Additional Fair Share Compliance Mechanisms

Though not required for satisfaction of the present need, prior round obligation or prospective need, this Housing Plan Element and Fair Share Plan identifies several additional fair share compliance mechanisms. These mechanisms are described in the following subsections.

Site-Specific Mechanisms

The township is not currently seeking credit for these site-specific mechanisms. However, it reserves its right to seek credit (incl., bonus credit) for these mechanisms toward any future affordable housing obligation, as may be permitted pursuant to applicable law, rules and regulations. The township further reserves its right to identify and claim credit for any additional mechanisms, as may be permitted pursuant to applicable law, rules and regulations. The township acknowledges that any future claim to credit for these or additional mechanisms must adhere to applicable senior caps, rental obligations, and income distribution requirements.

The following subsections provide complete descriptions of each of the additional, site-specific fair share compliance mechanisms. The additional, site-specific compliance mechanisms are mapped in Appendix A.

Site 1: Foxmoor Berkeley Associates

The Foxmoor Berkeley Associates development is an inclusionary development, which was approved for a total of 136 family-sale units. Of the total of 136 units, 15 were to be affordable, family-sale units. The developer made a payment-in-lieu of construction for 13 affordable units and constructed two units onsite. However, one of the affordable units that was constructed onsite was the subject of a foreclosure that resulted in the loss of the affordability control. One affordable unit remains on Block 973.03, Lot 15, which is located on Dolphin Circle West; tax records indicate that the unit was constructed in 2000.

Site 2: Bay Ridge I

Bay Ridge I is located along US Route 9, on Block 858.17, Lot 17. It is an existing, 95-unit apartment complex with a total of 87 age-restricted units and eight family units. It was completed in 1984, is run by the Berkeley Township Housing Authority, and subject to HUD affordability controls.

Site 3: Bay Ridge II

Bay Ridge II is located along US Route 9, on Block 858.17, Lot 18. It is an existing, 95-unit apartment complex. All units are age-restricted. It was completed in 1989, is run by the Berkeley Township Housing Authority, and subject to HUD affordability controls.

Site 4: OCEAN, Inc. — No. 1

In 1998, OCEAN, Inc., a non-profit developer, received approvals for two minor subdivisions in the Manitou Park neighborhood of the township. These subdivisions resulted in the creation of eight low-and moderate-income, family-rental units, which are subject to affordability controls. These units contain three or four bedrooms each, and are located on: Block 76, lots 406.01 and 406.02; Block 38, lots 122.01, 122.02 and 123.01; Block 39, lots 110.01 and 110.02; and, Block 60, Lot 571.

Site 5: OCEAN, Inc. — No. 2

In 2003, the township conveyed 20 municipal lots to OCEAN, Inc. to facilitate the construction of affordable housing. The lots included: Block 572, lots 19 through 26; Block 573, lots 28 through 31; Block 568, lots 10 through 13; and, Block 569, lots 14 through 16 and 18. Through December 2014, the township also expended \$500,000 to subsidize a total of 12 affordable, family-sale units. As of the preparation of this Housing Plan Element and Fair Share Plan, a total of six units had been completed and six units remained to be completed. It is anticipated that the six units that remained to be completed as of the preparation of this Housing Plan Element and Fair Share Plan will be completed by the end of 2025.

Site 6: Homes for All, Inc.

In 2003, the township entered into a developer's agreement with Homes for All, Inc., a non-profit developer, to develop a total of 82 family-sale units in the Manitou Park neighborhood of the township. The township also: committed \$500,000 from its affordable housing trust fund to assist Homes for All, Inc. with engineering costs, permitting, and extension of water and sewer lines to the tract; and, conveyed numerous sites on blocks 30, 36, 37, 38, 39, 40, 42, 44, 45, 48, 49, 50, 51, 53, 54, 55, 59, 60, 62, 63, 65, 67, 68, 70, 73, 76, and 77 to the developer.

Of the 82 family-sale units, a maximum of 50 percent was to be market-rate, a maximum of 40 percent was to be affordable to moderate-income families; and, a minimum of ten percent was to be affordable to low-income families. As of 2013, all 41 affordable units had been constructed and sold.

Site 7: Habitat for Humanity

Through December 2014, the township expended \$100,000 to subsidize the acquisition of six properties by Habitat for Humanity in the Manitou Park neighborhood of the township. This has resulted in the construction of three family-sale units for low-income families on Block 30, lots 46, 50 and 53 during 2014 and 2015. All three units are occupied.

In addition, the township has also agreed to convey another township-owned parcel to Habitat for Humanity (viz., Block 30, Lot 28) to facilitate the construction of another family-sale unit for a low-income family. This additional unit is expected to be complete by the end of 2017.

Site 8: Association for the Multiple-Impaired Blind — Original Units

The Association for the Multiple-Impaired Blind operates a group home along Muller Avenue, on Block 937, lots 6 through 11. The group home contains six bedrooms, is licensed by the State of New Jersey, and has been in operation since 1980. Occupancy is restricted to disabled adults.

Site 9: Association for the Multiple-Impaired Blind — Rehabilitation and Extension of Controls

As stated in the description for Site 8 (above), the Association for the Multiple-Impaired Blind operates a group home along Muller Avenue, on Block 937, lots 6 through 11. The group home contains six bedrooms, is licensed by the State of New Jersey, and has been in operation since 1980. Occupancy is restricted to disabled adults.

In 2015, the township provided \$160,000 to rehabilitate the group home and extend affordability controls. The rehabilitation resulted in two additional bedrooms. Thus, there are now a total of eight bedrooms.

Site 10: Preferred Behavioral Health of New Jersey

Preferred Behavioral Health of New Jersey operates a group home along Mallard Road, on Block 1837.10, Lot 8. The group home contains two bedrooms, is licensed by the State of New Jersey, and has been in operation since 2006. Occupancy is restricted to disabled adults.

Site 11: Ocean Mental Health Services (Anchor House)

Ocean Mental Health Services operates a group home along Harbor Court, on Block 896, Lot 470. The group home contains nine bedrooms, is licensed by the State of New Jersey, and has been in operation since 2008. Occupancy is restricted to disabled adults.

Site 12: Ocean Mental Health Services (Sharon's House)

Ocean Mental Health Services operates a group home along Pine Tree Road, on Block 847, Lot 11. The group home contains four bedrooms, is licensed by the State of New Jersey, and has been in operation since 2008. Occupancy is restricted to disabled adults.

Site 13: Ocean Mental Health Services (Beacon House)

Ocean Mental Health Services operates a group home along JFK Boulevard, on Block 882, Lot 2.01. The group home contains three bedrooms, is licensed by the State of New Jersey, and has been in operation since 2008. Occupancy is restricted to disabled adults.

Site 14: Ocean Mental Health Services (Park Avenue)

Ocean Mental Health Services operates a group home along Park Avenue, on Block 842, Lot 6. The group home contains two bedrooms, is licensed by the State of New Jersey, and has been in operation since 2006. Occupancy is restricted to disabled adults.

Site 15: Ocean Mental Health Services (Point Pleasant Avenue)

Ocean Mental Health Services operates a group home along Point Pleasant Avenue, on Block 1062, Lot 19. The group home contains two bedrooms, is licensed by the State of New Jersey, and has been in operation since 2005. Occupancy is restricted to disabled adults.

Site 16: Homes for All, Inc. — Manitou Park Neighborhood Redevelopment Plan (Phase 4)

Homes for All has been selected as the redeveloper for Phase 4 of the Manitou Park Neighborhood Redevelopment Plan, which is in an area that is generally adjacent to Site 6, and includes numerous sites on blocks 25, 26, 28, 29, 30, 32, and 33.

Plans for Site 16 are currently being developed, and the total number of affordable units that will be yielded is unknown. However, the redeveloper's agreement indicates that the redevelopment will result in at least 60 units, of which 20 percent

must be affordable. The redevelopment plan also requires that at least five of the affordable units be affordable to very low-income households.

Please note that Site 16 was not identified in the compliance plan referenced in the court-approved settlement agreement with the Fair Share Housing Center but represents the Township's ongoing efforts to support the development of new affordable housing in Berkeley.

Point-Based Mechanism to Capture Additional Affordable Housing Opportunities

Berkeley will capture future opportunities to increase the supply of affordable housing by imposing an affordable housing set-aside of up to: 15 percent on all multifamily development approvals throughout the township; and, 20 percent on all multifamily for-sale development approvals throughout the township.

Developers would be able to meet this set-aside requirement by either providing all of the required set-aside onsite; or, at the developer's option: by providing a minimum of one-third of the required set-aside for multifamily rental development onsite and a payment-in-lieu to fund the construction of a maximum of two-thirds of the required set-aside for multifamily rental development on another site within the township; or, in the case of multifamily for-sale development, by providing one-half of the required set-aside onsite and a payment-in-lieu to fund the construction of a maximum of one-half of the required set-aside on another site within the township. The actual percentage breakdown of payments-in-lieu of construction and on-site set-aside will be determined by the point-based assessment described below.

Specific per-unit, payment-in-lieu dollar amounts would be reviewed annually and determined in accordance with applicable rules and regulations, and local real estate dynamics.

A developer's ability to exercise the option to provide a payment-in-lieu would be determined by a point-based assessment of a site's: proximity to bus stops, schools, parks and open space, the Route 9 corridor, and entrances and exits from the Garden State Parkway; location in a town center or corridor node overlay; location in the sewer service area; and, location outside of sending areas associated with the township's transfer of development rights (TDR) plan. The higher the number of points, the greater the proximity to these features and the requirement for the on-site provision of the set-aside would be. The lower the number of points, the lower the proximity to these features and the requirement for the on-site provision of the set-aside would be.

The point-based graduation between providing one-third of the required set-aside for multifamily rental development onsite (i.e., the equivalent of a 5-percent set-aside onsite) and all of the required, 15-percent set-aside onsite is outlined below.

Onsite Requirement (Multifamily Rental Development)										
5%	6%	7%	8%	9%	10%	11%	12%	13%	14%	15%
↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓
0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0+
Points Accumulated										

The point-based graduation between providing one-half of the required set-aside for multifamily for-sale development onsite (i.e., the equivalent of a 10-percent set-aside onsite) and all of the required, 20-percent set-aside onsite is outlined below.

Onsite Requirement (Multifamily For-Sale Development)										
10%	11%	12%	13%	14%	15%	16%	17%	18%	19%	20%
↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓	↑↓
0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0+
Points Accumulated										

Points will be accumulated as follows:

1. Bus stop within one-quarter mile: 1.0 point
2. Bus stop within half-mile: 0.50 point
3. Public park, open space area, or other recreational facility within one-half mile: 1.00 point
4. Public school site within one-half mile: 1.00 point
5. Public school site within one-quarter mile: 1.50 points
6. Any portion of development site within one-quarter mile from Route 9: 1.00 point
7. Entrance to or Exit from Garden State Parkway within one mile: 0.50 points
8. Entrance to or Exit from Garden State Parkway within one-half mile: 1.00 point
9. Site located within a town center: 4.00 points
10. Site located within a corridor node overlay: 2.00 points

Notwithstanding the above, please note that sites that are situated outside of the sewer service area or within a TDR sending zone shall have no (i.e., zero) accumulated points. In addition, single-family residential districts would not be included. Finally, areas west of the Parkway subject to the Pinelands Comprehensive Plan are not included in the point system allocation.

The following conditions will apply to the provision of points:

1. Multiple points shall not be awarded for more than one bus stop with service on the same route. However, multiple points shall be awarded for bus stops with service on different routes.

2. Distances to bus stops, public parks, open space areas, recreational facilities, and public schools represent walking distances, and must be safely walkable.

The goals of this program are to: provide developers with a certain degree of flexibility while ensuring that the supply of affordable housing grows; promote smart and sustainable growth in the township in a manner consistent with the Township's plan endorsement approval by the New Jersey State Planning Commission; be consistent with the goals and objectives for resiliency and recovery set forth in the Township's recent Master Plan Reexamination Report and related planning documents, including the Township's Strategic Recovery Planning Report; and channel the development of affordable housing units to areas with access to supporting infrastructure.

The mandatory set-aside requirement and the point-based system would be applied to all new multi-family residential development that is permitted or approved within the Township, including multi-family development permitted through zoning, redevelopment, or by variance. The use of payments in lieu of construction within areas of lower point scores would be optional for the developers.

In addition to the above, it is noted that the program that is described in this section will be formally separate from and supplementary to existing municipal zoning. Existing standards for multifamily development will remain in place. However, to encourage the development of multifamily housing in the designated centers and nodes, the township will provide a density bonus of 15 percent when all required affordable units are provided on the development site.

Fair Share Plan Implementation Schedule

As has been previously explained, the township has fulfilled its prior round obligation with credits without controls, and the township does not have a prospective need. Thus, an implementation schedule is not required for the prior round obligation and prospective need.

To fulfill its assumed present need obligation, the township will provide for the rehabilitation of a minimum of 25 additional housing units in accordance with the present need compliance implementation schedule in Table 8.

Table 8: Present Need Implementation Schedule

Year	Approximate Units Completed
2017	3
2018	3
2019	3
2020	3
2021	3
2022	3
2023	3
2024	2
2025	2



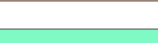









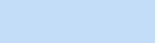


With regard to the additional fair share compliance mechanisms that have been outlined above, it is noted that all of the site-specific compliance mechanisms are complete with the exceptions of the following sites:

1. Habitat for Humanity (Site 7), where an additional affordable unit is anticipated to be completed on Block 30, Lot 28 by the end of 2017; and,
2. OCEAN, Inc. (Site 2), where an additional six units are expected to be completed by the end of 2025.

Berkeley reserves the right to modify the implementation strategies provided above in accordance with applicable rules and regulations.

Appendix A: Affordable Housing Sites Map



Affordable Housing Sites					
	Site 1: Foxmoor Berkeley Associates		Site 4: OCEAN, Inc. — No. 1		Site 8 and Site 9: Association for the Multiple-Impaired Blind (Original and Rehabilitation/Extension)
	Site 2: Bay Ridge I		Site 5: OCEAN, Inc. — No. 2		Site 10: Preferred Behavioral Health of New Jersey
	Site 3: Bay Ridge II		Site 6: Homes for All, Inc.		Site 11: Ocean Mental Health Services (Anchor House)
	Site 7: Habitat for Humanity				Site 12: Ocean Mental Health Services (Sharon's House)
					Site 13: Ocean Mental Health Services (Beacon House)
					Site 14: Ocean Mental Health Services (Park Avenue)
					Site 15: Ocean Mental Health Services (Point Pleasant Avenue)
					Site 16: Homes for All, Inc. — Manitou Park Neighborhood Redevelopment Plan (Phase 4)

