



2017

# Housing Element of the Master Plan

November 10, 2017

Township of East Windsor, Mercer County, New Jersey

Prepared by:

**Clarke Caton Hintz** | 100 BARRACK STREET | TRENTON, NJ | 08608







# Housing Element of the Master Plan

Township of East Windsor, Mercer County, New Jersey

Prepared for the Township of East Windsor by

Clarke Caton Hintz:

---

Mary Beth Lonergan, PP, AICP | PP License # 4288

---

Jessica Bodnar, PP, AICP | PP License # 6360

*A signed and sealed version is available at the municipal building.*





---

#### MAYOR & TOWNSHIP COUNCIL

Hon. Janice S. Mironov, Mayor  
Perry M. Shapiro, Deputy Mayor  
Denise Daniels  
Marc Lippman  
Alan Rosenberg  
Peter V. Yeager  
John Zoller

James P. Brady, Township Manager  
Kelly Lettera, Acting Municipal Clerk  
David E. Orron, Township Attorney

---

#### PLANNING BOARD

Hon. Janice S. Mironov, Mayor  
James Brady  
Perry M. Shapiro, Deputy Mayor  
Edward Kelley  
Simon Berman  
Jagruiti Patel  
Walter Schmidlin  
Barry Clark

Allison Quigley, Planning Board Secretary  
Jolanta Maziarz, Esq., Planning Board Attorney  
Richard M. Preiss, PP, Township Planner  
Daniel Dobromilsky, Township Landscape Architect  
Edwin Steck, Township Engineer





---

## TABLE OF CONTENTS

Executive Summary.....	1
Judicial & Legislative Background.....	4
First and Second Round Methods .....	4
Third Round Method .....	5
Fair Housing Act Amendments and the New Jersey Economic Stimulus Act .....	6
Appellate Court's 2010 Decision.....	6
Judicial Activity from 2011 to 2014 .....	7
March 2015 New Jersey Supreme Court Decision.....	7
January 2017 New Jersey Supreme Court Decision .....	8
Affordability Requirements and Income Limits.....	9
Housing Element Requirements.....	11
East Windsor's Affordable Housing History.....	12
Housing, Demographic, & Employment Analysis.....	13
Housing Characteristics .....	13
Population Characteristics .....	18
Employment Characteristics .....	21
Population and Housing Projections.....	25
Development Trends and Projections .....	27
Consideration of Lands Appropriate for Affordable Housing.....	28
East Windsor's Affordable Housing Obligation .....	29
Rehabilitation Obligation.....	29
Prior Round Obligation .....	29
Third Round Obligation.....	30
East Windsor's Affordable Housing Mechanisms .....	31
Means of Addressing the Rehabilitation Share .....	31
Satisfaction of the Third Round Obligation .....	48
Very Low-Income Units .....	64
Cost Generation.....	65
Monitoring/Status Reports .....	65
Affordable Housing Requirements and Affirmative Marketing .....	66



Affordable Housing Trust Fund .....	67
Summary.....	68



## EXECUTIVE SUMMARY

This Housing Element of the Master Plan has been prepared for the Township of East Windsor ("Township" or "East Windsor"), Mercer County in accordance with the New Jersey Fair Housing Act at N.J.S.A. 52:27D-310, and the rules of the New Jersey Council on Affordable Housing at N.J.A.C. 5:93 et seq. This Housing Element supersedes the prior Housing Element that was adopted by the Planning Board on December 15, 2008 and endorsed by the Township Council on December 16, 2008. This Housing Element, combined with the Township's Fair Share Plan, will serve as the foundation for the Township's submission to the Honorable Mary C. Jacobson, A.J.S.C. for a Third Round Judgment of Compliance and Repose.

There are three (3) components to the Township's affordable housing obligation: the Rehabilitation Share, the Prior Round obligation, and the Third Round obligation. As will be discussed in detail in this Housing Element, East Windsor has entered into a Court-approved Settlement Agreement to establish the Township's Third Round affordable housing obligations. The Settlement Agreement and the Township's preliminary compliance efforts were approved by Judge Jacobson at a Fairness Hearing held on July 19, 2017 as reflected in a Court Order also dated July 19, 2017. The Township's Court-approved fair share obligation is as follows:

- **Rehabilitation Share: 107 units**
- **Prior Round Obligation: 345 units**
- **Third Round Obligation: 736 units**

The Township will address its 107-unit Rehabilitation Share through the continued implementation of its local rehabilitation program. The Township's rehabilitation program is available to low- and moderate-income homeowners in East Windsor. The Township will expand this program to include rental units occupied by low- and moderate-income households. Since April 1, 2010, the Township has completed 17 home rehabilitations through its existing program for which the Township is eligible to receive 17 Rehabilitation Credits. The Township's remaining Rehabilitation Share is 90 units. The Township has previously received Small Cities Community Development Block Grant ("CDBG") awards, most recently in 2015, to fund their rehabilitation program and will apply for additional Small Cities grants in the future. The program will also be funded in part by Affordable Housing Trust Funds. Additionally, the Township participates in the Mercer County Housing Rehabilitation Program administered by the County's Housing and Community Development department. This program is available to low- and moderate-income homeowners in East Windsor. The Township has an active agreement with the County for participation in this program.



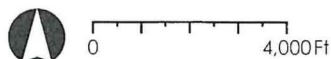
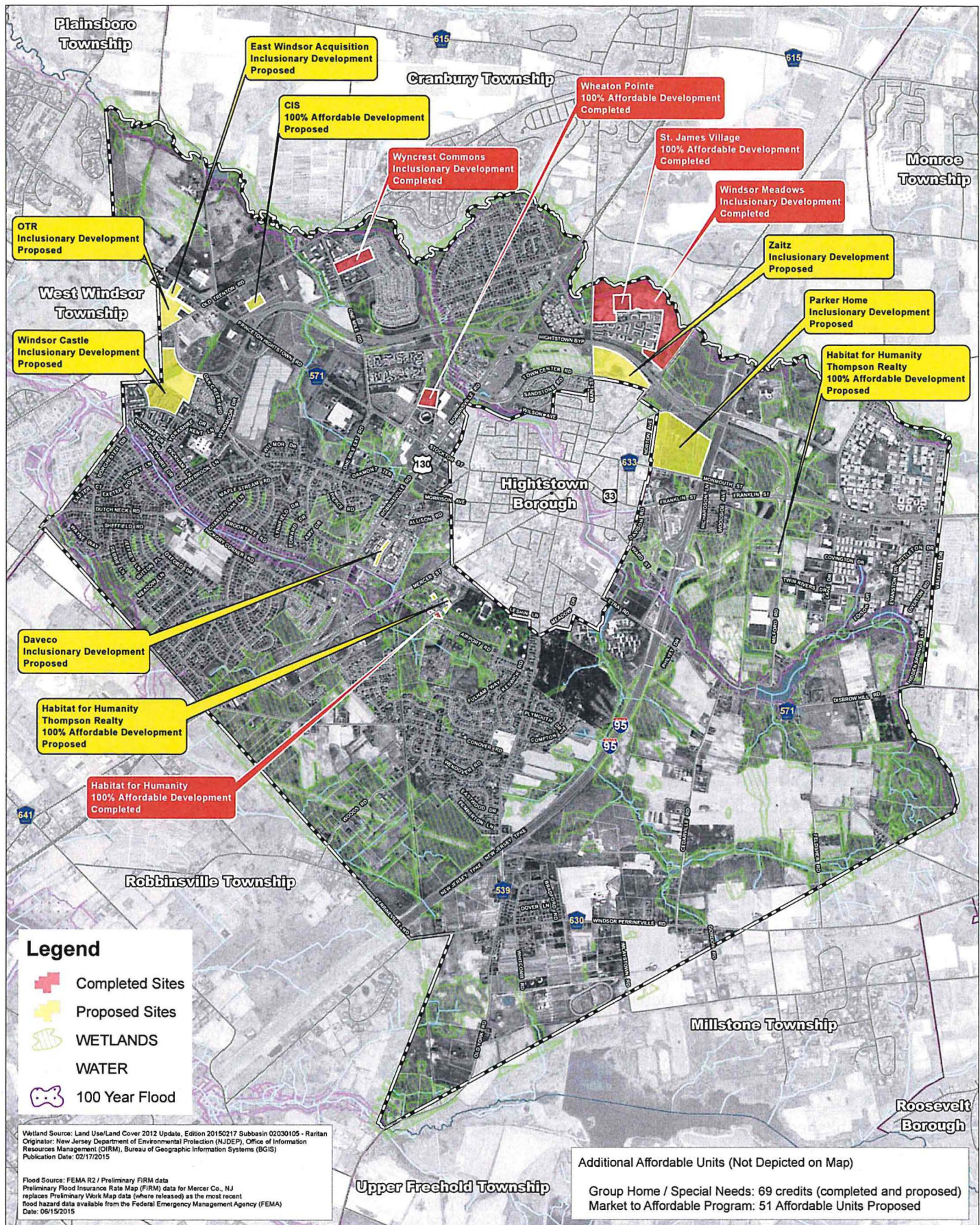


The Township will satisfy the 345-unit Prior Round obligation with 34 bedrooms in completed alternative living arrangements, four (4) bedrooms in a proposed group home, 76 affordable senior rental units and three (3) family for-sale units part of existing 100% affordable developments, 53 affordable family rental units in completed inclusionary housing developments, a prior 40-unit Regional Contribution Agreement ("RCA") with the City of Trenton, five (5) proposed affordable family for-sale units as a 100 percent affordable development, three (3) proposed affordable family units in an approved inclusionary development, 40 affordable family rental units in a proposed inclusionary development, and eligible Prior Round rental bonuses.

The 736-unit Third Round obligation will be addressed with extensions of expiring controls on 109 senior affordable rental units, proposed group homes totaling 31 bedrooms, 75 senior affordable rental units in an existing 100% affordable development, 80 affordable family rental units as part of a proposed 100% affordable development, 203 family affordable rental units part of proposed inclusionary developments, a proposed market-to-affordable program, and Third Round rental bonuses.

The locations of all the above sites addressing the Prior Round and Third Round obligations are shown herein on the aerial map entitled "Existing & Proposed Affordable Housing Sites."





Clarke Caton Hintz

Architecture

Planning

Landscape Architecture

## Existing & Proposed Affordable Housing Sites

LOCATION:

Township of East Windsor, Mercer County, NJ

DATE:

November 2017





## JUDICIAL & LEGISLATIVE BACKGROUND

Providing affordable housing within each municipality was found to be a constitutional obligation by the New Jersey Supreme Court in its 1975 decision now referred to as Mount Laurel I. The Court found that developing municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low- and moderate-income housing.<sup>1</sup> In its 1983 Mount Laurel II decision, the Supreme Court extended the obligation to all municipalities. If a municipality is found to have a compliant plan, the municipality will receive protection from an “exclusionary zoning” lawsuit. If a municipality is found to be non-compliant, Mount Laurel II gave developers the potential to secure a “builder’s remedy.”<sup>2</sup> A builder’s remedy is where a developer is granted the right to develop what is typically a multi-family project on land that was not zoned to permit this use or at densities desired by the developer at the time of the suit and where a “substantial” percentage of the units are reserved for low- and moderate-income households.

In 1985, the Legislature enacted the Fair Housing Act (“FHA”)<sup>3</sup> in response to Mount Laurel II. The FHA created the Council on Affordable Housing (“COAH”) as an administrative alternative to municipal compliance in a court proceeding. The Legislature conferred “primary jurisdiction” on the agency and charged COAH with promulgating regulations: (i), to establish housing regions; (ii), to estimate low- and moderate-income housing needs; (iii), to set criteria and guidelines for municipalities to determine and address their fair share numbers, and (iv), to create a process for the review and approval of appropriate housing elements and fair share plans. As will be seen, COAH has been declared a moribund agency. The New Jersey Supreme Court reactivated a judicial process for the review and approval of affordable housing plans. This document is being created to submit to the judicial process for determining affordable housing allocations and approving compliance mechanisms and, ultimately, to receive a Third Round Judgment of Compliance and Repose for a 10-year period.

### First and Second Round Methods

COAH created the criteria and guidelines for municipalities to address their respective affordable housing obligation,<sup>4</sup> or number of affordable dwellings. Following guidelines established by the U.S. Department of Housing and Urban Development (“HUD”), COAH defined affordable housing as dwellings that could be occupied by households making 80% or less of the regional household income. COAH originally established a formula for determining municipal affordable housing obligations for the six-year period between 1987 and 1993 (N.J.A.C. 5:92-1 et seq.), which became known as the “First Round.” The First Round rules established an existing need where sub-standard housing was being occupied by low- and

---

<sup>1</sup> Southern Burlington NAACP v. Twp. of Mt. Laurel, 67 NJ 151 (1975)

<sup>2</sup> Southern Burlington NAACP v. Twp. of Mt. Laurel, 92 NJ 158 (1983)

<sup>3</sup> N.J.S.A. 52:27D-301

<sup>4</sup> Also called a municipality’s “fair share” of affordable housing.



moderate-income households (variously known as “present need” or “Rehabilitation Share”) and future demand to be satisfied with new construction (“prospective need” or “fair share”).

The First Round formula was superseded by COAH regulations in 1994 (N.J.A.C. 5:93-1.1 et seq.). The 1994 regulations recalculated a portion of the 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 U.S. Census data. The regulations COAH adopted in 1994 are known as “the Second Round” or 12-year cumulative obligation. In the Third Round, the new construction component from any earlier rounds is called either the prior obligation or “Prior Round.”

### Third Round Method

On December 20, 2004, COAH’s first version of the Third Round rules became effective five (5) years after the end of Second Round in 1999 (N.J.A.C. 5:94-1 and 5:95-1). The FHA had originally required housing rounds to be for a six-year period, but in 2001, this was amended to extend that time period to 10-year intervals. Although the Third Round should have been from 1999 through 2009, the Third Round was extended by five (5) years to 2014 and condensed into an affordable housing delivery period of 10 years from January 1, 2004 through January 1, 2014.

The Third Round rules marked a significant departure from the methods utilized in COAH’s Prior Rounds. Previously, COAH assigned an affordable housing obligation that included the new construction number for each municipality. These Third Round rules implemented a “growth share” approach that linked the production of affordable housing to future residential and non-residential development within a municipality. Each municipality was required to project the amount of residential and non-residential growth that would occur during the period 2004 through 2014. Municipalities were then required to provide the opportunity of one (1) affordable unit for every eight (8) market-rate housing units developed and one (1) affordable unit for every 25 jobs created. Jobs were not counted directly, but rather by using non-residential building square footage as a substitute for employment.

This set of rules changed, however, when the New Jersey Appellate Court invalidated key elements of the first version of the Third Round rules on January 25, 2007. The Court ordered COAH to propose and adopt amendments to its rules to address the deficiencies identified by the Court. COAH issued revised rules effective June 2, 2008 (as well as a further rule revision effective on October 20, 2008). The Third Round was expanded again from 2014 out to 2018. COAH retained the growth share approach, but revised its ratios to require one (1) affordable housing unit for every four (4) market-rate housing units developed and one (1) affordable housing unit for every 16 jobs created.

Just as various parties challenged COAH’s initial Third Round “growth share” regulations, parties challenged COAH’s 2008 revised Third Round “growth share” rules. The Appellate Court issued a decision on October 8, 2010 deciding those challenges (see below).





## Fair Housing Act Amendments and the New Jersey Economic Stimulus Act

On July 17, 2008, Governor Corzine signed P.L. 2008, c. 46, which amended the FHA in a number of ways.<sup>5</sup> Key provisions of the legislation included the following:

- Establishing a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing.
- Eliminating RCAs as a means available to municipalities to transfer up to 50% of their required affordable housing to a “receiving” municipality.
- Adding a requirement that 13% of all affordable housing units be restricted to very low-income households (earning 30% or less of median income).
- Adding a requirement that municipalities had to commit to spend development fees within four years of the date of collection after its enactment or initially by July 17, 2012.<sup>6</sup>

On July 27, 2009, Governor Corzine signed the “NJ Economic Stimulus Act of 2009”,<sup>7</sup> which instituted a moratorium on the collection of non-residential affordable housing development fees through July 2010. This moratorium was later extended until July 1, 2013 (P.L. 2011, c. 122). Since the moratorium has now expired, municipalities are obligated to collect the fee of 2.5% of the equalized assessed value of a non-residential development. Municipalities were always permitted to impose and collect residential development fees approved by COAH following a 1990 New Jersey Supreme Court decision.<sup>8</sup>

## Appellate Court’s 2010 Decision

On October 8, 2010, the Appellate Division issued a decision on the legal challenges to the second iteration of COAH’s Third Round regulations.<sup>9</sup> The Appellate Division affirmed the COAH regulations that assigned rehabilitation and Prior Round numbers to each municipality, but invalidated the regulations by which the agency allocated affordable housing obligations in the Third Round. Specifically, the Appellate Division ruled that COAH could not allocate obligations through a “growth share” formula and directed COAH to use similar methods to those previously used in the First and Second Rounds. Other provisions of the Appellate Court’s decision include:

- To be credited, municipally-sponsored or 100% affordable housing sites must show site control, site suitability, and a proposed source of funding.

---

<sup>5</sup> Also known as the “Roberts Bill” after former New Jersey Assembly Speaker Joseph Roberts who sponsored the bill.

<sup>6</sup> This initial deadline was subsequently revised by an Appellate Court decision that extended the deadline until four (4) years after the Superior Court approves the municipal housing plan including the spending plan.

<sup>7</sup> P.L. 2009, c.90.

<sup>8</sup> *Holmdel Builders Assn. v. Tp. of Holmdel*, 121 N.J. 550, 583 A.2d 277 (1990).

<sup>9</sup> *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*.



- COAH's rules did not provide sufficient incentive for the private construction of inclusionary developments (market-rate and affordable units). Clearly defined percentages supported by economic data must be provided. The Court noted that a 20% affordable housing set-aside was typical.
- Bonuses for smart growth and redevelopment activities were upheld; however, the Court invalidated Third Round compliance bonuses.
- The Court upheld its prior ruling on COAH's formula that did not reallocate present need obligation from Urban Aid-eligible municipalities to other municipalities in the region.

### Judicial Activity from 2011 to 2014

COAH sought a stay from the New Jersey Supreme Court regarding the March 8, 2011 deadline for the agency to issue new Third Round numbers. The Supreme Court granted COAH's application for a stay on January 18, 2011 and on March 31, 2011, the Court granted petitions and cross-petitions to all of the various challenges to the Appellate Division's 2010 decision. The Supreme Court heard oral argument on November 14, 2012.

The New Jersey Supreme Court decided on the appeal by the executive branch of the Appellate Court's decision of March 8, 2012 that disallowed the dissolution of COAH under Governor Christie's Reorganization Plan No. 001-2011. The Supreme Court upheld the lower court's ruling, finding that the governor did not have the power to unilaterally reorganize COAH out of existence. The judges found that such an action requires the passage of new legislation.

On September 26, 2013 the New Jersey Supreme Court upheld the Appellate Court decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013), and ordered COAH to prepare the necessary rule revisions. COAH approved draft Third Round rules on April 30, 2014. Although ordered by the New Jersey Supreme Court to adopt revised new rules on or before October 22, 2014, COAH deadlocked 3-3 at its October 20 meeting and failed to adopt the draft rules.

### March 2015 New Jersey Supreme Court Decision

The failure of COAH to adopt new regulations as ordered by the New Jersey Supreme Court led one of the litigants – FSHC to file a Motion In Aid of Litigants' Rights to compel the government to produce affordable housing regulations. The New Jersey Supreme Court heard oral arguments on the motion on January 6, 2015. On March 10, 2015, the Supreme Court issued its ruling, entitled, In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, now known as Mount Laurel IV.

The decision provides a new direction for the means by which New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve Housing Elements and Fair Share





Plans (e.g., Housing Plans) from COAH to designated Mount Laurel trial judges. The implication of this is that municipalities could no longer wait for COAH to adopt Third Round rules before preparing new Housing Plans and municipalities must now apply to Court, instead of COAH, if they wish to be protected from exclusionary zoning or builder's remedy lawsuits. These trial judges are to review municipal plans in much the same manner as COAH previously did. Those towns whose plans are approved by the Court will receive a Judgment of Repose, the court-equivalent of COAH's substantive certification.

The decision established a 90-day transitional period and then a 30-day filing period when municipalities could petition the Superior Court in a Declaratory Judgment action seeking confirmation that their means of addressing their affordable housing obligation meets constitutional muster. Municipalities were also permitted to file motions for temporary immunity from builder's remedy lawsuits. East Windsor filed its Declaratory Judgment action with the Court on July 7, 2015.

The New Jersey Supreme Court indicated in its ruling that Housing Plans are to be drawn up using similar rules as to those in place during the Second Round as well as Third Round housing compliance mechanisms that the justices found constitutional, such as extensions of controls. This document has been drafted using the Supreme Court's direction in its decision.

#### January 2017 New Jersey Supreme Court Decision

On January 17, 2017, the New Jersey Supreme Court issued its decision In Re Declaratory Judgment Actions Filed By Various Municipalities, County Of Ocean, Pursuant To The Supreme Court's Decision In In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1(2015). The Supreme Court found that the "gap period," defined as the period between the end of the Second Round in 1999 and 2015, generates an affordable housing obligation. The decision requires an expanded definition of the municipal present need obligation to include low- and moderate-income households formed during the gap period. Accordingly, the municipal affordable housing obligation is now composed of the following four (4) parts: present need (Rehabilitation Share); Prior Round (1987 to 1999, new construction); "gap" present need (1999 to 2015, new construction); and prospective need (Third Round, 2015 to 2025, new construction).



## AFFORDABILITY REQUIREMENTS AND INCOME LIMITS

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent, that is within the financial means of households of low- or moderate-income, as is measured within each housing region. East Windsor Township is in COAH's Region 4, which includes Mercer, Monmouth, and Ocean counties. Moderate-income households are those with annual incomes greater than 50%, but less than 80% of the regional median income. Low-income households are those with annual incomes that are 50% or less than the regional median income. In 2008, the State Legislature created an additional sub-category of low-income – very low-income households, which is defined as households with incomes 30% or less than the regional median income.

### Income Categories

**Moderate** = 50% to 80% regional median income

**Low** = 50% regional median income or less

**Very Low** = 30% regional median income or less

Through the Uniform Housing Affordability Controls ("UHAC") found at N.J.A.C. 5:80-26.3(d) and (e), et seq., COAH requires that the maximum rent for a qualified unit be affordable to households with incomes no more than 60% of the median income for the region. The average rent must be affordable to households with incomes no more than 52% of the regional median income. The maximum sale prices for affordable units must be affordable to households with incomes no more than 70% of the regional median income. The average sale price must be affordable to a household with an income no more than 55% of the regional median income.

The regional median income is defined by COAH using the federal HUD income limits on an annual basis. In the spring of each year, HUD releases updated regional income limits that COAH reallocates to its regions. It is from these income limits that the rents and sale prices for affordable units are derived. However, COAH has not published updated income limits or rent increases since 2014. As a result, the Township sought approval from the Court to calculate and adopt updated income limits annually.

On July 19, 2017, Judge Jacobson approved a Consent Order permitting the Township to annually update its income limits based on methodology that adheres to COAH's Prior Round methodologies, the key aspects of which are outlined below (see the Township's 2017 Fair Share Plan Appendix 2 for the Consent Order). Income limits for all units that are part of the Township's Housing Element and Fair Share Plan, excluding those which income limits are already established through a federal program, shall be updated as HUD publishes regional median incomes and income limits.

Included in this Consent Order are updated 2017 regional income limits for all COAH regions calculated using HUD's determination of the median income for fiscal year 2017. These income limits for Region 4 have been approved and will be utilized by East Windsor for 2017. See Table 1 for 2017 income limits for Region 4.





TABLE 1. 2017 INCOME LIMITS FOR REGION 4					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
<b>Moderate</b>	\$52,817	\$60,363	\$67,908	\$75,454	\$81,490
<b>Low</b>	\$33,011	\$37,727	\$42,443	\$47,158	\$50,931
<b>Very Low</b>	\$19,807	\$22,636	\$25,466	\$28,295	\$30,559

Tables 2 and 3 provide illustrative sale prices and gross rents for 2017. The sample rents and sale prices are illustrative and are gross figures, which do not account for the specified utility allowances for the rental units or for specific mortgage rates, taxes, etc. for sales units. As a note, rents have increased by a collective 3.4% in 2015 and 2016 and by 1.7% in 2017. In Region 4, affordable sales prices increased by 0.3% in 2015, did not increase in 2016, but increased again in 2017 by 1.53%.

TABLE 2. ILLUSTRATIVE 2017 AFFORDABLE GROSS RENTS FOR REGION 4			
Household Income Levels (% of Median Income)	1-Bedroom Unit Rent	2-Bedroom Unit Rent	3-Bedroom Unit Rent
<b>Very Low (30%)</b>	\$530	\$636	\$735
<b>Low (46%)</b>	\$813	\$976	\$1,128
<b>Moderate (60%)</b>	\$1,061	\$1,273	\$1,471
Source: 2017 Illustrative Rents.			

TABLE 3. ILLUSTRATIVE 2017 AFFORDABLE SALES PRICES FOR REGION 4			
Household Income Levels (% of Median Income)	1 Bedroom Unit Price	2 Bedroom Unit Price	3 Bedroom Unit Price
<b>Very Low (30%)</b>	\$40,797	\$48,957	\$56,573
<b>Low (50%)</b>	\$83,931	\$100,717	\$116,384
<b>Moderate (70%)</b>	\$127,064	\$152,477	\$176,195
Source: NJDCA 2014 Illustrative Sales Prices for New Construction, factored in sales price increases for 2015 and 2017.			



## HOUSING ELEMENT REQUIREMENTS

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the FHA (N.J.S.A. 52:27D-301 et seq.), a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. Specifically, N.J.S.A. 52:27D-310 requires that the Housing Element contain at least the following:

- 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 10 years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- 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 of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A consideration of the lands 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 portion of the Housing Element can be found in the section titled "Housing, Demographic, & Employment Analysis."*

*See the section titled "Consideration of Lands Appropriate for Affordable Housing" for this information.*



## EAST WINDSOR'S AFFORDABLE HOUSING HISTORY

East Windsor has a long history of voluntary compliance with the Mount Laurel doctrine. The Township was one of the first municipalities in the State to respond to the Supreme Court's 1975 Mount Laurel I decision by amending its land use regulations to require an affordable housing set-aside ranging between 15% and 25% in its Planned Unit Development districts. In its 1983 Mount Laurel II decision, the Supreme Court acknowledged that East Windsor was one (1) of only six (6) communities in New Jersey that adopted mandatory set-aside ordinances in response to Mount Laurel I and that East Windsor's ordinance established the highest set-aside amongst the six (6).

On May 8, 1998, the Township filed an adopted Housing Element and Fair Share Plan with COAH and petitioned for Second Round substantive certification. East Windsor subsequently amended its Second Round Plan and re-petitioned on May 25, 2000. COAH did not receive any objections to the amended Plan. On September 6, 2000, COAH granted East Windsor Second Round substantive certification. The Township's Second Round Plan addressed East Windsor's 12-year cumulative obligation of 368 units comprised of a 23-unit Rehabilitation Share and a 345-unit new construction obligation.

The Township prepared a Third Round Housing Element and Fair Share Plan dated December 5, 2005 and petitioned COAH for Third Round substantive certification on December 20, 2005. However, COAH did not conduct a substantive review of the 2005 Housing Element and Fair Share Plan prior to the 2007 Appellate Division decision overturning COAH's 2004 Third Round rules. On December 15, 2008, East Windsor adopted a 2008 Third Round Housing Element and Fair Share Plan consistent with COAH's second iteration of Third Round rules. The Township submitted the 2008 Plan to COAH on December 30, 2008 as part of their second petition for Third Round substantive certification. The petition was deemed complete by COAH on March 18, 2009. The Township's 2008 Plan was not reviewed by COAH prior to the 2010 Appellate Division decision invalidating COAH's second iteration of the Third Round rules.

East Windsor Township is updating its previous 2008 Housing Plan in accordance with the New Jersey Supreme Court's March 10, 2015 decision.



## HOUSING, DEMOGRAPHIC, & EMPLOYMENT ANALYSIS

### Housing Characteristics

The 2011-2015 American Community Survey (“ACS”) <sup>10</sup> estimates that East Windsor has approximately 10,218 housing units, of which only 553, or 5.4%, are vacant. East Windsor’s housing stock and tenure reflect the variety of residential land use patterns in the municipality. While 37.7% of the Township’s housing stock consists of single-family detached units, the Township has a significant share of attached single-family units (22.9%) and multi-family developments with 10 or more units (25.3%). The share of multi-family developments with 10 or more units in the Township is higher than for Mercer County (16.1%) and the State (15.3%). However, the percentage of housing units occupied by renters is similar across all three geographies, approximately 35%. See Table 4, Housing Units by Number of Units in Structure, for a detailed explanation of the housing units in 2015.

Number of Units	Owner-occupied	Percent	Rental	Percent	Vacant	Percent	Total
<b>1, Detached</b>	3,415	54.8%	296	8.6%	140	25.3%	3,851
<b>1, Attached</b>	1,950	31.3%	326	9.5%	67	12.1%	2,343
<b>2</b>	21	0.3%	107	3.1%	0	0.0%	128
<b>3 or 4</b>	81	1.3%	245	7.1%	0	0.0%	326
<b>5 to 9</b>	219	3.5%	537	15.6%	32	5.8%	788
<b>10 to 19</b>	394	6.3%	965	28.1%	178	32.2%	1,537
<b>20 or more</b>	50	0.8%	905	26.3%	99	17.9%	1,054
<b>Mobile Home</b>	100	1.6%	54	1.6%	37	6.7%	191
<b>Other</b>	0	0.0%	0	0.0%	0	0.0%	0
<b>Total</b>	<b>6,230</b>	<b>100.0%</b>	<b>3,435</b>	<b>100.0%</b>	<b>553</b>	<b>100.0%</b>	<b>10,218</b>

*Source: 2011-2015 American Community Survey 5-Year Estimate (B25032, DP04).*

Table 5, Housing Units by Year Built, illustrates the age of the Township’s housing stock. Only 13.5% of East Windsor’s housing stock was constructed prior to 1960. The Township’s housing stock grew most rapidly in the 1960s (25.2%) and 1970s (25.7%). The third highest period of housing construction in the Township was between 2000 and 2009. The median year homes

<sup>10</sup> The American Community Survey replaced the long-form Census as the source for much of the housing data necessary to complete this section. The Census is a one-time count of the population while this ACS is an estimate taken over five years through sampling. As such, data in the ACS is subject to a margin of error.

were built in the Township (1975) indicates that the housing stock in East Windsor is newer than that of the County (1965) and the State (1966).

TABLE 5. HOUSING UNITS BY YEAR BUILT, 2015					
Year Built	Total Units	Percent	Owner	Renter	Vacant
2014 or later	0	0.0%	0	0	0
2010 to 2013	87	0.9%	61	26	0
2000 to 2009	1,440	14.1%	1,227	133	80
1990 to 1999	904	8.8%	600	304	0
1980 to 1989	1,247	12.2%	613	567	67
1970 to 1979	2,621	25.7%	1,674	728	219
1960 to 1969	2,571	25.2%	1,515	981	75
1950 to 1959	858	8.4%	275	509	74
1940 to 1949	204	2.0%	88	78	38
1939 or earlier	286	2.8%	177	109	0
<b>Total</b>	<b>10,218</b>	<b>100.0%</b>	<b>6,230</b>	<b>3,435</b>	<b>553</b>
<b>Median Year Built</b>	1975		1976	1971	

Source: 2011-2015 American Community Survey 5-Year Estimate (DP04, B25036, B25037).

Table 6, Housing Units by Number of Rooms, shows that 17.9% of homes have between one (1) and three (3) rooms; 48.8% of housing units have between four (4) and six (6) rooms; and 33.4% have seven (7) or more rooms. The data from this and other tables indicate that the housing stock in East Windsor is, on average, moderate in size. Approximately half (51.6%) of all housing units in the Township have three (3) or more bedrooms. The most common number of bedrooms per housing unit, three (3) bedrooms (28.7%), is consistent with the County and State (33.3% and 32.6%, respectively). See Table 7, Housing Units by Number of Bedrooms, for more detail.

TABLE 6. HOUSING UNITS BY NUMBER OF ROOMS, 2015		
Rooms	Number of Units	Percent
1	192	1.9%
2	302	3.0%
3	1,333	13.0%
4	1,886	18.5%
5	1,345	13.2%
6	1,748	17.1%
7	949	9.3%



**TABLE 6. HOUSING UNITS BY NUMBER OF ROOMS, 2015**

Rooms	Number of Units	Percent
<b>8</b>	1,218	11.9%
<b>9+</b>	1,245	12.2%
<b>Total</b>	<b>10,218</b>	<b>100.0%</b>

Source: 2011-2015 American Community Survey 5-Year Estimate (DP04)

**TABLE 7. HOUSING UNITS BY NUMBER OF BEDROOMS, 2015**

Bedrooms	Number of Units	Percent
<b>Efficiency</b>	227	2.2%
<b>1</b>	1,864	18.2%
<b>2</b>	2,854	27.9%
<b>3</b>	2,928	28.7%
<b>4</b>	2,077	20.3%
<b>5+</b>	268	2.6%
<b>Total</b>	<b>10,218</b>	<b>100.0%</b>

Source: 2011-2015 American Community Survey 5-Year Estimate (DP04)

Table 8, Value of Owner-Occupied Housing Units, shows that the median home value in East Windsor has increased by 102% between 2000 and 2015. The median home value in the Township in 2015 (\$277,800) was slightly higher than that of the County as a whole (\$276,500), but less than the median for the State (\$315,900). In 2015, only 10.5% of owner-occupied units in East Windsor were valued at less than \$100,000 as compared to nearly 25% in 2000. Further, 44.3% of homes in 2015 had values greater than \$300,000 as compared to only 3.6% in 2000.

Based on the 2017 Illustrative Sales Prices, approximately 295 (4.7%) of 2015 of owner-occupied housing units in East Windsor may be affordable to very low-income households (depending on the number of bedrooms in the unit). Approximately 387 units (6.2%), exclusive of units that may be affordable to very low-income households, may be affordable to low-income households, and approximately 526 units (8.4%) may be affordable to moderate-income households, excluding those units affordable to low- and very low-income households. In total, 1,208 owner-occupied units in the Township, or 19.4%, may be affordable to low- and moderate-income households depending on the number of bedrooms in the unit.

TABLE 8. VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2015 & 2000				
Housing Unit Value	2015 Units	Percent	2000 Units	Percent
Less than \$50,000	250	4.0%	304	5.3%
\$50,000 to \$99,999	342	5.5%	1096	19.0%
\$100,000 to \$149,999	275	4.4%	1,852	32.1%
\$150,000 to \$199,999	651	10.4%	1042	18.0%
\$200,000 to \$299,999	1,953	31.3%	1271	22.0%
\$300,000 to \$499,999	2,275	36.5%	204	3.5%
\$500,000 to \$999,999	484	7.8%	8	0.1%
\$1,000,000 or more	0	0.0%	0	0.0%
Total	6,230	100.0%	5,777	100.0%
Median Value	\$277,800		\$137,500	
Sources: 2000 Census (H084, H085), 2011-2015 American Community Survey 5-Year Estimate (DP04)				

The median rent in East Windsor in 2015 was \$1,205, compared to \$1,132 in Mercer County. The majority (54.3%) of rental housing units in East Windsor had gross rents between \$1,000 and \$1,500; 5.9% of rental units had rents greater than \$2,000. Approximately 19% of rental units in East Windsor had gross rents less than \$1,000 compared to 36.2% of rental units in the County.

Based on 2017 Illustrative Rents, approximately 308 units, or 9.0% of renter-occupied units, may be affordable to very low-income renters, depending on the number of bedrooms being rented. Similarly, approximately 949 units (27.6% of rental units) may be affordable to low-income renters and approximately 1,184 units (34.5% of rental units) may be affordable to moderate-income renters, exclusive of those units affordable to lower-income groups. See Table 9, Gross Rent.

TABLE 9. GROSS RENT, 2015				
Gross Rent	East Windsor Township		Mercer County	
	Units	Percent	Units	Percent
Less than \$100	138	4.0%	501	1.1%
\$100 to \$149	0	0.0%	307	0.7%
\$150 to \$199	0	0.0%	424	0.9%
\$200 to \$249	26	0.8%	1,044	2.2%
\$250 to \$299	106	3.1%	723	1.6%
\$300 to \$349	0	0.0%	419	0.9%
\$350 to \$399	11	0.3%	454	1.0%
\$400 to \$449	12	0.3%	545	1.2%
\$450 to \$499	0	0.0%	324	0.7%
\$500 to \$549	0	0.0%	500	1.1%
\$550 to \$599	0	0.0%	376	0.8%





TABLE 9. GROSS RENT, 2015				
Gross Rent	East Windsor Township		Mercer County	
	Units	Percent	Units	Percent
\$600 to \$649	0	0.0%	659	1.4%
\$650 to \$699	7	0.2%	813	1.7%
\$700 to \$749	12	0.3%	1,303	2.8%
\$750 to \$799	44	1.3%	1,023	2.2%
\$800 to \$899	139	4.0%	3,324	7.1%
\$900 to \$999	159	4.6%	4,094	8.8%
\$1,000 to \$1,249	1,179	34.3%	10,599	22.8%
\$1,250 to \$1,499	688	20.0%	6,578	14.1%
\$1,500 to \$1,999	514	15.0%	6,615	14.2%
\$2,000 or more	203	5.9%	4,245	9.1%
No cash rent	197	5.7%	1,631	3.5%
Total	3,435	100.0%	46,501	100.0%
Median Rent	\$1,205		\$1,132	
Source: 2011-2015 American Community Survey 5-Year Estimate (DP04, B25063)				

Housing is generally considered to be affordable if the costs of rents, mortgages, and other essential costs consume 28% or less of an owner-household's income or 30% or less of a renter-household's income. Homeowner rates are lower to account for additional home maintenance costs associated with ownership. In East Windsor, 37.5% of all households are expending more than 30% of their incomes on housing. The percentage of renter-occupied households expending more than 30% of their incomes on housing (45.6%) is much higher than that of owner-occupied households (33.4%). This suggests that some of East Windsor's existing rental housing may be unaffordable to the population.

TABLE 10. HOUSING AFFORDABILITY, 2015						
Monthly Housing Costs as Percent of Income*	Owner-Occupied	Percent	Renter-Occupied	Percent	All Occupied	Percent
<b>Less than 20 Percent</b>	2,377	38.7%	870	27.7%	3,247	35.0%
<b>20 to 29 Percent</b>	1,711	27.9%	841	26.7%	2,552	27.5%
<b>30 Percent or More</b>	2,049	33.4%	1,434	45.6%	3,483	37.5%
<b>Total</b>	<b>6,137</b>	<b>100.0%</b>	<b>3,145</b>	<b>100.0%</b>	<b>9,282</b>	<b>100.0%</b>
Source: 2011-2015 American Community Survey 5-Year Estimate (DP04, B25106)						
*Information not computed for all units.						

In 2015, there were an estimated 13 housing units that lacked adequate plumbing and 104 units that had inadequate kitchen facilities, which may include some or all of the aforementioned units. There were no housing units that were overcrowded (more than one occupant per room) and built before 1950. However, as indicated in Table 5, less than 5% of the Township's



housing stock was constructed prior to 1950. When considering East Windsor's entire housing stock, 429 units were estimated to be overcrowded. Overcrowding may be associated with substandard housing due to overuse of facilities. Overcrowded housing may also be occupied by lower income households who share space to save on housing costs. These households may not be able to afford to maintain the home, leading to deteriorated conditions. Historically, the conditions mentioned in this paragraph have been indicators of housing deficiency, which are used to determine the number of units requiring rehabilitation.

TABLE 11. INDICATORS OF HOUSING DEFICIENCY, 2015			
Indicator	Incomplete Plumbing	Incomplete Kitchen	Crowded or Overcrowded and Built Pre-1950
Number of Units	13	104	0
Source: 2011-2015 American Community Survey 5-Year Estimate (DP04, B25050)			

### Population Characteristics

The population of East Windsor increased by 11.5% from 1990 to 2010 and again by 9.1% between 2000 and 2010. From 1990 through 2010, population growth in the Township continued to outpace that of Mercer County as a whole. Since 2010, both the Township and the County have experienced minimal increases in population. See Table 12, Population Change.

TABLE 12. POPULATION CHANGE, 1990 – 2015							
	1990	2000	Percent Change	2010	Percent Change	2015	Percent Change
East Windsor Township	22,353	24,919	11.5%	27,190	9.1%	27,501	1.1%
Mercer County	325,824	350,761	7.7%	366,513	4.5%	370,212	1.0%
Sources: 1990, 2000, and 2010 US Census; 2011-2015 American Community Survey 5-Year Estimate (DP05)							

Between 2000 and 2015, there was a substantial increase in the number of East Windsor residents of retirement age. The largest growth was in the 65-74 age cohort, whose population grew 108.8% between 2000 and 2015; additionally, the 60-64 age cohort increased by 64.6%. There were decreases in the cohorts representing young professionals and young families, with the 35-44 cohort representing the largest decline (-9.8%). East Windsor's aging population contributed to the increase in the median age from 35.6 to 38.4 years from 2000 to 2015. See Table 13, Age Distribution, for additional detail.



**TABLE 13. AGE DISTRIBUTION, 2000, 2010 & 2015**

Age Group	2000	Percent	2010	Percent	2015	Percent	Percent Change (2000-2015)
<b>Under 5</b>	1,915	7.7%	1,898	7.0%	2,004	7.3%	4.6%
<b>5 - 9</b>	1,631	6.5%	1,889	6.9%	1,771	6.4%	8.6%
<b>10 - 14</b>	1,566	6.3%	1,805	6.6%	1,848	6.7%	18.0%
<b>15 - 19</b>	1,343	5.4%	1,501	5.5%	1,360	4.9%	1.3%
<b>20 - 24</b>	1,431	5.7%	1,301	4.8%	1,802	6.6%	25.9%
<b>25 - 34</b>	4,274	17.2%	3,801	14.0%	3,956	14.4%	-7.4%
<b>35 - 44</b>	4,503	18.1%	4,547	16.7%	4,063	14.8%	-9.8%
<b>45 - 54</b>	3,713	14.9%	4,044	14.9%	4,097	14.9%	10.3%
<b>55 - 59</b>	1,576	6.3%	1,682	6.2%	1,575	5.7%	-0.1%
<b>60 - 64</b>	905	3.6%	1,570	5.8%	1,490	5.4%	64.6%
<b>65 - 74</b>	1,039	4.2%	1,854	6.8%	2,169	7.9%	108.8%
<b>75 - 84</b>	621	2.5%	831	3.1%	857	3.1%	38.0%
<b>85 +</b>	402	1.6%	467	1.7%	509	1.9%	26.6%
<b>Total</b>	<b>24,919</b>	<b>100.0%</b>	<b>27,190</b>	<b>100.0%</b>	<b>27,501</b>	<b>100.0%</b>	<b>10.4%</b>
<b>Median Age</b>	35.6		38.2		38.4		

Sources: 2000 and 2010 US Census; 2011-2015 American Community Survey 5-Year Estimate (DP05)

### Household Characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however, these persons may or may not be related. As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2015, there were 9,665 households in the Township, with an average of 2.83 persons per household and an average of 3.29 persons per family. Approximately 60.1% of the households are comprised of married couples with or without children. Approximately 24.8% of the Township's households are non-family households, which include individuals living alone. See Table 14, Household Composition.

**TABLE 14. HOUSEHOLD COMPOSITION, 2015**

Household Type	Households	Percent
<b>Family households</b>	<b>7,267</b>	<b>75.2%</b>
Married-couple family	5,805	60.1%
With Children	2,912	30.1%
Male householder, no spouse present	404	4.2%





TABLE 14. HOUSEHOLD COMPOSITION, 2015		
Household Type	Households	Percent
With Own Children Under 18	150	1.6%
Female householder, no spouse present	1,058	10.9%
With Own Children Under 18	489	5.1%
<b>Nonfamily households</b>	<b>2,398</b>	<b>24.8%</b>
Householder living alone	2,079	21.5%
<b>Total Households</b>	<b>9,665</b>	<b>100.0%</b>

Source: 2011-2015 American Community Survey 5-Year Estimate (B11003, B09019)

### Income Characteristics

Median income in 2015 in East Windsor was \$82,700 for households and \$95,701 for families, which is higher than the median figures for the County (\$72,804 for households and \$94,908 for families). Table 15, Household Income, further illustrates income characteristics by noting the number of households in each of the income brackets in East Windsor. The Township's poverty rate for individuals (9.5%) is less than the individual poverty rate for the County (11.5%), although the Township's poverty rate for families (8.4%) is slightly higher than the County's (8.0%). See Table 16, Individual and Family Poverty Rates, for the comparison.

TABLE 15. HOUSEHOLD INCOME, 2015		
	Households	Percent
Less than \$10,000	443	4.6%
\$10,000-\$14,999	269	2.8%
\$15,000-\$24,999	536	5.5%
\$25,000-\$34,999	553	5.7%
\$35,000-\$49,000	795	8.2%
\$50,000-\$74,999	1,711	17.7%
\$75,000-\$99,999	1,508	15.6%
\$100,000-\$149,999	1,848	19.1%
\$150,000-\$199,999	1,114	11.5%
\$200,000 +	888	9.2%
<b>Total</b>	<b>9,665</b>	<b>100.0%</b>
<b>Median Income</b>	<b>\$82,700</b>	

Source: 2011-2015 American Community Survey 5-Year Estimate (DP03)

**TABLE 16. INDIVIDUAL AND FAMILY POVERTY RATES, 2015**

Location	Individuals	Families
East Windsor Township	9.5%	8.4%
Mercer County	11.5%	8.0%

*Source: 2011-2015 American Community Survey 5-Year Estimate (DP03)*

### Employment Characteristics

Table 17, Employed Residents by Industry Sector, shows the distribution of employment by industry for employed East Windsor residents. In 2015, the four (4) industries representing the largest concentrations of employed residents in East Windsor were Educational Services, and Health Care and Social Assistance with 17.9% of employed residents; Professional, Scientific, and Management, and Administrative and Waste Management Services with 13.8%; Retail Trade with 12.0%; and Manufacturing with 11.4%.

**TABLE 17. EMPLOYED RESIDENTS BY INDUSTRY SECTOR, 2015**

Industry	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%
Construction	814	6.0%
Manufacturing	1,554	11.4%
Wholesale Trade	586	4.3%
Retail Trade	1,643	12.0%
Transportation and Warehousing, and Utilities	602	4.4%
Information	660	4.8%
Financing and Insurance, and Real Estate, Rental, and Leasing	1,376	10.1%
Professional, Scientific, and Management, Administrative and Waste Management Services	1,879	13.8%
Educational Services, and Health Care and Social Assistance	2,444	17.9%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	1,032	7.6%
Public Administration	508	3.7%
Other	553	4.1%
<b>Total</b>	<b>13,651</b>	<b>100.0%</b>

*Source: 2011-2015 American Community Survey 5-Year Estimate (DP03)*

Table 18, Employed Residents by Occupation, identifies the occupations of employed residents of East Windsor. While Township residents work in a variety of industries, 44.4% of employed



residents work in Management, Business, Science and Arts occupations and 25.6% are employed in Sales and Office occupations.

TABLE 18. EMPLOYED RESIDENTS BY OCCUPATION, 2015		
Occupation	Number	Percent
Management, Business, Science, Arts	6,060	44.4%
Service	1,536	11.3%
Sales and Office	3,493	25.6%
Natural Resources, Construction, Maintenance	840	6.2%
Production, Transportation, Material Moving	1,722	12.6%
<b>Total</b>	<b>13,651</b>	<b>100.0%</b>
<i>Source: 2011-2015 American Community Survey 5-Year Estimate (DP03)</i>		

The size of East Windsor's labor force has steadily increased since 2010. While labor force participation continues to increase, more people looking for work are able to find jobs as indicated by the simultaneous decrease in the unemployment rate. The Township's unemployment rate fell from 7.0% in 2010 to 3.6% in 2016. Table 19, Change in Employment, illustrates these trends.

TABLE 19. CHANGE IN EMPLOYMENT, 2010 – 2016				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	15,374	14,292	1,082	7.0
2011	15,409	14,342	1,067	6.9
2012	15,534	14,506	1,028	6.6
2013	15,558	14,623	935	6.0
2014	15,647	14,881	766	4.9
2015	15,963	15,295	668	4.2
2016	16,108	15,530	578	3.6
<i>Source: NJ Department of Labor and Workforce Development</i>				

The New Jersey Department of Labor and Workforce Development tracks covered employment throughout the State. Covered employment data includes only those jobs for which unemployment compensation is paid. By definition it does not cover the self-employed, unpaid family workers, most part-time or temporary employees, and certain agricultural and in-home domestic workers. See Table 20, Covered Employment Estimates, for additional detail.



**TABLE 20. COVERED EMPLOYMENT ESTIMATES**

Year	East Windsor Township	Mercer County
<b>2016</b>	6,239	243,906

*Source: NJ Department of Labor and Workforce Development, Quarterly Census of Employment and Wages*

Retail Trade and Accommodations/Food represented the largest concentration of jobs in East Windsor, with 1,088 and 819 jobs, respectively. Table 21, Covered Employment by Sector, provides additional employment information.

**TABLE 21. COVERED EMPLOYMENT BY SECTOR, 2016**

	Employment					Wages	
	March	June	Sept.	Dec.	Average	Annual	Weekly
<b>Agriculture</b>	.	.	.	.	.	.	.
<b>Construction</b>	110	110	108	107	110	\$64,449	\$1,239
<b>Manufacturing</b>	268	283	287	315	284	\$88,269	\$1,697
<b>Wholesale Trade</b>	.	.	.	.	.	.	.
<b>Retail Trade</b>	1,083	1,085	1,078	1,123	1,088	\$23,425	\$450
<b>Transportation/Warehousing</b>	69	101	137	134	106	\$31,182	\$600
<b>Information</b>	317	345	339	338	331	\$87,107	\$1,675
<b>Finance/Insurance</b>	300	310	346	316	328	\$89,878	\$1,728
<b>Real Estate</b>	117	127	130	139	129	\$43,720	\$841
<b>Professional/Technical</b>	561	552	553	549	557	\$95,619	\$1,839
<b>Management</b>	.	.	.	.	.	.	.
<b>Admin/Waste Remediation</b>	292	971	920	336	567	\$30,859	\$593
<b>Education</b>	.	.	.	.	.	.	.
<b>Health/Social</b>	546	541	589	548	556	\$42,166	\$811
<b>Arts/Entertainment</b>	.	.	.	.	.	.	.
<b>Accommodations/Food</b>	793	859	813	835	819	\$18,219	\$350
<b>Other Services</b>	292	286	286	276	283	\$26,048	\$501
<b>Unclassified</b>	27	22	30	13	21	\$35,062	\$674
<b>Private Sector Total</b>	<b>5,637</b>	<b>6,361</b>	<b>6,399</b>	<b>5,809</b>	<b>5,990</b>	<b>\$49,711</b>	<b>\$956</b>
<b>Federal Government</b>	2	2	2	1	2	\$54,168	\$1,042
<b>State Government</b>	49	48	48	49	49	\$124,750	\$2,399
<b>Local Government</b>	190	177	241	175	198	\$62,837	\$1,208
<b>Total Covered Employment</b>	<b>5,878</b>	<b>6,588</b>	<b>6,690</b>	<b>6,034</b>	<b>6,239</b>		

*Source: NJ Department of Labor and Workforce Development, Quarterly Census of Employment and Wages*



As Table 22, Journey to Work, below shows, 71.4% of East Windsor's employed residents drive to work alone compared with 72.2% for Mercer County and 71.9% for New Jersey as a whole. The relatively high percentage of residents driving to work alone or as part of a carpool is consistent with the suburban land use pattern and auto-centric employment centers within and near to the Township. East Windsor is serviced by the Princeton Junction Shuttle commuter bus, which connects Township residents to NJ Transit's Princeton Junction regional rail station on the Northeast Corridor line. This train line provides service from Trenton to New York City. A bus service operated by the Greater Mercer Transportation Management Association connects East Windsor residents to major employment sites along Route 130. Additionally, there are shared-ride shuttles available to senior citizens and people with disabilities.

TABLE 22. JOURNEY TO WORK, 2015			
Mode	East Windsor Township	Mercer County	New Jersey
Drive Alone	71.4%	72.2%	71.9%
Carpool	11.7%	9.6%	8.1%
Transit	7.1%	8.1%	11.1%
Walk	0.9%	3.1%	3.1%
Other	3.8%	2.0%	1.9%
Work at Home	5.2%	5.1%	4.0%
Source: 2011-2015 American Community Survey: Selected Economic Characteristics (DP03)			

Approximately 29% of households in East Windsor have one (1) vehicle and 8.7% have no vehicle. Some one-car households likely comprise the approximately 22% of Township residents who live alone. Not having a vehicle in a suburban context such as East Windsor may be an indicator of lower-income households and makes it extremely difficult for residents to reach jobs and community and commercial services. This potential mobility issue is magnified at the County level, where 11.9% of households do not have a vehicle. See Table 23, Available Vehicles by Household.

TABLE 23. AVAILABLE VEHICLES BY HOUSEHOLD, 2015		
Vehicles	Count	Percent
None	845	8.7%
One	2,764	28.6%
Two	4,494	46.5%
Three +	1,562	16.2%
<b>Total</b>	<b>9,665</b>	<b>100.0%</b>
Source: 2011-2015 American Community Survey: Selected Housing Characteristics (DP04)		

The most common commuting destination of employed Township residents is to New York City (6.5%), followed by workers commuting to neighboring Princeton (3.4%) and Hightstown (3.0%). As shown in Table 24, Top Ten Commuting Destinations for East Windsor Residents below, the vast majority of residents, 79.1%, commute to dispersed locations.

TABLE 24. TOP TEN COMMUTING DESTINATIONS FOR EAST WINDSOR RESIDENTS, 2015		
Destination	Jobs	Percent
New York City, NY	890	6.5%
Princeton, NJ	466	3.4%
Hightstown, NJ	404	3.0%
Trenton, NJ	260	1.9%
New Brunswick, NJ	209	1.5%
Philadelphia, PA	143	1.0%
Jersey City, NJ	136	1.0%
Newark, NJ	122	0.9%
Franklin Center, NJ	115	0.8%
Twin Rivers, NJ	110	0.8%
All Other Locations	10,836	79.1%
Source: US Census and Center for Economic Studies. Longitudinal Employer-Household Dynamics, 2015		

### Population and Housing Projections

The Delaware Valley Regional Planning Commission (“DVRPC”), the Metropolitan Planning Organization that contains East Windsor as well as the remainder of Mercer County, published population and employment projections for the year 2045. DVRPC projects that the Township’s population and employment will increase by 8.8% and 8.3%, respectively, from 2015 to 2045. As Table 25, Population and Employment Projections, shows, these rates are lower than for the County as a whole.

TABLE 25. POPULATION AND EMPLOYMENT PROJECTIONS, 2015 – 2045						
	East Windsor Township			Mercer County		
	2015	2045	Percent Change	2015	2045	Percent Change
Population	27,603	30,027	8.8%	371,398	402,283	8.3%
Employment	17,414	19,359	11.2%	286,295	310,084	9.7%
Sources: DVRPC Regional, County, and Municipal-Level Population Forecasts, 2015-2045; DVRPC Regional, County, and Municipal-Level Employment Forecasts, 2015-2045.						





The Fair Housing Act requires that Housing Elements include a 10-year projection of new housing units based on the number of building permits, development applications approved, and probable developments, as well as other indicators deemed appropriate (N.J.S.A. 52:27D-310.b). Annual building permit issuance for residential new construction in East Windsor during the years 2000 through 2016 averaged 88.6 units, although the pace decreased to an average of 39.8 units per year from 2010 to 2016.

With at least three (3) proposed new inclusionary developments and one (1) proposed 100% affordable housing development, it may be safe to assume the 2000-2016 rate will remain relatively constant. Thus, East Windsor may see approximately 886 new dwellings during the next 10 years. Factors such as the business cycle may result in a lower or higher actual number. Table 26, Housing Projections, provides an estimate of anticipated residential growth based on the extrapolation of prior housing activity into the future.

TABLE 26. HOUSING PROJECTIONS	
Year	Building Permits Issued
2000	222
2001	389
2002	125
2003	53
2004	106
2005	87
2006	66
2007	36
2008	111
2009	33
2010	5
2011	102
2012	27
2013	15
2014	3
2015	73
2016	54
Average	88.6
10-Year Projection	886 dwellings
Source: NJDCA Construction Reporter, Building Permits, Yearly Summary Data, and Housing Units Authorized by Building Permits for New Construction	





## Development Trends and Projections

Between 2000 and 2016, East Windsor Township issued on average approximately 88 new residential certificates of occupancy per year. However, the majority of housing activity that occurred in this time period is attributed to the years between 2000 and 2004, during which 991 housing units were certified. Since 2010, housing activity has slowed. From 2010 to 2016, the Township has issued 156 residential certificates of occupancy, or an average of approximately 22 units per year. During the Third Round, the Township expects a few small-scale residential developments, in addition to the proposed 100% affordable and inclusionary housing developments included as compliance mechanisms in this Housing Element.

East Windsor has had substantial nonresidential growth since 2000, adding over 2.15 million square feet of non-residential space. Nonresidential development during this period was largely comprised of office and retail space, adding 363,538 and 895,700 square feet, respectively. As is similar to the trends in residential development, the vast majority of new commercial space, approximately 70%, was completed between 2000 and 2005. Between 2010 and 2016, the Township has added 97,517 square feet of nonresidential space, or an average of 13,931 square feet per year. However, East Windsor has recently approved several large-scale commercial developments and anticipates continued growth in nonresidential development, during the Third Round, particularly in warehouse, office, and light industrial flex space.



## CONSIDERATION OF LANDS APPROPRIATE FOR AFFORDABLE HOUSING

As part of this Housing Element, the Township has considered all land that is appropriate for the construction of low- and moderate-income housing. As a community characterized by both suburban and rural development, East Windsor is affected by various environmental constraints including wetlands and floodplains. However, these environmentally sensitive lands do not preclude the Township from addressing its affordable housing obligation. Additionally, East Windsor has adequate water and sewer capacity to address its affordable housing obligation and other future development. The majority of the Township is located in the 2001 State Plan's Suburban Planning Area 2; the area designated as such largely corresponds with the Township's existing sewer service area. The Township's zoning has supported residential development at a range of densities throughout the residential districts served by public sewer and water systems. The remainder of land in the Township is located in the Rural Planning Area 4 or Rural Environmentally Sensitive Planning Area 4B. These more rural areas are located in the southern portion of the Township and are generally comprised of agricultural uses and open space. The Township is not subject to Pinelands, Highlands, Meadowlands, or CAFRA jurisdiction.

East Windsor has and will continue to provide for affordable housing interspersed throughout the Township in existing and proposed 100% affordable developments, inclusionary housing developments, and alternative living arrangements, as well as through a proposed Market-to-Affordable program. The Township's affordable housing sites are in close proximity to transportation corridors including Route 130, which provide access to employment opportunities and services.

As will be discussed in detail in the section addressing the satisfaction of the Township's Third Round obligation, the owner of a Third Round inclusionary housing site also owns an approximately 30-acre vacant site near this proposed affordable housing site. The site is located on the west side of North Main Street just south of the Hightstown Bypass. The current zoning for this vacant site is Research-Office, which does not allow residential development, and although this site was initially also offered for an inclusionary development, the Township and the owner have agreed that it will not be rezoned. The Township desires to preserve this site for future commercial development as the Township anticipates continued growth in nonresidential development. The developable acreage of this site is also constrained by a significant amount of wetlands.

Therefore, the Township believes that the sites and mechanisms proposed in this document represent the best and most appropriate options for affordable housing development in East Windsor. These mechanisms entirely satisfy the Township's affordable housing obligation.





## EAST WINDSOR'S AFFORDABLE HOUSING OBLIGATION

As previously indicated, East Windsor Township entered into a Settlement Agreement to establish the Township's Rehabilitation Share, Prior Round obligation, and Third Round obligation, which was approved by the Superior Court at a Fairness Hearing held on July 19, 2017 and reflected in a Court Order also dated July 19, 2017 (see the Township's 2017 Fair Share Plan Appendix 1 for the Settlement Agreement and the Court Order approving said Agreement). The Court-approved obligation is as follows:

- **Rehabilitation Share: 107 units**
- **Prior Round Obligation: 345 units**
- **Third Round Obligation: 736 units**

While the structure of the Township's affordable housing obligation reflects three (3) main components, in accordance with the New Jersey Supreme Court's January 2017 decision, the Township's 736-unit Third Round obligation (1999-2025) includes both the Gap present need obligation (1999-2015) and the Third Round prospective need obligation (2015-2025).

### Rehabilitation Obligation

The Court-approved Settlement Agreement establishes the Township's Rehabilitation Share of 107 units. In the history of affordable housing rules and regulations in New Jersey, the Rehabilitation Share was calculated using U.S. Decennial Census indicators of sub-standard housing (see Table 11) cross-linked to demographic profiles. An example of a sub-standard dwelling unit is one lacking a complete kitchen, such as the absence of a stove for cooking.

The 107-unit rehabilitation obligation was determined by estimating that there are 67 existing older, crowded units (units containing more than 1.01 persons per room in structures built before 1965) with complete plumbing, 14 units with incomplete plumbing facilities, and 88 units with incomplete kitchen facilities. Note that these numbers differ from those provided in Table 11 of this Housing Element, due to a difference in sources used.<sup>11</sup> The total number of units fitting these criteria was cross-tabulated with other demographic data that determined that 63.4% of these units were occupied by low- or moderate-income households.

### Prior Round Obligation

The Prior Round obligation approved by Judge Jacobson follows the New Jersey Supreme Court's decision affirming the validity of the cumulative 1987 through 1999 affordable housing

---

<sup>11</sup> As calculated by FSHC in New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology (dated April 2015, revised July 2015). Data sources included the 2010 Census, the 2008-2012 American Community Survey 5-year estimates, and the 2007-2011 American Community Survey Public Use Microdata Sample (PUMS).



obligation. This time period corresponds to the First and Second Rounds of affordable housing. The Township's Prior Round obligation as 345 units, as previously calculated and corrected by COAH.<sup>12</sup>

### Third Round Obligation

The Township's Third Round obligation was established in the Court-approved Settlement Agreement.<sup>13</sup> As indicated in the Settlement Agreement, should the Third Round obligation of 736 units be reduced beyond 10% (to 662 or less) by a court of competent jurisdiction in Mercer County or an administrative agency responsible for implementing the FHA, the Township reserves the right to apply any additional Third Round credits towards a future fair share obligation.

---

<sup>12</sup> The Township's Second Round precertified need of 390 assigned by COAH was reduced to a 368-unit precertified need by virtue of an 'employment adjustment' correction issued by COAH's methodology consultant, Dr. Robert Burchell of Rutgers' Center for Urban Policy Research ("CUPR") on September 13, 1995. The Second Round employment adjustment corrected faulty jobs data caused by postal zip codes common to multiple municipalities. Thus, the Township's corrected 368-unit Second Round precertified need consisted of a 345-unit new construction obligation and a 23-unit rehabilitation share. The Township received second round substantive certification from COAH on September 6, 2000 and had fully addressed the 345-unit new construction obligation.

<sup>13</sup> The established Third Round obligation of 736 units represents a 33% reduction of 1,098, the number calculated in May 2016 by FSHC in their report, New Jersey Fair Share Housing Obligations for 1999-2025 (Third Round) Under Mount Laurel IV.





## EAST WINDSOR'S AFFORDABLE HOUSING MECHANISMS

### Means of Addressing the Rehabilitation Share

The Township will address its 107-unit Rehabilitation Share through the continued implementation of its local rehabilitation program and with 17 Rehabilitation Credits for 17 units rehabilitated through the Township's program since April 1, 2010. The Township will also continue to participate in County's program to help address the now remaining 90-unit Rehabilitation Share.

Currently, the Township's rehabilitation program is available to low- and moderate-income homeowners in East Windsor. The Township is expanding this program to include rental units occupied by low- and moderate-income households. The rehabilitation program has and will continue to be administered by Community Grants, Planning & Housing ("CGP&H"), the Township's designated affordable housing administrator. CGP&H has prepared a rehabilitation program manual that addresses both owner- and renter-occupied units.

The Township's current program has been funded through Small Cities Community Development Block Grants ("CDBG") from the New Jersey Department of Community Affairs. The Small Cities funding only provides for the rehabilitation of owner-occupied units. The Township's most recent Small Cities award was in 2015 for \$100,000. The Township will continue to apply for Small Cities grants to fund its program. To address the rehabilitation of renter-occupied units, the program will also be funded in part by the Township's Affordable Housing Trust Funds. Specifics of the Township's proposed rehabilitation program funding schedule are included in the Fair Share Plan Appendix 4.

The Township will also continue to participate in the Mercer County Housing Rehabilitation Program administered by the County's Housing and Community Development department. This program is available to low- and moderate-income homeowners in East Windsor. The Township has an existing agreement with Mercer County regarding participation in this program, which is for fiscal years 2016 through 2018.

Since April 1, 2010, the Township has completed 17 home rehabilitations through its existing program for which the Township is eligible to receive 17 Third Round Rehabilitation Credits. These rehabilitations were funded through Small Cities grants. Of the total 17 units rehabilitated, seven (7) are occupied by low-income homeowners and 10 are occupied by moderate-income homeowners. The average total hard cost of the rehabilitation was \$13,574, which complies with the required minimum \$10,000 average for hard costs expended on rehabilitation. The work completed on the units included the repair or replacement of a major system pursuant to N.J.A.C. 5:93-5.2(b). A lien was placed on the properties in accordance with the program's procedures. Therefore, these completed rehabilitations are eligible to receive 17 Rehabilitation Credits.



Both the County's and the Township's rehabilitation program will adhere to COAH's regulations per N.J.A.C. 5:93-5.2. A minimum average of \$10,000 will be expended for actual hard costs. All rehabilitated units will comply with the definition of a substandard unit in N.J.A.C. 5:93-5.2(b), which states, "a [housing] unit with health and safety code violations that require the repair or replacement of a major system." Major systems include roofing, plumbing, heating, electricity, sanitary plumbing, and/or load bearing structural systems. Rehabilitated units shall meet the applicable construction codes. Additionally, rehabilitated units shall be occupied by low- or moderate-income households and upon completion of the rehabilitation, 10-year affordability controls shall be placed on the property in the form of a lien.<sup>14</sup>

See the Township's 2017 Fair Share Plan Appendix 4 for all documentation concerning the Township's means to address its Rehabilitation Share including the rehabilitation program funding schedule, the rehabilitation program manual, evidence of the Township's 2012 and 2015 Small Cities CDBG awards, an executed contract with CGP&H for the administration of the local rehabilitation program, an executed agreement with the County for participation in their HOME Investment Partnerships program, and evidence of completed rehabilitations in the Township.

### Satisfaction of the Prior Round Obligation

East Windsor's Prior Round obligation from 1987 through 1999 is 345 units. In determining the obligation of the Prior Round, COAH requires that the Township establish the maximum number of age-restricted affordable units<sup>15</sup> and the minimum number of affordable rental units<sup>16</sup> using the following formulas:

#### **Maximum Prior Round Age-Restricted Units = 76 units**

$0.25 (345 \text{ Prior Round Obligation} - 40 \text{ RCA Credits}) = 76.25$ , required to round down

#### **Minimum Prior Round Rental Obligation = 87 units**

$0.25 (345 \text{ Prior Round Obligation}) = 86.25$ , required to round up

- A rental unit available to the general public receives one (1) rental bonus;
- No rental bonus is granted in excess of the prior round rental obligation.

COAH permits new construction credits, reductions, and bonuses to address the prior round obligation. In accordance with N.J.A.C. 5:93-5.6(e), the provision of affordable housing credits shall be based on the issuance of permanent certificates of occupancy for new residential units.

---

<sup>14</sup> While N.J.A.C. 5:93 permits 6-year controls, the Township will follow COAH's Third Round regulations, which require 10-year controls.

<sup>15</sup> N.J.A.C. 5:93-6.1(b)<sup>1</sup>

<sup>16</sup> N.J.A.C. 5:93-5.15(a)

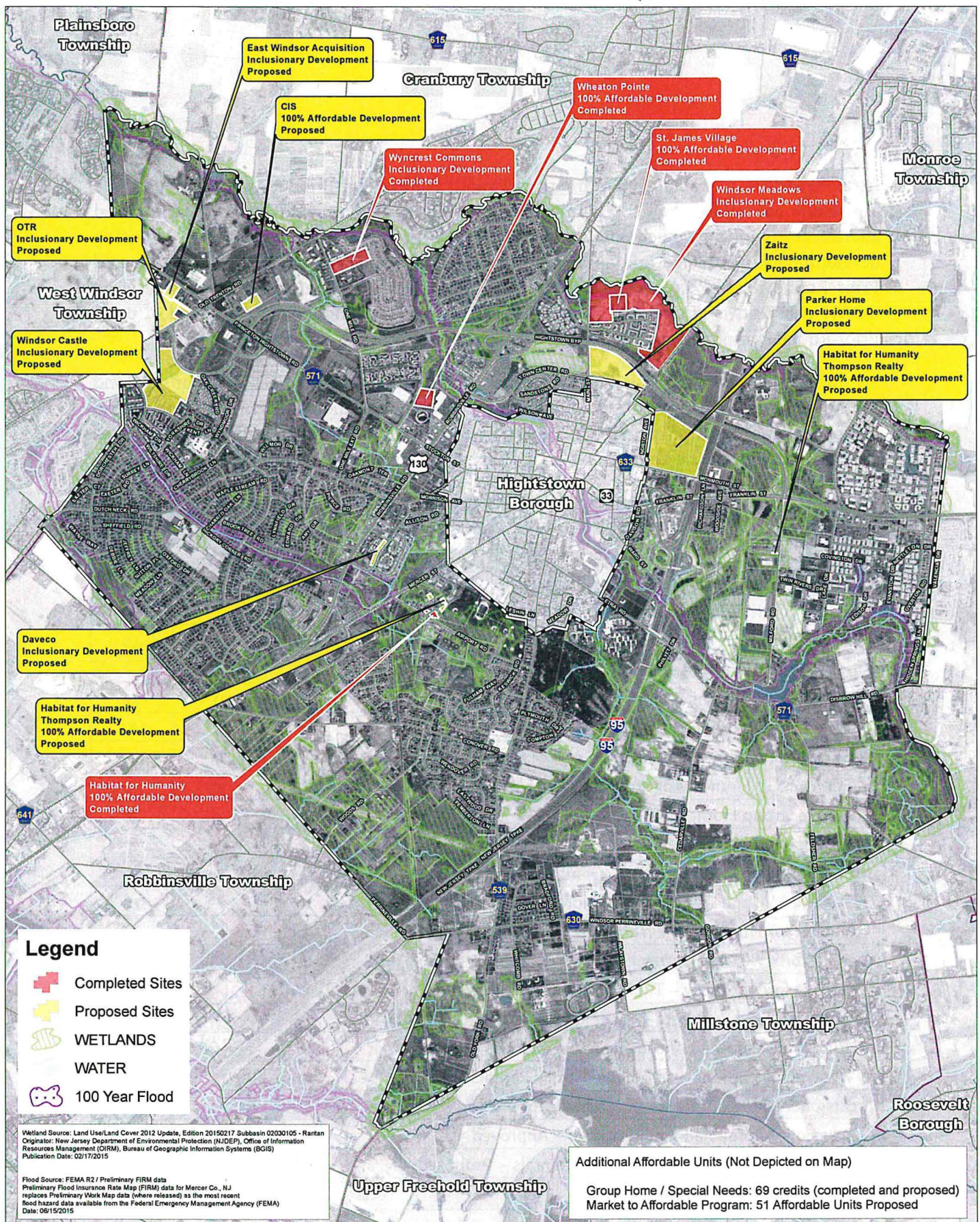


As summarized in Table 27, Summary of Credits Addressing Prior Round Obligation, the Township has addressed its 345-unit Prior Round obligation with an RCA, completed alternative living arrangements, completed and proposed 100% affordable housing developments, completed and approved/proposed inclusionary housing developments, and Prior Round rental bonuses. As noted earlier, East Windsor Township previously received COAH substantive certification of its Second Round Plan, which included several of these Prior Round compliance mechanisms.

See the Township's 2017 Fair Share Plan for documentation of the East Windsor's Second Round certification (Appendix 3) and for the crediting documentation of all Prior Round compliance mechanisms included in Table 27 as discussed below. The locations of these sites are shown herein on the aerial map entitled "Existing & Proposed Affordable Housing Sites."

<b>TABLE 27. SUMMARY OF CREDITS, REDUCTIONS, AND BONUSES ADDRESSING THE PRIOR ROUND OBLIGATION</b>			
<b>East Windsor's Prior Round Compliance Mechanisms</b>	<b>Credits</b>	<b>Bonuses</b>	<b>Total</b>
<b>Regional Contribution Agreement – Payment Transferred</b>			
RCA with the City of Trenton	40	-	40
<b>Alternative Living Arrangements – Completed &amp; Proposed</b>			
Community Options Group Homes	11	11	22
CIFA Group Home	4	4	8
SERV Group Home	5	5	10
Eden Group Homes/Apartments	10	10	20
Enable Group Home	4	4	8
Proposed SERV Group Home	4	-	4
<b>100% Affordable Developments – Completed</b>			
St. James Village – Affordable Senior Rentals	76	-	76
Habitat for Humanity / Evan Ave. – Affordable Family For-Sale	3	-	3
<b>100% Affordable Development – Proposed</b>			
Habitat for Humanity – Thompson Affordable Family For-Sale	5	-	5
<b>Inclusionary Developments – Completed</b>			
Windsor Meadows – Affordable Family Rentals	36	36	72
Wyncrest Commons – Affordable Family Rentals	17	17	34
<b>Inclusionary Developments – Approved / Proposed</b>			
Daveco – Affordable Family For-Sale – Approved	3	-	3
Windsor Castle – Affordable Family Rentals – Proposed	40	-	40
<b>Total</b>	<b>258</b>	<b>87</b>	<b>345</b>





# Existing & Proposed Affordable Housing Sites

LOCATION:  
Township of East Windsor, Mercer County, NJ

DATE:  
November 2017





---

## REGIONAL CONTRIBUTION AGREEMENT (RCA)

Pursuant to N.J.A.C. 5:93-6.1, the Township entered into an RCA with the City of Trenton for a total of 40 units. The RCA was approved by COAH on September 6, 2000. The Township transferred four (4) payments of \$200,000 totaling \$800,000 (40 units x \$20,000 = \$800,000) to the City of Trenton between December 2000 and July 2004.

---

## ALTERNATIVE LIVING ARRANGEMENTS

### ***Community Options Group Homes***

Community Options, Inc. ("Community Options") owns and operates three (3) group homes in East Windsor. The first group home located on Dutch Neck Road (Block 63.01, Lot 31) opened in 1994. This three-bedroom group home was funded through the New Jersey Department of Human Services, Division of Developmental Disabilities ("DDD") and serves low-income DDD clients. A second three-bedroom group home on Clark Court (Block 9, Lot 6) was purchased with DDD funds and opened in January 1997. These two (2) group homes serving low-income individuals have been in operation in excess of 20 years. Pursuant to N.J.A.C. 5:93-5.8(d), these group home are eligible for six (6) credits (credit by the bedroom) and six (6) Prior Round rental bonuses.


Community Options recently opened a third group home in March 2017 located on Windsor-Perrineville Road (Block 34, Lot 2.05). The group home is comprised of five (5) bedrooms accommodating five (5) developmentally disabled adults. The Township will provide Community Options \$100,000 from its Affordable Housing Trust Fund to facilitate the creation of this group home. Pursuant to an agreement between Community Options and the Township, the property is deed restricted for use as a group home for adults with developmental disabilities for 30 years. As such, this group home is eligible for five (5) credits and five (5) Prior Round rental bonuses. See Fair Share Plan Appendix 5 for the executed agreement.

### ***CIFA Group Home***

Center for Innovative Family Achievements ("CIFA") has operated a four-bedroom group home on Dorchester Drive (Block 86, Lot 3) since it purchased the home in January 1989 with funds from the DDD. The group home, which has been in operation for almost 30 years, serves low-income individuals. Each bedroom is eligible for one (1) credit and one (1) rental bonus credit. As such this group home will contribute eight (8) credits towards the Prior Round obligation. CIFA's group home was part of the Township's certified Second Round Plan and was credit-eligible pursuant to COAH's August 2000 Compliance Report.

### ***SERV Group Home***

SERV Behavioral Health System ("SERV") owns and operates a five-bedroom group home for persons with mental disabilities. The group home, which serves low-income individuals,



received funding through the DDD. It is located on Pinehurst Drive (Block 7.08, Lot 8) and received a certificate of occupancy on September 11, 2008 and was placed in service November 2008. SERV's group home is eligible for five (5) credits and five (5) Prior Round rental bonuses.

#### ***Eden Autism Group Homes/Apartments***

Eden Autism ("Eden") operates several alternative living arrangements in the Township. The first is a group home completed in September 1980 that contains three (3) bedrooms. This group home is located on Old York Road (Block 36, Lot 19) and serves low-income individuals. A second group home was established in December 1994 and two (2) "supervised apartments" were established in June 1997. The 1994 group home is located on Maple Stream Road (Block 58, Lot 17) and has three (3) bedrooms. The "supervised apartments" consist of two (2) two-bedroom condominium units located on Country Mill Drive (Block 5, Lot 22). Both of these projects were purchased with funds from DDD and serve low-income individuals. All four (4) of these group homes/supervised apartments were included in the Township's certified Second Round Plan and were credit-eligible pursuant to COAH's August 2000 Compliance Report. All of Eden's alternative living arrangements have been in operation in excess of 20 years and are eligible for 10 credits and 10 Prior Round rental bonuses.

#### ***Enable Group Home***

Enable, Inc. ("Enable") has operated a four-bedroom group home on Sutton Place (Block 68, Lot 11) since April 1997. The group home serves low-income individuals and was purchased with funds from DDD. The group home was included in the Township's certified Second Round Plan and was credit-eligible pursuant to COAH's August 2000 Compliance Report. Enable's group home has been in operation for more than 20 years and is eligible for four (4) credits and four (4) Prior Round rental bonuses.

#### ***Proposed SERV Group Home***

In January 2016, the Township and SERV entered into a MOU for the development of two (2) additional group homes in East Windsor, one (1) of which will be used to address the Township's Prior Round obligation and one (1) to address the Third Round obligation. The homes must have four (4) bedrooms intended to accommodate developmentally disabled persons 18 years of age and older. Upon completion, the group homes will be owned and operated by SERV.

In accordance with N.J.A.C. 5:93-5.8, "alternative living arrangements may be used to address a municipal housing obligation by entering into an agreement for the location of such a facility with the provider of the facility." Although an exact location has not yet been identified for these proposed group homes, in 2016 SERV had previously provided MLS listings to the Court as evidence of sufficient inventory of available, existing residential dwellings of four (4) bedrooms.





To address the Prior Round obligation, the Township will apply one (1) group home or four (4) credits for a four-bedroom group home. The second four-bedroom group home will address the Township's Third Round obligation.

Pursuant to the terms of the Court-approved Settlement Agreement, the Township shall adhere to a schedule that provides for the proposed SERV group homes to receive certificates of occupancy within seven (7) years of the Court's issuance of a Third Round Judgment of Repose.

See Fair Share Plan Appendix 6 for the MOU between the Township and SERV.

---

#### 100% AFFORDABLE HOUSING DEVELOPMENTS

##### ***St. James Village***

St. James Village is an age-restricted rental housing development that was completed in June 1985. The development, shown on the overall aerial map, is located at 719 St. James Place (Block 11.08, Lot 3.05) and includes 109 affordable rental units and one (1) superintendent's unit; the development is entirely comprised of studio and one-bedroom units. All 109 units are affordable to low-income households. Further, pursuant to an October 2015 agreement to extend tax exemption status and the payment-in-lieu of taxes (PILOT) for the development, 40% of the affordable senior rental units, or 44 units, must be reserved for very low-income individuals and households.

SJ Associates, Ltd. ("SJ Associates") previously owned the development, which was initially financed with a first mortgage from the New Jersey Housing Mortgage Finance Agency ("HMFA"). Additionally, the development received project-based Section 8 rental subsidies from HUD, which were set to expire in May 2015. SJ Associates subsequently renewed its contract with HUD in April 2015 and the development will continue to receive Section 8 rental assistance until May 17, 2035. In October 2016, SJ Associates sold the development and the current owner, HVR St. James Preservation LLC, is in the process of having the HAP contract assigned. St. James Village is now managed by Community Realty Management.

St. James Village was included in the Township's certified Second Round Plan and the units were eligible to receive Prior Cycle credits pursuant to COAH's August 2000 Compliance Report and in accordance with N.J.A.C. 5:93-3.2. Pursuant to the terms of the Township's Settlement Agreement, all developments are subject to the 25% cap on age-restricted units regardless of when they were constructed. As such, St. James Village is eligible to receive up to 76 Prior Round credits, equal to the Township's 76-unit Prior Round age-restricted unit maximum. As will be discussed below, the Township is eligible for Third Round extensions of expiring controls for all 109 units.

See Fair Share Plan Appendix 7 for the HAP renewal contract and the October 2015 agreement.

### ***Habitat for Humanity / Evan Avenue***

On January 15, 1999, the Township entered into an agreement with Habitat for Humanity for the development of three (3) for-sale, single-family affordable units. The units are complete and are located on Evan Avenue (Block 48, Lots 44.02 – 44.04). In addition to these units, three (3) additional for-sale single family affordable units have been constructed on Evan Avenue (Block 49, Lots 17.02-17.03 and Block 48, Lot 44.05) (shown on aerial map entitled “Habitat for Humanity Sites” on page 40). CGP&H now administers the affordability controls on all six (6) of these affordable family for-sale units. The table below shows the address, original purchase price, and the initial sales date for each unit.

Property Address	Original Purchase Price	Original Closing Date / Date Placed in Program
3 Evan Avenue	\$48,956	August 29, 1997
5 Evan Avenue	\$57,500	August 16, 2002
6 Evan Avenue	\$48,500	February 12, 1999
8 Evan Avenue	\$147,500	May 12, 2006
10 Evan Avenue	\$64,600	October 10, 2007
12 Evan Avenue	\$67,600	September 28, 2007

Of these six (6) units, only one (1) has been resold. On January 29, 2017, 10 Evan Avenue was resold for \$72,870 to a low-income household. The home is comprised of three-bedrooms. The resale was administered by CGP&H.

Working with CGP&H, the Township is currently in the process of confirming the number of bedrooms in the remaining five (5) units and whether the homes were purchased by a low- or moderate-income households. To date, deed restrictions providing for 30-year affordability controls have been filed for three (3) of the above-listed units. The Township is working with the remaining homeowners to ensure the other three (3) units are similarly subject to 30-year affordability controls.

Three (3) of the for-sale family affordable units were initially included in the Township’s certified Second Round Plan and were eligible for three (3) credits as an approved development. The units have since been completed and remain credit-eligible. The three (3) additional completed units on Evan Avenue are also credit-eligible. Therefore, the Township is eligible to receive six (6) credits for the six (6) family affordable for-sale units constructed on Evan Avenue. The Township will apply three (3) of these credits towards its Prior Round obligation; the additional three (3) credits will address the Third Round obligation.

See Fair Share Plan Appendix 8 for the developer’s agreement between the Township and Habitat for Humanity from 1999; COAH’s prior approval of these Habitat for Humanity units;





the deed restrictions for 8, 10, and 12 Evan Avenue, and the executed deed restrictions for 3, 5, and 6 Evan Avenue.

#### ***Habitat for Humanity – Thompson Realty***

The Township entered into a settlement agreement with the Thompson Realty Co. of Princeton, Inc. (“Thompson Realty”) on June 28, 1991 (amended on May 1, 1998) for the creation of five (5) affordable for-sale single-family units. The project consists of five separate lots (Block 48, Lots 27, 38-40, Block 22.02 Lot 21) located on Evan and Columbia Avenues and Daniel Street. See the aerial map entitled “Habitat for Humanity Sites” herein.

As detailed in the settlement agreement between the Township and Thompson Realty, the deeds for the lots identified above were subject to a condition subsequent and reverter clause, which provided that the ownership of these parcels be transferred to the Township should Thompson Realty be unable to construct the affordable units within three (3) years. Ultimately, these units were not completed by Thompson Realty and the Township now owns the land as evidenced by Quitclaim Deeds dated January 2017 made between Thompson Realty and the Township for each of the five (5) parcels.

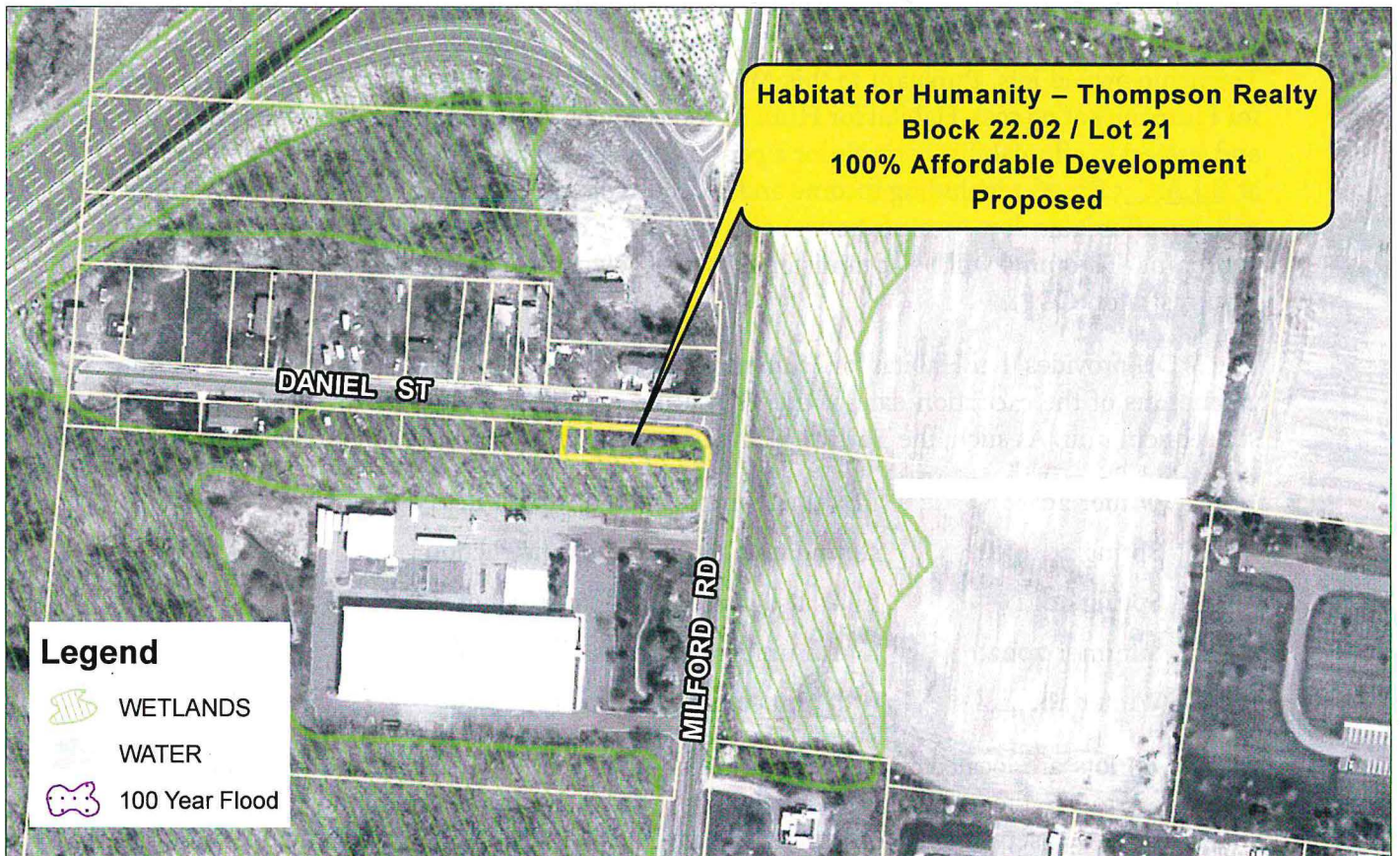
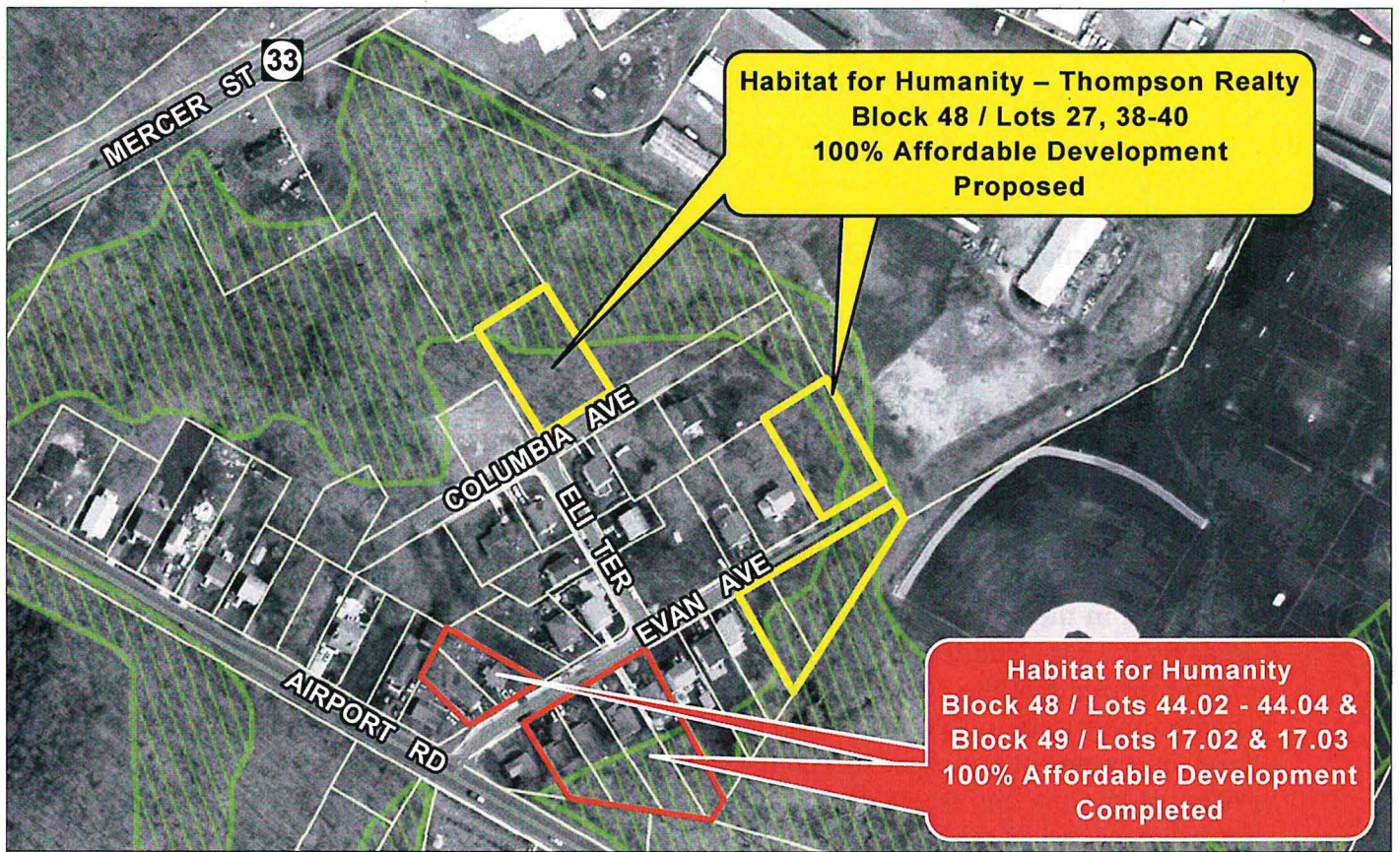
On December 7, 2016, the Township entered into a Memorandum of Understanding (“MOU”) with Habitat for Humanity for the development of five (5) affordable units on the above-listed Township-owned lots. Pursuant to this MOU, the Township will transfer the land to Habitat for Humanity at no cost. Habitat for Humanity has agreed that each unit will be deed restricted and subject to affordability controls for a period 30 years. All five (5) units are subject to UHAC at N.J.A.C. 5:80-26.1 including income and bedroom distribution; at least three (3) of the units will be affordable low-income households and at least one (1) unit must have three (3) bedrooms. The units will be administered by the Township’s designated affordable housing administrator, CGP&H.

The MOU provides that Habitat for Humanity commence construction of the first unit within 24 months of the execution date of the MOU, and within an additional 18 months for each subsequent unit. As such, the Township anticipates the following schedule for development:

Winter 2018:	first unit commences construction
Spring 2019:	second unit commences construction
Spring 2021:	third unit commences construction
Summer 2022:	fourth unit commences construction
Winter 2024:	fifth unit commences construction

All five (5) lots are located in the State Development and Redevelopment Plan’s Suburban Planning Area 2, the preferred location for affordable housing. Additionally, the sites are within the sewer service area and served by the East Windsor Municipal Utilities Authority (“EWMUA”). There is sufficient water and sewer capacity to support the development.





0 280Ft

Clarke Caton Hintz

- Architecture
- Planning
- Landscape Architecture

## Habitat for Humanity Sites

LOCATION:  
Township of East Windsor, Mercer County, NJ

DATE:  
November 2017





Additional information on water and sewer main locations will be provided. The four (4) lots located on Evan and Columbia Avenues are located in a small single-family neighborhood off of Airport Road, which connects to Route 33. Surrounding land uses include other single-family residential homes, open space to the south of the neighborhood and along Airport Road, recreational fields associated with the high school to the west, and commercial/light industrial uses the north that front Route 33. Combined, the four (4) lots comprise approximately 1.2 acres; portions of the area appear to be impacted by wetlands. The fifth lot located on Daniel Street is approximately 0.2 acres; there similarly appear to be wetlands to the rear of this site. There are single-family detached homes located along Daniel Street, which is a small cul-de-sac neighborhood off of Milford Road. The nearby uses along Milford Road are largely commercial/industrial and open space.

These five (5) proposed affordable family for-sale units were included in the Township's certified Second Round Plan and were eligible for five (5) credits based on the settlement agreement between the Township and Thompson Realty. The proposed affordable units now to be developed by Habitat for Humanity continue to be eligible for five (5) credits.

See Fair Share Plan Appendix 9 for the prior agreements between the Township and Thompson Realty, the quitclaim deeds dated January 2017 made between Thompson Realty and the Township, and the executed MOU between the Township and Habitat for Humanity.

---

## INCLUSIONARY DEVELOPMENTS

### ***Windsor Meadows***

Windsor Meadows, also known as Calton Homes and Oakwood Homes, is an inclusionary housing development with a total of 36 affordable family rental units. The development consists of multiple clusters of townhouse and apartment blocks along St. James Drive and Tennyson Road (Blocks 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, inclusive of the lots therein). It is part of a complex of multifamily housing developments, including the Garden View Apartments (a market-rate site) and the St. James Village senior rental development described above.

This development was approved by East Windsor on August 8, 2000 for 200 market-rate units and 36 affordable rental units on approximately 78.5 acres of land (of which only 50 were developable). Of the 36 affordable units, 18 are affordable to low-income households and 18 are moderate-income units. There are four (4) one-bedroom units, 24 two-bedroom units, and eight (8) three-bedroom units. All affordable units at Windsor Meadows are subject to 30-year affordability controls. Certificates of occupancy were issued on June 18 and November 15, 2003. The affordable units are administered by CGP&H.

Windsor Meadows was included as part of the Township's certified Second Round Plan as an approved inclusionary housing development and was deemed eligible for 36 credits. The units



are now complete and pursuant to N.J.A.C. 5:93-5.15, the 36 affordable family rental units are also eligible for 36 Prior Round rental bonuses.

See Fair Share Plan Appendix 10 for the filed deed restriction, information submitted via a letter from the prior administrative agent, a breakdown of units by income targeting and bedrooms, and evidence that CGP&H is now the administrative agent.

### ***Wyncrest Commons***

Wyncrest Commons is an inclusionary housing development consisting of 84 total units, of which 17 are affordable family rental units. The development is located at 100 Wyncrest Drive (Block 6, Lot 2) and is comprised of 9.6 acres.

The development received Planning Board approval on May 21, 1998 and was completed in 2012; a 30-year deed restriction for the affordable units was established on August 20, 2012. The 17 affordable units are comprised of three (3) one-bedroom units, 10 two-bedroom units, and four (4) three-bedroom units. The affordable units include three (3) very low-income, six (6) low-income, and eight (8) moderate-income family rental units. CGP&H is the administrative agent of the affordable family rental units at Wyncrest Commons.

Wyncrest Commons was included as part of the Township's certified Second Round Plan as an approved inclusionary housing development and was deemed credit-eligible by COAH. The affordable family rental units at Wyncrest Commons are now complete and eligible for 17 credits and 17 Prior Round rental bonuses pursuant to N.J.A.C. 5:93-5.15.

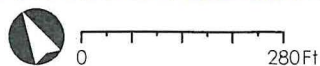
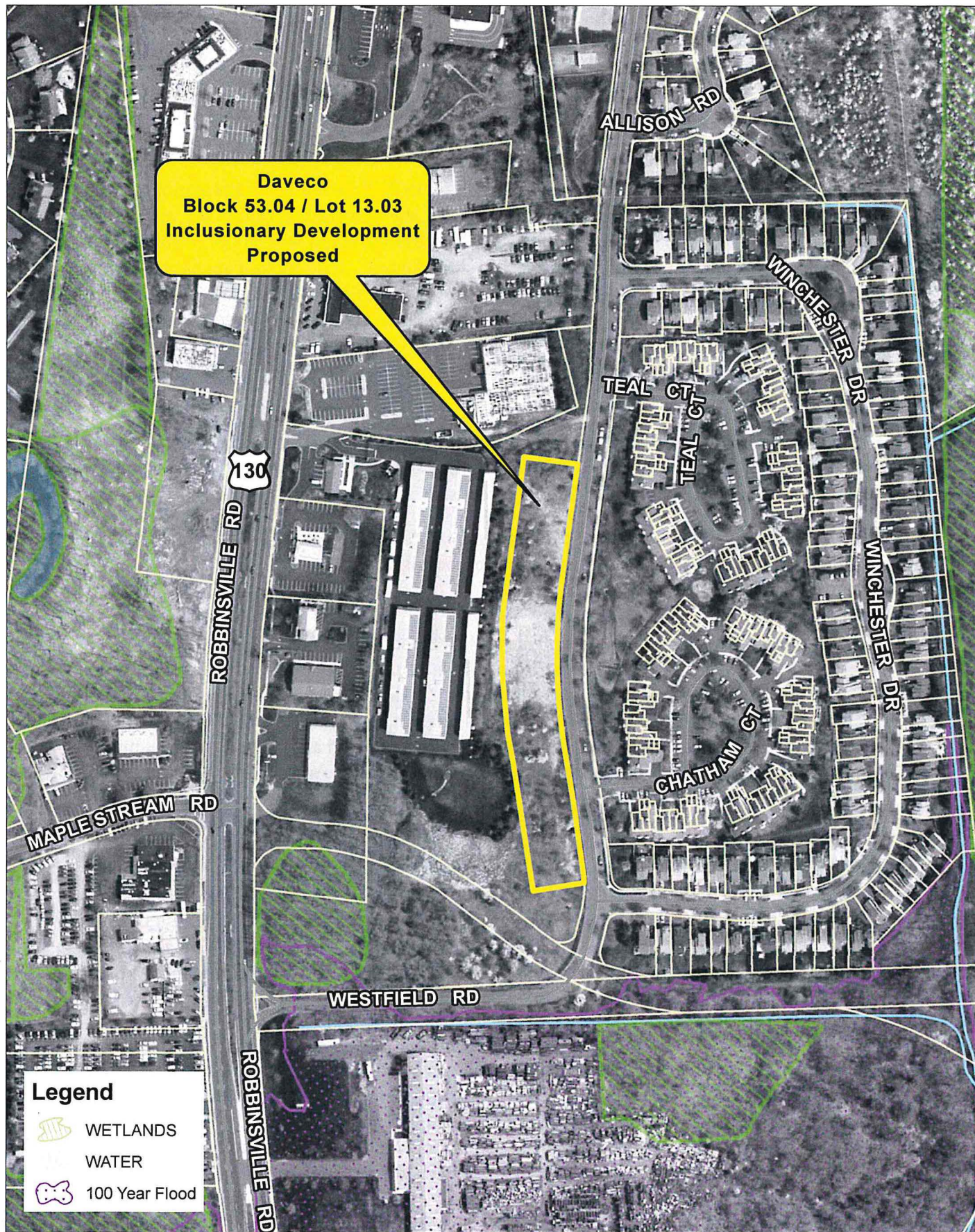
See Fair Share Plan Appendix 11 for the filed deed restriction.

### ***Daveco***

Daveco Industrial, LLC ("Daveco") is the owner of 8.86 acres located at 55 Route 130 (Block 53.04, Lot 13.03 (formerly Lot 13.01)), a portion of which is improved with a self-storage facility. Daveco proposes to develop a 2.16-acre area in the rear of the site (fronting on Westfield Road) for residential use. On December 18, 2008, Daveco received preliminary and final major site plan and major subdivision approval from the Township's Zoning Board for the construction of an inclusionary housing development. Pursuant to the 2008 approval, the 8.86-acre site was subdivided and the 2.16-acre portion now has an address at 30 Westfield Road. See the aerial map entitled "Daveco Site" herein.

The approved inclusionary housing development is to be comprised of 16 total units, three (3) of which will be affordable family for-sale units. Pursuant to the resolution of approval, all 16 units approved will have two-bedrooms including the three (3) affordable units. With the exception of the bedroom distribution, the approved affordable units will adhere to UHAC at N.J.A.C. 5:80-26.1 including income distribution; at least two (2) of the units will be affordable low-income households. Additionally, the units will be administered by an experienced administrative agent in accordance with UHAC.





## Daveco Site





With respect to site suitability, Daveco's property is located in the State Development and Redevelopment Plan's Suburban Planning Area 2, the preferred location for affordable housing. It is served by public water and sewer, and those utilities will be extendable to the portion of the property approved for residential development. There do not appear to be any environmental constraints limiting the developable area of this site. The nearby land uses to which the inclusionary development would be proximate include the Daveco self-storage facility to the north/west, a large multifamily residential development to the south/east, and a restaurant and bowling alley to the north. The site has frontage on Westfield Road, which connects to Route 130.

The Zoning Board's 2008 resolution of approval remains in effect. This was confirmed by the Court's Special Master by letter of February 3, 2017. As such, the approved inclusionary housing development is eligible for three (3) credits.

See Fair Share Plan Appendix 12 for the Zoning Board's 2008 resolution of approval and the letter from the Special Master confirming the approval is still valid.

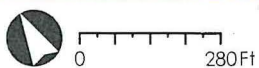
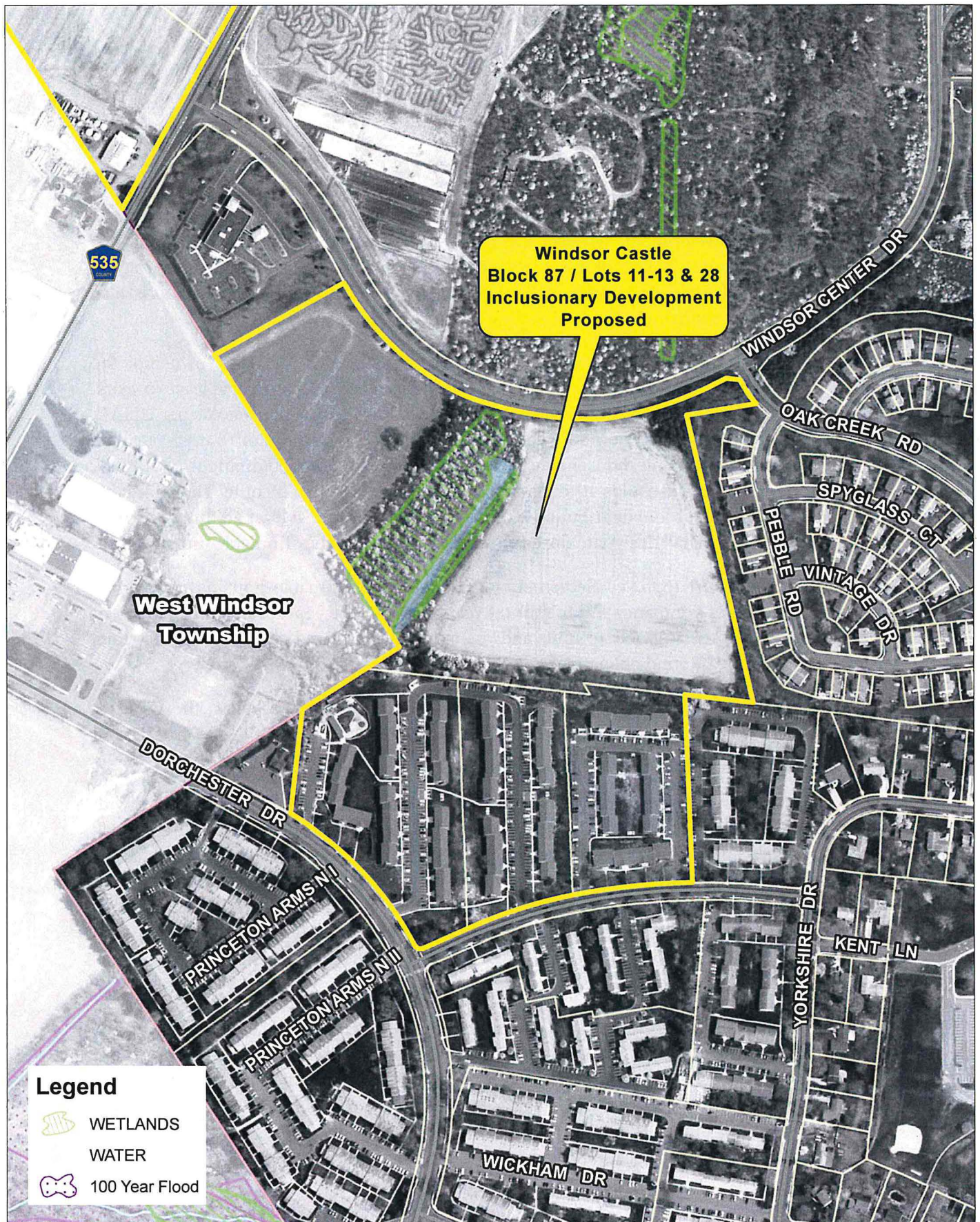
### ***Windsor Castle***

The Township has entered into Agreements with Windsor Castle Associates, LLC ("Windsor Castle Associates") to provide for the creation of at least 140 affordable family rental housing units, of which 40 units will be used to address the Township's Prior Round obligation. The affordable housing units will be part of an inclusionary housing development to be provided on a site currently owned by Windsor Castle Associates and on an adjacent site to be acquired by the Township and subsequently transferred to Windsor Castle Associates.

Windsor Castle Associates owns and operates an existing market-rate family rental housing development comprised of 220 total units known as Windsor Castle and located at 226 Dorchester Drive (Block 87, Lots 11 – 13). Pursuant to these Agreements, the Township is acquiring an adjacent site located at 250 Windsor Center Drive (Block 87, Lot 28), which is currently vacant and is to be provided to Windsor Castle Associates. Together, these two (2) sites will comprise the inclusionary housing development to be developed by Windsor Castle Associates. See the aerial map entitled "Windsor Castle Site" herein. The Township proposes to make any necessary amendments to the existing zoning to permit this development.

The site currently owned by Windsor Castle Associates (Block 87, Lots 11 – 13) is located in the R-M Residential Multifamily zoning district, which currently permits multifamily residential development at a maximum density of 10 dwelling units per acre. A recent amendment to this zoning district now permits for this maximum density to be exceeded should the development include affordable housing units as provided in this Housing Element and the Township's Fair Share Plan. This amendment increasing permissible residential density allows Windsor Castle Associates to develop one (1) new market-rate unit for each affordable housing unit created, as per the Agreements between the Township and Windsor Castle Associates. The new market-rate units may be constructed on the current site or the vacant site to be acquired.





Clarke Caton Hintz ● ● ■  
Architecture  
Planning  
Landscape Architecture

## Windsor Castle Site

LOCATION:  
Township of East Windsor, Mercer County, NJ

DATE:  
November 2017





This vacant site is located in the R-O Research Office zoning district, which does not permit residential development; this site will be rezoned as necessary to allow for the construction of this inclusionary development. Windsor Castle Associates has agreed to provide at least 140 affordable housing units as part of this inclusionary development. The affordable units may be either newly constructed or created in the existing rental housing development as is also provided in the amendment to the R-M zoning district.

Pursuant to the Agreements between Windsor Castle Associates and the Township, the affordable units at the Windsor Castle site shall be deed restricted for a term of at least 30 years. At least half of all the affordable units will be affordable to low-income households per UHAC; at least 13 percent of the total number of affordable units, or a minimum of 18 units, shall be available to very low-income households pursuant to the statutory requirement at N.J.S.A. 52:27D-329.1 to serve households at 30 percent of the regional median income. The affordable units shall meet the bedroom distribution requirements that require at least 28 three-bedroom units. The Township shall designate the administrative agent for the affordable units.

Pursuant to the Court-approved Settlement Agreement, 50 affordable housing units must receive certificates of occupancy within four (4) years of the Court's approval of the Settlement Agreement on July 19, 2017 (all 40 units addressing the Prior Round obligation and 10 units addressing the Third Round obligation).

In accordance with COAH's rules at N.J.A.C. 5:93-5.3 and as described below, the Windsor Castle site is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credits.

The site currently owned by Windsor Castle Associates (Block 87, Lots 11 – 13) is improved with an existing multifamily rental housing development and the adjacent site to be acquired (Block 87, Lot 28) is vacant. Together, both sites comprise the Windsor Castle site, which is adjacent to several multifamily residential uses to the south and west. There is a single-family detached residential neighborhood to the east of the site; to the north is vacant land and open space that provides a buffer from commercial uses along Old Trenton Road. Both sites have access to appropriate streets including Dorchester, Devonshire, and Windsor Center Drives.

The Township is not aware of encumbrances which would preclude the development of inclusionary housing on these tracts. Both sites can be developed consistent with the Residential Site Improvement Standards ("RSIS") and all other state regulations such as those of New Jersey Department of Environmental Protection (NJDEP). Further, the Windsor Castle site, along with the majority of the Township's land, is located in the State Plan's Suburban Planning Area 2, pursuant to the 2001 Policy Map of the State Development and Redevelopment Plan, which is a preferred location for affordable housing.

There are limited environmental constraints impacting the development potential of the Windsor Castle site. According to the NJDEP's GeoWeb mapping application, wetlands appear to be located on the 23.7-acre vacant parcel that is to be acquired. In considering this





environmental constraint, the developable area of the vacant parcel is estimated to be 20.7 acres. There are no environmental constraints impacting the approximately 16-acre developed portion of the Windsor Castle site. There are no historic structures listed on the State or National Historic Registers on the combined site, and it is not within an historic district listed on the State or National Historic Registers. Further, pursuant to NJDEP's GeoWeb mapping application, the Windsor Castle site is not included on NJDEP's Known Contaminated Sites List. Additionally, the site is within the sewer service area and is served by the EWMUA. There is sufficient water and sewer capacity to support the proposed inclusionary development. Additional information on water and sewer main locations will be provided.

In summary, the Windsor Castle site is (1) available, as evidenced by no known encumbrances precluding inclusionary development and by the current Agreements with the owner of the existing Windsor Castle development regarding potential inclusionary development; (2) suitable, as documented by complementary surrounding land uses, appropriate site access, and limited environmental constraints; (3) developable, much of the site is currently vacant and the improved portion of the site provides opportunity for the provision of affordable housing units; and (4) approvable, as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

See Fair Share Plan Appendix 13 for the adopted ordinance amending the R-M zoning district and the executed agreements between the Township and Windsor Castle Associates.

---

#### PRIOR ROUND RENTAL COMPONENT, RENTAL BONUSES, AND AGE-RESTRICTED CAP

East Windsor has addressed its 87-unit Prior Round minimum rental requirement with 76 age-restricted rental units at St. James Villages, 36 affordable family rental units at Windsor Meadows, 17 affordable family units at Wyncrest Commons, and 34 bedrooms that are part of alternative living arrangements. Together, these developments have provided 163 rental units to address the total Prior Round obligation. Thus, the Township is eligible for the maximum number of 87 Prior Round rental bonuses. Additionally, four (4) bedrooms as part of a proposed group home and 40 proposed affordable family rental units as part of the Windsor Castle development will partially address the Township's Prior Round obligation. Thus, the Township has exceeded its 87-unit Prior Round minimum rental requirement.

The Township has satisfied a portion of its Prior Round obligation with 76 age-restricted rental units. This does not exceed the 76-unit age-restricted cap as previously calculated per the Court Order. As such, East Windsor is in compliance with the Court-approved Prior Round 25% age-restricted cap.



### Satisfaction of the Third Round Obligation

East Windsor's Third Round obligation established through the Settlement Agreement is 736 units. In addition to satisfying the 736-unit obligation, as is similar to the Prior Round, the Township must also adhere to a minimum rental obligation, a maximum number of age-restricted units, and a maximum number of bonuses in the Third Round (based on Second Round rules). Further, the Township must adhere to a minimum number of very low-income units pursuant to the 2008 amended FHA and other requirements such as minimum number of family units, family rental units, and family very low-income units pursuant to the terms of the Settlement Agreement. These obligations are calculated as follows:

**Minimum Third Round Rental Obligation = 184 units**

$$0.25 (736 \text{ Third Round obligation}) = 184$$

**Maximum Third Round Age-Restricted Units = 184 units**

$$0.25 (736 \text{ Third Round obligation}) = 184$$

**Minimum Very Low-Income Units = 53 units**

$$0.13 (736 \text{ Third Round obligation} + 44 \text{ unbuilt/unapproved units from the Prior Round} - 184 \text{ rental bonuses} - 187 \text{ existing Third Round unit}) = 53$$

**Minimum Third Round Family Units = 276 units**

$$0.50 (552 \text{ total units}) = 276$$

**Minimum Third Round Family Rental Units = 92 units**

$$0.50 (184 \text{ rental requirement}) = 92$$

**Minimum Very Low-Income Family Units = 27 units**

$$0.50 (53 \text{ very low-income requirement}) = 26.5, \text{ required to round up}$$

As summarized in Table 28, Proposed Third Round Compliance Mechanisms, the Township proposes to address its 736-unit Third Round obligation with extensions of expiring controls, proposed alternative living arrangements, completed and proposed 100% affordable housing developments, proposed inclusionary housing developments, a market-to-affordable program, and Third Round rental bonuses. See the Township's 2017 Fair Share Plan for the crediting documentation of all Third Round compliance mechanisms included in Table 28 and as noted below.



**TABLE 28. PROPOSED THIRD ROUND COMPLIANCE MECHANISMS**

East Windsor's Third Round Compliance Mechanisms	Credits	Bonuses	Total
<b>Extensions of Expiring Controls – Completed</b>			
St. James Village – Affordable Senior Rentals	109	-	109
<b>Alternative Living Arrangements – Proposed</b>			
Proposed SERV Group Home (bedrooms) (MOU)	4	-	4
Proposed Group Homes (bedrooms)	27	-	27
<b>100% Affordable Developments – Completed / Proposed</b>			
Habitat / Evan Ave. – Affordable Family For-Sale – Completed	3	-	3
Wheaton Pointe – 84 Affordable Senior Rentals - Completed, Cap	75	-	75
CIS – Affordable Family Rentals – Proposed	80	80	160
<b>Inclusionary Developments – Proposed</b>			
OTR – Affordable Family Rentals	38	38	76
Zaitz – Affordable Family Rentals	65	65	130
Windsor Castle – Affordable Family Rentals	100	1	101
Parker Home – Affordable Senior Rentals	cap	-	-
East Windsor Acq. – 12 Assisted Living (Senior) Units (Approved)	cap	-	-
<b>Market-to-Affordable Program – Proposed</b>			
Market-to-Affordable – Affordable Family Units	51	-	51
<b>Total</b>	<b>552</b>	<b>184</b>	<b>736</b>

**EXTENSIONS OF EXPIRING CONTROLS*****St. James Village***

East Windsor previously worked with the owners of St. James Village, SJ Associates, to preserve this existing affordable housing development in the Township. As previously discussed, St. James Village is an age-restricted rental housing development that was completed in June 1985 and includes 109 affordable rental units and one (1) superintendent's unit. The development received project-based Section 8 rental subsidies from HUD through a 30-year contract that was set to expire in May 2015. SJ Associates subsequently renewed its contract with HUD and will continue to receive Section 8 rental assistance for an additional 20 years, or until May 17, 2035. The extension of affordability controls through May 2035 represents a full 50 years from the initial opening in 1985. SJ Associates sold the development in October 2016 and the current owner, HVRS St. James Preservation LLC, is in the process of having the HAP renewal contract assigned.

The March 10, 2015 NJ Supreme Court decision specifically upheld the use of an extension of expiring controls program to address a municipal Third Round fair share obligation. As such, the 109 affordable age-restricted rental units subject to the extension of affordability controls



are eligible for 109 Third Round credits. The 109 total affordable age-restricted units at St. James Village is less than the 184-unit senior cap for the Third Round.

---

## ALTERNATIVE LIVING ARRANGEMENTS

### ***Proposed SERV Group Home***

As previously discussed, the Township and SERV entered into a MOU for the development of two (2) group homes in East Windsor, each of which must have four (4) bedrooms intended to accommodate developmentally disabled persons 18 years of age and older. One (1) of the group homes will address the Prior Round obligation and one (1) will address the Third Round obligation. Additional details on the proposed group homes are provided in the above section addressing the Township's Prior Round compliance mechanisms. Pursuant to the terms of the Court-approved Settlement Agreement, the Township shall adhere to a schedule that provides for the proposed SERV group homes to receive certificates of occupancy within seven (7) years of the Court's issuance of a Third Round Judgment of Repose.

To address the Third Round obligation, the Township will apply one (1) group home or four (4) credits for a four-bedroom group home. The second four-bedroom group home addresses the Township's Prior Round obligation.

### ***Proposed Group Homes***

In addition to the proposed SERV Third Round group home covered by the Township's existing MOU with SERV, the Township has been approached by a number of other experienced group home providers to develop additional group homes in East Windsor. To help address its Third Round obligation, the Township will enter into agreements with group home providers for the creation of at least 27 bedrooms (approximately seven (7) group homes) serving special needs individuals.

Pursuant to the Court-approved Settlement Agreement, the Township shall adhere to a development schedule that provides for the proposed group homes to receive certificates of occupancy within seven (7) years of the Court's issuance of a Third Round Judgment of Repose.

---

## 100% AFFORDABLE HOUSING PROJECTS

### ***Habitat for Humanity / Evan Avenue***

As previously described, the Township previously entered into an agreement with Habitat for Humanity for the development of three (3) for-sale, single-family affordable units. The units are complete and are located on Evan Avenue (Block 48, Lots 44.02 – 44.04). In addition to these units, three (3) other for-sale single family affordable units have been constructed on Evan Avenue (Block 49, Lots 17.02-17.03 and Block 48, Lot 44.05). Additional details on the completed for-sale homes are provided in the above section addressing the Township's Prior Round compliance mechanisms.





The Township is eligible to receive six (6) credits for the six (6) family for-sale units constructed on Evan Avenue. The Township will apply three (3) of these credits towards its Third Round obligation; three (3) credits are also addressing the Prior Round obligation.

#### ***Wheaton Pointe***

Wheaton Pointe is an existing 100% affordable housing development that includes 84 affordable age-restricted rental units. All units have one bedroom. The development is located at 20 Lanning Boulevard (Block 6.07, Lot 14.06) and is owned and operated by Presbyterian Homes and Services, Inc., an experienced provider of age-restricted housing in several municipalities throughout New Jersey. The development is financed through HUD's Section 202 program and is subject to 40-year affordability controls. All 84 affordable units are reserved for low-income individuals and households. Wheaton Pointe received its certificate of occupancy on August 16, 2000.

Wheaton Pointe was included in the Township's certified Second Round Plan and the units were credit-eligible pursuant to COAH's August 2000 Compliance Report. The units at Wheaton Pointe are subject to the Township's 25% Third Round senior cap, which is equal to 184. As such, Wheaton Pointe is eligible for 75 Third Round credits after accounting for the 109 age-restricted rental units at St. James Village that are also addressing the Township's Third Round obligation  $[109 + 75 = 184]$ .

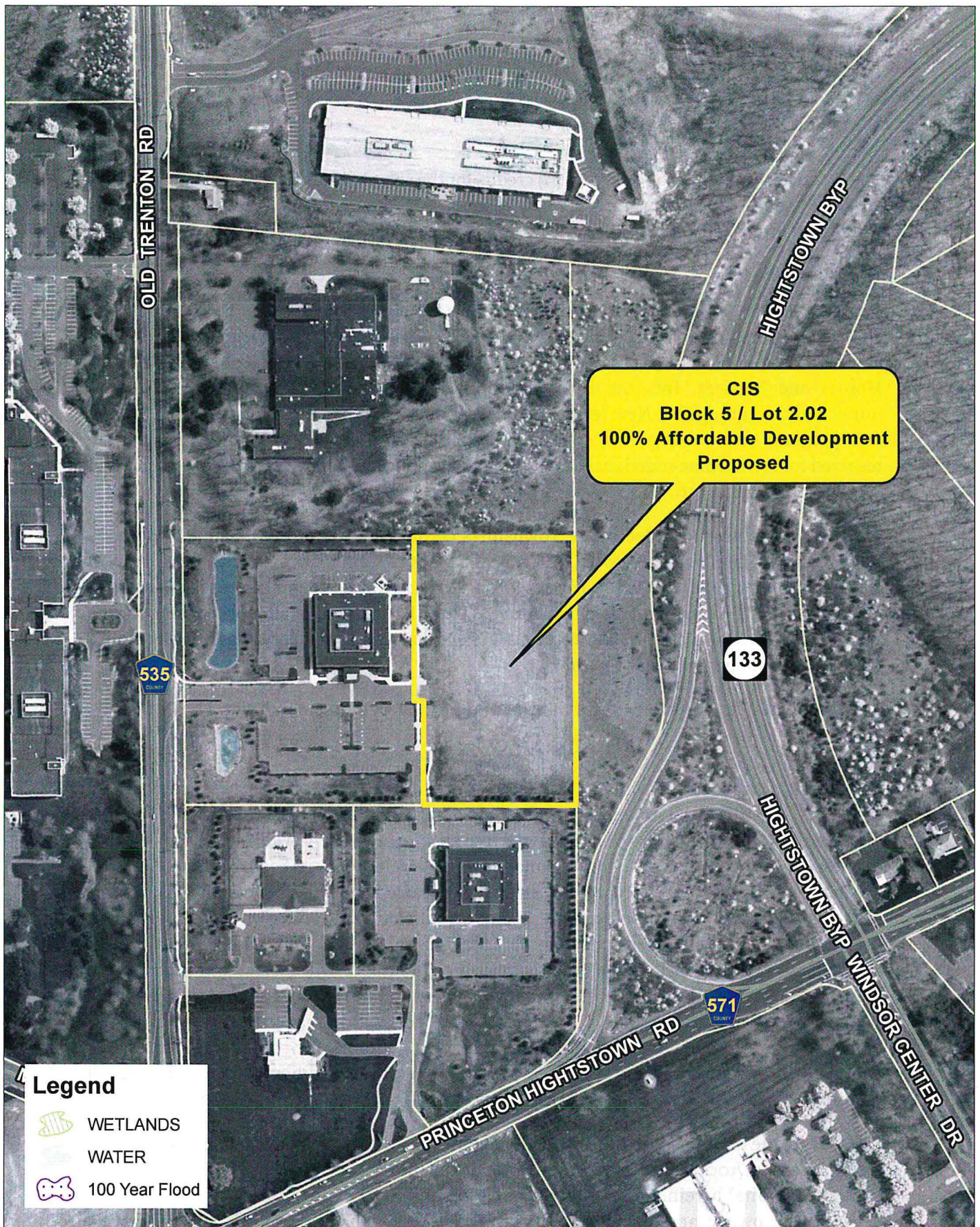
See Fair Share Plan Appendix 14 for the Use and Regulatory Agreements with HUD.

#### ***CIS***

On January 15, 2016, the Township and Community Investment Strategies (CIS) entered into an MOU to affirm the intention to develop a 100% affordable housing development. Subsequently, the Township and CIS entered into an agreement to provide for the construction of an 80-unit 100% affordable family rental housing development in East Windsor. CIS is an experienced developer of affordable housing in New Jersey and will be the entity responsible for construction of this development. Upon completion, CIS will own and operate the development and will be responsible for the administration and enforcement of the affordability controls on the site. As it is anticipated that CIS will receive 9% Low-Income Housing Tax Credits ("LIHTC"), the units will adhere to the IRS tax credit regulations and, according to the Court-approved Settlement Agreement, will be in accordance with UHAC regulations governing bedroom distribution, controls on affordability, affirmative marketing, and very low-income housing per N.J.S.A. 52:27D-329.1. In addition, the Township shall require a control period of not less than 30 years plus a 15-year extended use period.

To facilitate the development, the Township is in the process of acquiring an approximately 4-acre property at 300 C Princeton Hightstown Road (Block 5, Lot 2.02). See the aerial map entitled "CIS Site" herein. Site control by the Township will be in the form of a contract of sale between the owner and the Township. The site is suitable for multifamily residential development and for the provision of affordable housing.





Clarke Caton Hintz



Architecture

Planning

Landscape Architecture

## CIS Site

LOCATION:

Township of East Windsor, Mercer County, NJ

DATE:

November 2017





There are no known encumbrances that preclude the development of affordable housing on the property. The site is currently vacant and is adjacent to vacant land/open space to the south and east. This open space provides a buffer between the site and the Hightstown Bypass, which is located to the south of the site. Other adjacent uses include a medical office complex comprised of two (2) buildings and a day care facility with frontage along Old Trenton Road. Although the site is technically landlocked, the site will have access to both Old Trenton Road and Princeton Hightstown Road through an existing interior roadway that traverses the medical office complex. With respect to transit, the site is serviced by the Princeton Junction Shuttle commuter bus, which has a stop approximately one-quarter mile from the site. The shuttle connects Township residents to NJ Transit's Princeton Junction regional rail station on the Northeast Corridor line. This train line provides service from Trenton to New York City.

There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. Further, a review of the NJDEP's NJ-GeoWeb Known Contaminated Sites List indicates that the site is not contaminated.

There is sewer and water service at the site, which is served by the EWMUA. There is sufficient water and sewer capacity to support the proposed 100% affordable housing development. Additionally, the site can be developed consistent with RSIS and all other state regulations such as those of NJDEP. The site is entirely located within the State Plan's Suburban Planning Area 2, a preferred location for a municipality to address its affordable housing obligation. There do not appear to be any environmental constraints limiting the development potential of this site.

To finance the development, CIS will apply for 9% LIHTCs from HMFA. As per the Agreement between the Township and CIS, CIS shall have up to three (3) funding cycles to secure 9% LIHTC financing. Pursuant to N.J.A.C. 5:93-5.5, a pro forma was prepared and outlines the estimated total development costs and sources of funding for CIS' proposed development. In summary, it is anticipated that CIS will seek outside funding sources including LIHTCs, Federal Home Loan Bank funding, Mercer County HOME funds, and East Windsor Affordable Housing Trust Funds.

Additionally, in accordance with N.J.A.C. 5:93-5.5, the Township has provided an anticipated implementation schedule for the completion of this development. Pursuant to the Court-approved Settlement Agreement, this schedule shall provide that construction of this development commence within two (2) years of the Court's approval of said Settlement Agreement.

Pursuant to the Agreement between the Township and CIS, the 80 affordable family rental units will be constructed, affirmatively marketed, rented, and maintained in accordance with COAH's rules and UHAC at N.J.A.C. 5:80-26.1 including, but not limited to 30-year controls on affordability (as modified by the Court-approved Settlement Agreement for an extended 15-year use period), income distribution (50% low-income units and 50% moderate-income



units), affirmative marketing, and bedroom distribution (at least 16 and up to 20 affordable units must have three (3) bedrooms). Additionally, the parties agree that 13% of the total 80 affordable rental units, or 10 units, will be affordable to very low-income households with income at 30% of the area median income. It is required that five (5) of the very low-income units will be available to families and it is anticipated that five (5) will be special needs units. Once completed, the project will be administered by CIS.

CIS' proposed 100% affordable family rental development is eligible for 80 credits. As the Agreement between the Township and CIS provides that these 80 affordable units shall be family rental units, CIS' proposed development is also eligible for 80 Third Round rental bonuses.

See Fair Share Plan Appendix 15 for the executed 2016 MOU between the Township and CIS, the executed agreement between the Township and CIS, the Township's contract to purchase the site, the project's financial pro forma, and the anticipated construction schedule.

---

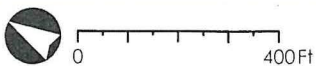
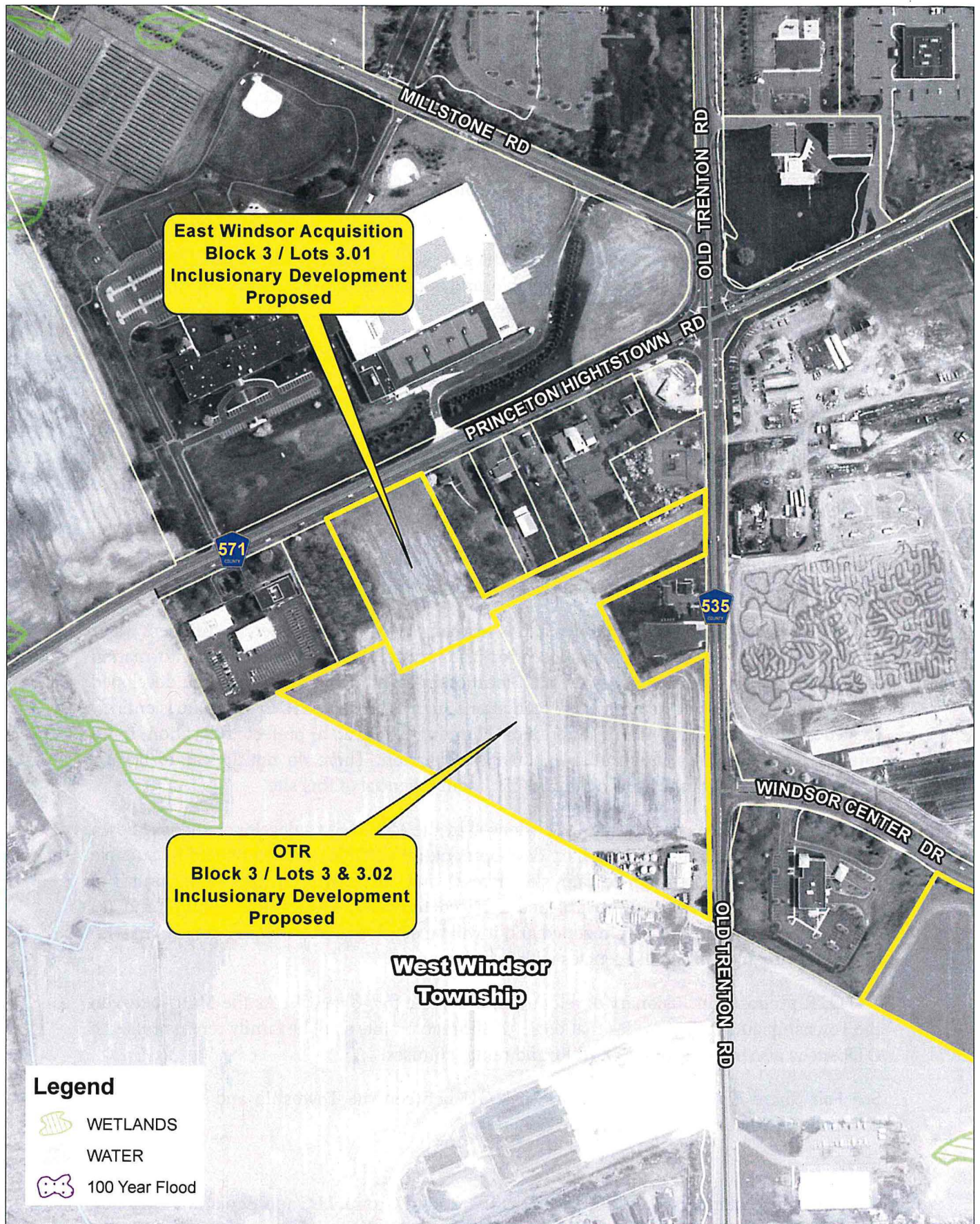
## INCLUSIONARY DEVELOPMENTS

### **OTR**

In December 2016, the Township, Thompson Realty, and OTR East Windsor Investors, LLC ("OTR") entered into an MOU to define the terms through which the parties will construct an inclusionary housing development on two adjacent lots located at 604 and 630 Old Trenton Road (Block 3, Lots 3 and 3.02). See the aerial map entitled "OTR / East Windsor Acquisition" herein. Thompson Realty is the owner of the site. The MOU provides that OTR (also known as Woodmont Properties) will develop 187 family rental housing units, of which 38 will be affordable to low- and moderate-income households on the site. The affordable housing set-aside as agreed to by the parties is 20%, rounded up. Additionally, the parties agree that 13% of the total 38 affordable units, or five (5) units, will be affordable to very low-income households with income at 30% of the area median income. The affordable units will be developed in accordance with COAH's rules and UHAC at N.J.A.C. 5:80-26.1 including, but not limited to income split, affirmative marketing, and bedroom distribution; eight (8) affordable units must have three (3) bedrooms. All affordable units will have at least 30-year affordability controls and will be administered by the Township's designated administrative agent, CGP&H.

In accordance with the MOU, the Township has rezoned the site to allow for inclusionary residential development. The combined total area of the site is 14.3 acres. The new zoning allows for multifamily residential development comprised of 187 multifamily units including 38 affordable units, or development at a density of approximately 13 units per acre subject to a 20% affordable housing set-aside, rounded up. As per the MOU, the 38 affordable units will be family rental units (not age-restricted). These units will be integrated within the





## OTR / East Windsor Acquisition





development and will have access to all of the community amenities available to the market-rate units.

In accordance with COAH's Second Round rules at N.J.A.C. 5:93-5.3 and as described below, the OTR site is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credits.

There are no known encumbrances that preclude the development of affordable housing on the property. The site is currently vacant and/or used for agriculture. The area immediately surrounding the site is also largely vacant and/or used for agricultural purposes. The vacant land immediately to the north of the site is the proposed East Windsor Acquisition site. Other adjacent uses include commercial/retail pad sites with frontage along Old Trenton Road and Princeton Hightstown Road. The site is located on the border of West Windsor Township and has access to Old Trenton Road. There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. Further, a review of the NJDEP's NJ-GeoWeb Known Contaminated Sites List indicates that the site is not contaminated.

The site is within the sewer service area and is served by the EWMUA. There is sufficient water and sewer capacity to support the proposed inclusionary development. Additional information will be provided on water and sewer main locations. Additionally, the site can be developed consistent with RSIS and all other state regulations such as those of NJDEP. The site is entirely located within the State Plan's Suburban Planning Area 2, a preferred location for a municipality to address its affordable housing obligation. There do not appear to be any environmental constraints limiting the development potential of this site.

In summary, the site is (1) available, as evidenced by the MOU with a developer and no known encumbrances precluding inclusionary development; (2) suitable, as documented by suitable surrounding land uses, appropriate site access, and no environmental constraints; (3) developable, as it is currently vacant and serviced by water/sewer infrastructure; and (4) approvable, as the site has been rezoned and it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

The OTR proposed inclusionary development is eligible for 38 credits. As the MOU between the Township and OTR provides that these 38 affordable units shall be family rental units, the OTR site is also eligible for 38 Third Round rental bonuses.

See Fair Share Plan Appendix 16 for the MOU between the Township and OTR and the adopted ordinance rezoning the property.

### **Zaitz**

The Township entered into an MOU with the Blackpoint Group, LLC and Benjamin Zaitz and the Zaitz Trust (collectively "Zaitz") in May 2017. The MOU defines the terms of an agreement to construct a new inclusionary housing development on a site located at 64 North Main Street



(Block 11.01, Lot 5) and owned by Zaitz. Pursuant to the MOU, the inclusionary development will consist of 295 family rental units, of which a minimum of 65 units will be affordable to low- and moderate-income households. This reflects an affordable housing set-aside of 22%. Additionally, Zaitz has agreed to provide 15% of the total 65 affordable housing units, or 10 units (rounded up), as affordable to very low-income households. The MOU provides that the affordable units will be developed in accordance with COAH's rules and UHAC at N.J.A.C. 5:80-26.1 including, but not limited to income split, affirmative marketing, and bedroom distribution; 13 affordable units must have three (3) bedrooms. All affordable units will have at least 30-year affordability controls and will be administered by the Township's designated administrative agent, CGP&H.

Pursuant to the MOU, an age-restricted housing development of up to 116 units will also be permitted to be constructed on the same site. In lieu of providing a 15% on-site affordable housing set-aside within this proposed age-restricted component, the development will be subject to a payment-in-lieu of construction equal to \$55,000 per each affordable unit required based on the 15% affordable housing set-aside ( $15\% \times 116 = 18 \times \$55,000 = \$990,000$ ).<sup>17</sup>

In accordance with the MOU, the Township will rezone the site to allow for inclusionary residential development. The combined total area of the site is 28.4 acres, of which approximately 24 are developable. The new zoning will allow for a non-age-restricted multifamily residential development of 295 including 65 affordable family rental units and up to 116 age restricted units, or development at 17 units per acre with a 22% family affordable housing set-aside to be fulfilled on-site and a 15% senior affordable housing set-aside to be fulfilled through a payment-in-lieu contribution. The prior zoning for this site was Research-Office, which does not allow residential development. The Township will rezone the site per the MOU and the 38 affordable units will be family rental units (not age-restricted). These units will be integrated within the development and will have access to all of the community amenities available to the market-rate units. See the aerial map entitled "Zaitz Site" herein.

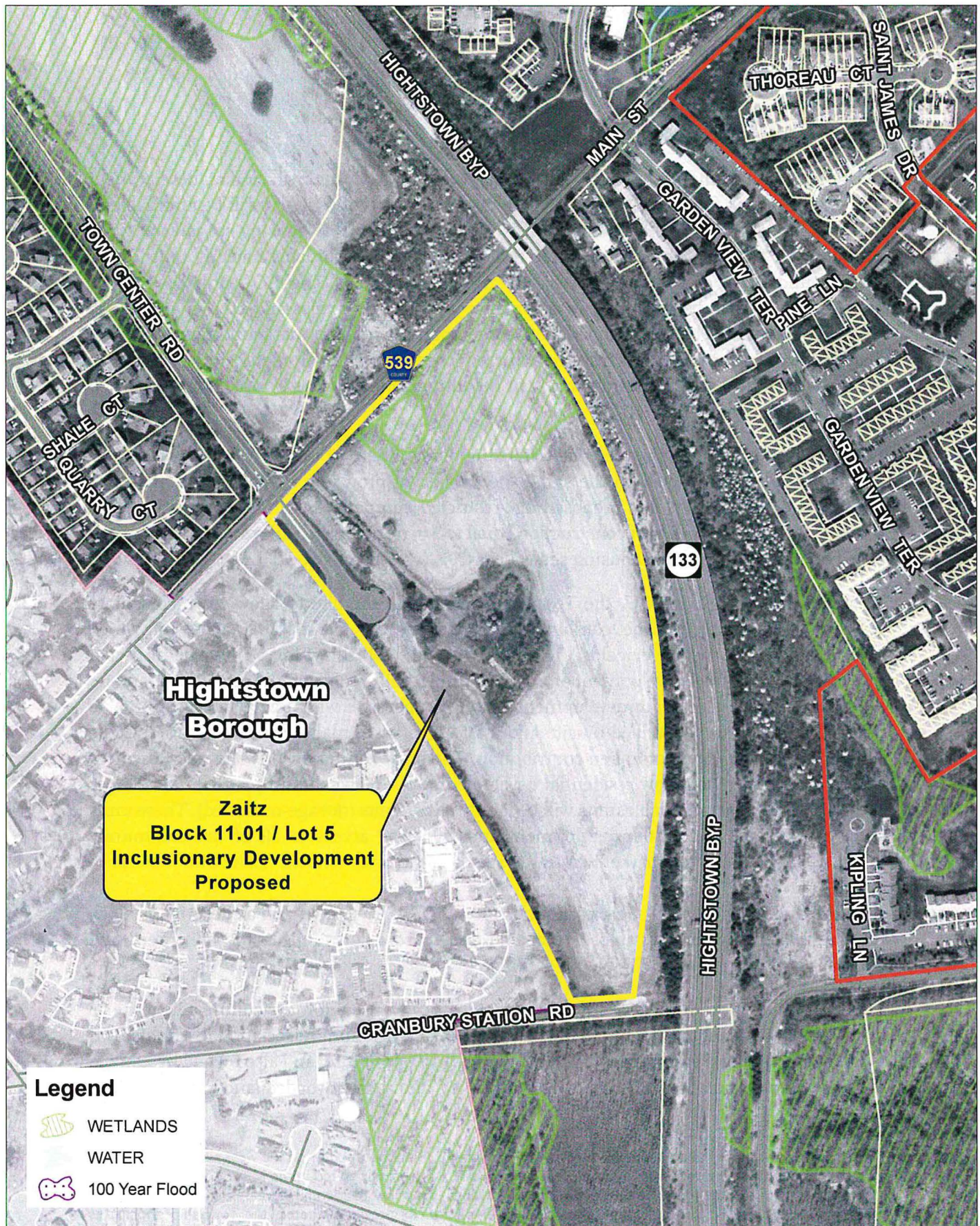
In accordance with COAH's Second Round rules at N.J.A.C. 5:93-5.3 and as described below, the Zaitz site is available, suitable, developable, and approvable and meets the site criteria and general requirements to be eligible for credit.

The Zaitz site is currently vacant and was historically used for agriculture. The site is immediately adjacent to Wyckoff's Mill Residential Condominium Association in Hightstown to the south, NJ State Highway 133 to the north, vacant/agriculture land also owned by Zaitz to the west, across Main Street, as previously discussed, and vacant/wooded land to the east. The

---

<sup>17</sup> Zaitz is also the owner of an approximately 30-acre vacant site (Block 9.01, Lot2) on the west side of North Main Street across from the proposed inclusionary development site. As expressly stated in the MOU, this site will not be rezoned from the current Research-Office zoning, which does not allow residential development. The Township desires to preserve this site for future commercial development. As previously noted, the Township anticipates continued growth in nonresidential development during the Third Round. Additionally, it should be noted that the developable acreage of this site is constrained by a significant amount of wetlands.





0 400Ft

Clarke Caton Hintz



Architecture

Planning

Landscape Architecture

## Zaitz Site

LOCATION:

Township of East Windsor, Mercer County, NJ

DATE:

November 2017





site's location is ideal for this type of development, as it is proximate to four (4) multi-family housing developments: Wyckoff's Mill Condominium Association, Windsor Regency condominium and apartment complex, St. James Village, and Windsor Meadows. Additionally, the site is within a mile of East Windsor Town Center Plaza and East Windsor Town Center Shopping Center. The property fronts on County Road 539 (North Main Street) on its west side, and Town Center Road on its south side. Additionally, it is adjacent to State Highway 133, which is currently accessible from US Route 130 approximately one mile from the site.

There are no known encumbrances that preclude the development of affordable housing on the property. There are no historic structures listed on the State or National Historic Registers on the site, and the property is not within an historic district listed on the State or National Historic Registers. However, a review of the NJDEP's list of Known Contaminated Sites List indicates that the site has been identified as being contaminated. In 1999, underground storage tanks containing gasoline and/or diesel were removed from the site and no longer pose a risk of contamination. Upon removal, it was discovered that one of the tanks had a minor leak, which triggered an investigation into possible groundwater contamination. NJDEP assigned the site a Licensed Site Remediation Professional ("LSRP"), Barry K. Wham, to oversee remediation. In a conversation with Mr. Wham on November 9, 2017, he indicated that it is unlikely contamination is present and expects to issue a Remedial Action Outcome indicating so in the next few months.

The site is within the sewer service area and is served by the EWMUA. There is sufficient water and sewer capacity to support the proposed inclusionary development. There are existing sewer and water lines under Cranbury Station Road, a right of way along the site's eastern property line. According to Richard Brand, the Executive Director of the EWMUA, both systems have adequate capacity for this development, but the existing lines on Cranbury Station Road serving the site will need to be extended to provide sufficient flow to and from the site. The sewer line at Cranbury Station Road would be extended to connect to a line on US Route 130, and the water line will be connected to an existing water line on North Main Street. The site requires a connection to both the North Main Street and Cranbury Station Road water lines.

The site can be developed consistent with RSIS and all other state regulations such as those of NJDEP. The site is entirely located within the State Plan's Suburban Planning Area 2, a preferred location for a municipality to address its affordable housing obligation. The site is impacted by environmental constraints. There is a contiguous area of approximately three (3) acres of wetlands on the northwestern corner of the site. This constitutes approximately 10% of the site's total acreage. Therefore, the presence of wetlands does not impede development.

In summary, the site is (1) available, as evidenced by the MOU with a developer and no known encumbrances precluding inclusionary development; (2) suitable, as documented by suitable surrounding land uses, appropriate site access, and limited environmental constraints; (3) developable, as it is currently vacant and water/sewer service is available; and (4) approvable,



as it will be developed in a manner consistent with the rules or regulations of all agencies with jurisdiction.

The Zaitz proposed inclusionary development is eligible for 65 credits. As the MOU between the Township and Zaitz provides that these 65 affordable units shall be family rental units, the Zaitz site is also eligible for 65 Third Round rental bonuses.

See Fair Share Plan Appendix 17 for the MOU between the Township and Zaitz.

### ***Windsor Castle***

As previously described, the Township has entered into Agreements with Windsor Castle Associates to provide for the creation of at least 140 affordable family rental housing units, of which 100 units and one (1) associated rental bonus credit will be used to address the Township's Third Round obligation. The affordable housing units will be part of an inclusionary housing development to be provided on a site currently owned by Windsor Castle Associates and on an adjacent vacant site to be acquired by the Township and transferred to Windsor Castle Associates.

Pursuant to the Court-approved Settlement Agreement, 90 of the 100 affordable housing units addressing the Third Round obligation must receive certificates of occupancy within seven (7) years of the Court's approval of the Settlement Agreement on July 19, 2017, while 10 of these 100 units must receive certificates of occupancy within four (4) years.

Additional details on the proposed development and the site's suitability to accommodate the inclusionary housing development are provided in the above section addressing the Township's Prior Round compliance mechanisms.

### ***Parker Home***

On August 29, 2014, the Township entered into a settlement agreement with Francis E. Parker Memorial Home, Inc. ("Parker Home"), a provider of nursing homes and assisted living facilities. The agreement requires Parker Homes to purchase land from the Enchantment at East Windsor located at 339 Monmouth Street (Block 16, Lots 1, 2, and 5-7), an existing age-restricted housing provider that has sought to convert a previously approved age-restricted development to non-age-restricted housing, and to use the land for Continuing Care Development. It has not yet been determined how many affordable units the site will ultimately produce. The Township estimates that 20 affordable senior units may be produced. However, these senior units will exceed the Township's Third Round cap on age-restricted units. As such, the Township is not claiming credit for this development to address its Third Round obligation at this time.

The Township amended the I-O zone to allow for Continuing Care Development (CCD), which includes Life Care Residences, Independent Senior Housing Units, and Life Care Community Services. The Township adopted an ordinance effectuating this amendment on July 15, 2014.





Parker at East Windsor, Inc. now owns the land. The site is currently undeveloped and is comprised of approximately 55 acres, an estimated 25 acres of which are constrained by wetlands (see the overall aerial map). The site is within the sewer service area and served by the EWMUA. Additionally, it is within the State Plan's Planning Area 2, which is a preferred area for affordable housing. The site lies between the New Jersey Turnpike to the east, the Hightstown Bypass to the north, and residential neighborhoods to the west and south. Other nearby properties include office uses. The site fronts on Monmouth Street (County Road 633), which connects to Routes 33 and 133 and Interstate 95.

At least 50% of the affordable units in the project will be reserved as low-income units including 13% that are very low-income units; the balance of 50% of the units may be moderate-income units with rents set no higher than 60% of the median income. The affordable units will be developed in accordance with the UHAC at N.J.A.C. 5:80-26.1 regarding bedroom distribution, affirmative marketing, and minimum 30-year affordability controls. The Township will ensure that affordability controls on the affordable units are administered and enforced by an experienced administrative agent.


See Fair Share Plan Appendix 18 for the conditional settlement agreement between the Township and Parker Home.

#### ***East Windsor Acquisition***

The Township approved a 120-bed assisted living facility on a 4.05-acre site (Block 3, Lot 3.01) on February 28, 2011 on the condition that 10% of all beds be reserved for Medicaid recipients in accordance with State regulations. The 12 beds will be creditable as age-restricted rental units. However, these senior units will exceed the Township's Third Round cap on age-restricted units. As such, the Township is not claiming credit for this development to address its Third Round obligation at this time.

East Windsor Acquisition received a "d" variance on March 20, 1997 from the Township's Zoning Board of Adjustment as the property was zoned Research Office (RO), which did not permit assisted living facilities.

The property is owned by East Windsor Acquisition and should have no encumbrances of legal or titular nature that would preclude its development as an affordable housing project. The site is adjacent to compatible uses. North, west, and east of the site are commercial service uses. There is also farmland immediately to the south (the proposed OTR site) and a few hundred feet to the north of the site. It is located in the State Plan's Planning Area 2. It is in the sewer service area and will be connected to water and sewer lines during construction. Additionally, an Environmental Impact Statement prepared by Princeton Junction Engineering stated that there are no known environmental constraints affecting the site. The property is a flag lot with frontage on both Princeton-Hightstown Road and Old Trenton Road.



The affordable units/beds will be developed in accordance with N.J.A.C. 5:97-6.11 Assisted Living. The Township will ensure that affordability controls on the property are administered and enforced by an experienced administrative agent.

See Fair Share Plan Appendix 19 for the 2011 resolution of approval.

---

#### MARKET-TO-AFFORDABLE PROGRAM

The Township proposes to implement a Market-to-Affordable program to create 51 affordable family units to be deed restricted for at least 30 years. The Market-to-Affordable program is proposed to be funded through the Township's Affordable Housing Trust Fund and operated by CGP&H, the Township affordable housing administrator. CGP&H will implement the program in accordance with COAH's regulations.

East Windsor Township will purchase or subsidize existing housing units for the creation of 51 affordable family housing units, 26 of which will be sold or rented to low-income households and 25 will be sold or rented to moderate-income households. The Township's program will be implemented such that all 51 affordable family units will receive certificates of occupancy within seven (7) years of the Court's issuance of a Third Round Judgment of Compliance and Repose. Pursuant to N.J.A.C. 5:97-6.9(b), each unit will be certified to be in sound condition by the Township's licensed building inspector prior to occupancy as an affordable unit.

The Township's proposed 51-unit Market-to-Affordable program addresses approximately 7% of the Township's 736-unit Third Round obligation. Pursuant to COAH's Second Round rules at N.J.A.C. 5:93-5.11, a municipality could implement a 'write-down/buy-down' program up to 10 units, but no more than 25% of the municipality's net new construction obligation. COAH's Third Round rules at N.J.A.C. 5:97-6.9 expanded and revised the permitted application of this mechanism, which was renamed as a Market-to-Affordable program. The Market-to-Affordable program under COAH's Third Round rules included both for-sale and rental units, but was limited to 10 for-sale units and 10 rental units or 10% of a municipality's fair share obligation, whichever was greater, until such time as the municipality demonstrated a successful Market-to-Affordable program. The Township's proposed program will represent 5.7% of the Township's combined new construction obligation (345 Prior Round + 736 Third Round) and only 0.5 percent of the Township's total occupied housing stock. The Court approved the 51-unit Market-to-Affordable program as part of the Township's preliminary compliance mechanisms listed in the Settlement Agreement as reflect in the July 19, 2017 Court Order.

Pursuant to N.J.A.C. 5:97-6.9(d), East Windsor must demonstrate that there are sufficient market-rate housing units within the Township to support a Market-to-Affordable program as documented by MLS listings. However, since the Township's Court-approved Settlement Agreement permits certificates of occupancy for these 51 units be issued within seven (7) years of the Court's issuance of a Third Round Judgment of Repose, instead, the Township will



document the extensive inventory of multi-family units, which are likely to be prime units for the Market-to-Affordable program.

According to the most recent ACS estimates in 2015, 35.5% of all occupied housing units, or 3,435 units, in East Windsor were rental units and 64.5%, or 6,230 units, were owner-occupied. Just over one-quarter (25.3%) of all housing units in East Windsor are single-family detached units, while 12.1% are single-family attached units and 55.9% of all units are in structures with five (5) or more units. Approximately 60% of all owner-occupied units and 70% of all renter-occupied units were built prior to 1980, or nearly 40 year ago. The age of these units is reflected in estimated gross rents and home values in the Township. Approximately 49% of rental units in the Township have rents less than \$1,250, or less than the 2017 illustrative gross rent a two-bedroom unit affordable to a moderate-income household. With respect to home values of owner-occupied units, approximately one-quarter (24.3%) of owner-occupied units were valued at less than \$200,000; the 2017 illustrative sales price for a moderate-income three-bedroom units is \$176,195. Based on this analysis, the Township appears to have a sufficient supply of modestly-priced existing market-rate units, both owner-occupied and rental units, to support the proposed Market-to-Affordable program.

In order to estimate the potential cost of the proposed Market-to-Affordable program as required by N.J.A.C. 5:97-6.9(d), the Township conducted a search of available units in East Windsor. The search confirmed that most apartments advertised are in garden apartment developments constructed between 1965 and 1975; one- and two-bedroom units in these developments have advertised rents that typically range from \$1,000 to \$1,500, depending on the number of bedrooms. A search of units currently for-sale in the Township confirms that a large number of available units are older single-family attached units or condominium units. These types of units typically have advertised sales prices between \$100,000 and \$250,000; sales prices for single-family attached homes are typically in excess of \$250,000. Based on this analysis of current market-rate rental rates and sales prices in East Windsor as well as possible unit renovation costs required, the Township may see a per unit cost of between \$50,000 and \$55,000. This per unit expenditure will meet the minimum \$25,000 per unit required to subsidize each moderate-income unit and \$30,000 per unit required to subsidize each low-income unit in accordance with N.J.A.C. 5:97-6.9(b).

Although units created through a Market-to-Affordable program are exempt from bedroom distribution requirements per COAH's rules, pursuant to the Court-approved Settlement Agreement, the proposed 51-unit Market-to-Affordable program will include the creation of at least 28 affordable family rental units including at least 17 two-bedroom units. Of the remaining 23 family units in the program, the Township will provide at least 20%, or five (5), three-bedroom units and no more than 20%, or five (5), one-bedroom units with the remaining 13 units being two- or three-bedroom units at the Township's discretion.

CGP&H, the designated program administrator, has prepared an operating manual for the Township's proposed Market-to-Affordable program. The manual outlines program



procedures and administration in accordance with UHAC. Affirmative marketing will be done in accordance with UHAC and the Township's affirmative marketing plan.

See Fair Share Plan Appendix 20 for the draft Market-to-Affordable program manual.

---

### THIRD ROUND RENTAL COMPONENT, RENTAL BONUSES, AND AGE-RESTRICTED CAP

East Windsor has addressed the 184-unit Third Round minimum rental requirement with 109 senior rental units at St. James Village, 75 senior rental units at Wheaton Pointe, 31 bedrooms to be part of proposed alternative living arrangements, 203 family rental units proposed as part of inclusionary housing developments, and 80 family rental units proposed as part of a 100% affordable housing development. As such, the Township is eligible for a total of 184 Third Round rental bonuses. Of these 498 existing and proposed rental units, 283 units are available to families. Therefore, the Township is in compliance with the terms of the Settlement Agreement, which requires that 50% of all Third Round rental units be available to families.

These 282 proposed family rental units, in addition to the three (3) completed affordable family for-sale units on Evan Avenue and the 51 family units proposed through the Township's Market-to-Affordable program, fulfill the Township's requirement that at least 50% of the total housing units addressing the Third Round obligation be available to families.

The Township is proposing to include the 109 senior rental units at St. James Village and the 75 senior rental units at Wheaton Pointe, or a total of 184 senior units, to address its Third Round obligation. Thus, the Township complies with the Third Round 25% age-restricted cap.

#### Very Low-Income Units

Pursuant to the 2008 amendments to the FHA, P.L. 2008, c. 46 (codified as N.J.S.A. 52:27D-329.1), municipalities must provide very low-income units equal to 13% of all affordable units approved and constructed after July 1, 2008. East Windsor is required to provide 53 very low-income units, 27 of which must be available to families as shown in the below calculation, which was part of the Court-approved Settlement Agreement.

#### Minimum Very Low-Income Units = 53 units

$0.13$  (736 Third Round obligation + 44 unbuilt/unapproved units from the Prior Round – 184 rental bonuses – 187 existing Third Round unit) = 53

#### Minimum Very Low-Income Family Units = 27 units

$0.50$  (53 very low-income requirement) = 26.5, required to round up

The Township will satisfy this very low-income requirement with the following:

- Five (5) family very low-income units as part of the proposed inclusionary housing development on the OTR site;





- 10 family very low-income units as part of the proposed inclusionary housing development on the Zaitz site;
- 18 family very low-income units as part of the proposed inclusionary housing development on the Windsor Castle site;
- Five (5) family very low-income and five (5) special needs very low-income units as part of CIS' proposed 100% affordable housing development;
- 44 senior very low-income units as part of St. James Village; and
- Four (4) special needs very low-income units as part of the proposed group homes.

## **COST GENERATION**

East Windsor Township's Revised General Ordinances have been reviewed to eliminate unnecessary cost generating standards; it provides for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Revised General Ordinance, RSIS (N.J.A.C. 5:21-1 et seq.), the Municipal Land Use Law (N.J.S.A. 40:55D-40.1 through 40.7), and the mandate of the FHA regarding unnecessary cost generating features. East Windsor Township shall comply with COAH's requirements for unnecessary cost generating requirements, N.J.A.C. 5:93-10.1(a), procedures for development applications containing affordable housing, N.J.A.C. 5:93-10.1(b), and requirements for special studies and escrow accounts where an application contains affordable housing, N.J.A.C. 5:93-10.3.

## **MONITORING/STATUS REPORTS**

In accordance with N.J.A.C. 5:93-12.1 and the Settlement Agreement, the Township shall complete annual monitoring reports (using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master) of the Affordable Housing Trust Fund and affordable housing activity and programs. The Township shall post such reporting on the municipal website and provide copies to FSHC. In addition, pursuant to the Settlement Agreement, the Township must provide a status report at the mid-point of the Third Round (July 1, 2020) and must also provide a status report on addressing the statutory requirements for very low-income housing within 30 days of the third anniversary of said Agreement and every third year thereafter.



## **AFFORDABLE HOUSING REQUIREMENTS AND AFFIRMATIVE MARKETING**

The Township of East Windsor previously adopted a Fair Share Ordinance. To the extent necessary, the Township has updated its ordinance in accordance with COAH's substantive rules, N.J.A.C. 5:93-11, UHAC at N.J.A.C. 5:80-26.1, and statutory changes. The Township's Affordable Housing Ordinance will govern the establishment of affordable units in the Township as well as regulating the occupancy of such units. The Affordable Housing Ordinance covers the phasing of affordable units, the low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc.

To conduct affirmative marketing and monitoring of affordable units, the Township has contracted with CGP&H for the administration of existing affordable units in the Township, with the exception of the alternative living arrangements administered by several experienced group home providers, St. James Village administered by Community Realty Management, and Wheaton Pointe administered by Presbyterian Homes and Services, Inc. The Township anticipates entering into a similar contract with CGP&H to administer future affordable housing units, with the exception of CIS' proposed development, which will be administered by CIS.

The Township's Affirmative Marketing Plan is 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 the affordable units located in the Township. Additionally, the Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in Housing Region 4, consisting of Mercer, Monmouth, and Ocean Counties. Additional housing advocacy groups will be added including Fair Share Housing Center, the State and local chapters of the NAACP, the Latino Action Network, Shiloh Baptist Church, and the Supportive Housing Association. This Plan must be adhered to by all private, non-profit, or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the Affirmative Marketing Plan (i.e., the costs of advertising the affordable units, etc.) are the responsibilities of the developers of the affordable units. This requirement is included in the Township's Affordable Ordinance and shall be a condition of any municipal development approval.

See the Township's 2017 Fair Share Plan for both the proposed Affordable Housing Ordinance (Appendix 21) and the Affirmative Marketing Plan (Appendix 22).



## AFFORDABLE HOUSING TRUST FUND

The Township has collected development fees since 1999, when COAH approved the Township's first development fee ordinance. Subsequently, the development fee ordinance was amended to increase the residential development fee to 1.5% pursuant to N.J.A.C. 5:97-8.3.<sup>18</sup> The Township is now seeking Court approval of an amended development fee ordinance (see Fair Share Plan Appendix 21) to adhere to the July 17, 2008 passage of amendments to the FHA (P.L. 2008, c. 46). The revised development fee ordinance will increase the nonresidential development fee to 2.5%.

The Township's Spending Plan, which discusses anticipated revenues, collection of revenues, and the use of revenues, was prepared in accordance to N.J.A.C. 5:93-5.1(c). The Township's 2017 Spending Plan is Appendix 25 of the Township's 2017 Fair Share Plan. All collected revenues will be placed in the Township's Affordable Housing Trust Fund and will be dispensed for the use of affordable housing activities. Pursuant to the Township's Plan, East Windsor may use the funds in the Trust Fund for any of the below listed items, pursuant to N.J.A.C. 5:93-8.16:

- Rehabilitation;
- New construction;
- Purchase of land for low- and moderate-income housing;
- Improvement of land to be used for low- and moderate-income housing;
- Extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites;
- Acquisition and/or improvement of land to be used for affordable housing;
- Assistance designed to render units to be more affordable; and
- Administration of the implementation of the Housing Element and Fair Share Plan.

In accordance with the Robert's Bill, P.L. 2008, c. 46, at least 30% of development fees and interest collected since July 17, 2008 shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Housing Plan and for the creation of very low-income units. Additionally, no more than 20% of the revenues collected from development fees each year shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to

---

<sup>18</sup> Per the March 10, 2015 NJ Supreme Court Order, the Court determined "many aspects to the two earlier versions of the Third Round Rules were found valid by the appellate courts...Judges may confidently utilize similar discretion when assessing a town's plan, if persuaded that the techniques proposed by a town will promote for that municipality and region the constitutional goal of creating the realistic opportunity for producing its fair share of the present and prospective need for low- and moderate-income housing." It is our opinion that the provision of N.J.A.C. 5:97-8.5 which increased the residential development fee from 1% to 1.5% can be found valid by the Courts as it allows municipalities a more realistic opportunity for providing affordable housing.



develop or implement a Housing Element and Fair Share Plan, an affirmative marketing program, and all compliance mechanisms such as a rehabilitation program, a new construction program, a Market-to-Affordable program, extensions of expiring controls, group homes, etc. as set forth in the Township's Plan.

Pursuant to the Court-approved Settlement Agreement, the Township's Spending Plan (Appendix 25 of the Fair Share Plan) will constitute a "commitment" for expenditure per the FHA at N.J.S.A. 52:27D-329.2 and 329.3, with the four-year time period for expenditure beginning to run with the entry of the Superior Court's Judgment of Compliance and Repose.

## SUMMARY

The Township of East Windsor will satisfy its 107-unit Rehabilitation Share through the continued implementation of its local rehabilitation program, continued participation in the Mercer County Housing Rehabilitation Program, and with 17 Rehabilitation Credits. The Township will address its 345-unit Prior Round obligation with completed and proposed alternative living arrangements, completed and proposed 100% affordable housing developments, completed and proposed inclusionary housing developments, a prior RCA, and Prior Round rental bonuses. East Windsor will address its Third Round obligation with completed extensions of expiring controls, proposed alternative living arrangements, completed and proposed 100% affordable housing developments, proposed inclusionary zoning, a proposed market-to-affordable program, and Third Round rental bonuses.

The Township's local rehabilitation program is available to low- and moderate-income homeowners in East Windsor. The Township will expand this program to include rental units occupied by low- and moderate-income households. The program will continue to be administered by CGP&H. Since April 1, 2010, the Township has completed 17 home rehabilitations through its existing program for which the Township is eligible to receive 17 Rehabilitation Credits. The Township's remaining Rehabilitation Share is 90 units. The Township will continue to participate in the Mercer County Housing Rehabilitation Program administered by the County's Housing and Community Development department. The program is available to low- and moderate-income homeowners in East Windsor.

The Township will satisfy its Prior Round obligation with the following Prior Round compliance mechanisms: 34 bedrooms in existing group homes administered by several experienced group home providers, four (4) bedrooms in a proposed group home provided by SERV, 76 affordable age-restricted rental units in St. James Village, three (3) completed affordable family for-sale units on Evan Avenue (Habitat for Humanity), five (5) proposed affordable family for-sale units to be developed by Habitat for Humanity, 36 affordable family rental units at Windsor Meadows and 17 affordable family rental units at Wyncrest Commons, three (3) approved affordable family for-sale units as part of the proposed Daveco inclusionary development, funds transferred for a 40-unit RCA with the City of Trenton, and proposed inclusionary zoning on the Windsor Castle site to yield 140 total affordable family rental units,





of which 40 will address the Prior Round obligation. Additionally, the completed group homes and the affordable family rental units completed as part of the Windsor Meadows and Wyncrest Commons inclusionary development are eligible for a combined 87 rental bonuses pursuant to N.J.A.C. 5:93-5.15(d).

The Township's Third Round obligation will be addressed with 109 affordable age-restricted rental units at St. James Village, which were subject to extensions of expiring controls; 31 bedrooms as part of proposed group homes, of which four (4) will be provided by SERV; three (3) additional completed affordable family for-sale units on Evan Avenue; 75 affordable age-restricted rental units at Wheaton Pointe; 80 proposed affordable family rental units to be developed as a 100% affordable development by CIS; proposed inclusionary zoning yielding a total of 103 affordable family rental units on the OTR and Zaitz sites; proposed inclusionary zoning on the Windsor Castle site to yield 140 total affordable family rental units, of which 100 will address the Third Round obligation; and a proposed 51-unit Market-to-Affordable program to be administered by CGP&H. The Township is eligible to receive 184 Third Round rental bonuses for the proposed family affordable rental units.

