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Mr. Philip B. Caton
Clarke and Caton
342 West State Street Trenton, NJ 08618

Re: Low-income and Moderate Income Levels for Mt. Laurel II Housing in Warren Township

Dear Philip:
Enclosed is the report of Richard Reading relative to the above area of concern.

Very truly yours,
KUNZMAN, COLEY, YOSPIN \& BERNSTEIN

## JEC/gl

Enclosure
cc w/enc: Honorable Eugene D. Serpentelli
Raymond E. Trombadore, Esq.
Joseph E. Murray, Esq.
Eugene W. Jacobs, Esq.
J. Albert Mastro, Esq.

Thomas Hall, Esq.
Philip Glucksman, Esq.

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## RICHARD B. READING ASSOCIATES

 759 STATE ROAD, PRINCETON, NEW JERSEY O854O AREA CODE 608/924-6622
## MEMORANDUM

TO: John E. Coley, Jr. Esquire Kunzman, Coley, Yospin \& Bernstein 15 Mountain Boulevard Warren, New Jersey, 07060

FROM: Richard B. Reading Associates
DATE: September 14,1984
SUBJECT: Low-Income and Moderate Income Levels for Mt. Laurel II Housing in Warren Township, Somerset County

In accordance with our recent telephone conversation, I am providing herewith an analysis of the low-income and moderate - income levels that should be applicable to Mt. Laurel II housing in Warren Township.

The need for lower-income and moderate housing in Warren Township, as well as in other "growth area" municipalities is perceived in Judge Serpentelli's opinion (Dockets L-23277-80 PW and L-67820-80 PW, decided July 16, 1984 to emanate from three distinct sources, each of which represents a different geographic area. These three source components are 1) Indigenous Need; 2) Present Need-Surplus Reallocation; and 3) prospective Need. A synopsis of these needs and the income levels relevant thereto is provided hereafter.

Indigenous Need - The indigenous need for housing in Warren Township is the need to better house existing Warren Township residents that are believed to be living in overcrowded dwelling units, units lacking complete plumbing or adequate heating. This need is a local (municipal) need that, accordingly, should be related to the income levels in this particular (municipality) region. At the time of the

1980 Census ( 1979 income) the median family income in Warren Township was reported ${ }^{(1)}$ to be $\$ 36,867$.
present Need - The present need (surplus reallocation) for any municipality in Somerset County, as set forth in Judge Serpentelli's opinion, has been defined as the eleven-county northern New Jersey region. This definition encompasses the following counties: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren. The number of families and their respective income levels for each of the eleven counties in the present need region are tabulated ${ }^{(2)}$ below:

|  | No, of | Median |
| :--- | :---: | ---: |
| County | Eamilies | Income |
| Bergen | 232,041 | $\$ 27,517$ |
| Essex | 216,773 | 19,931 |
| Hudson | 145,151 | 17,659 |
| Hunterdon | 23,097 | 26,618 |
| Midalesex | 154,631 | 25,603 |
| Morris | 106,491 | 29,283 |
| Passaic | 117,676 | 21,011 |
| Somerset | 54,096 | 29,172 |
| Sussex | 30,587 | 23,530 |
| Union | 136,570 | 25,266 |
| Warren | 22,878 | 21,412 |
| Region | $1,239,991$ | $\$ 23,929$ |

Prospective Need - The region wherein the "prospective need" would be generated for housing in Warren Township was determined by Judge Serpentelli to be represented by those entire counties that are wholly or partially included within a 30 -minute driving time from the center of the subject municipality. Such a region for Warren Township was found (3) to encompass Somerset County along with Essex, Hunterdon, Middlesex, Morris and Union Counties. The 1979 median family
(1) 1980 Census of Population, General Social and Economic Characteristics, New Jersey, PC80-1-C32, T-168a, 32-699
(2) 1980 Census of Population, General Social and Economic Characteristics, New Jersey, PC80-1-C32, T-180, 32-740 and 741
(3) Opinion, July 16,1984 , Page 25
income levels (4) for each of the six counties in the prospective need region are tabulated below.

## Prospective Need Region

|  | No. of <br> Comilies | Median |
| :--- | ---: | ---: |
| County |  |  |
| Income |  |  |

## Current Income

All of the preceding income levels (indigenous, present and prospective) are historical incomes for the year 1979. Since it is impossible to commence construction in 1984 or 1985 for homes to be sold in 1979, it is necessary to bring these historical income levels forward into current dollars that would be contemporaneous with prospective purchase prices. In the Urban Leaque case it has been suggested that the most recent median family income estimates prepared by H.U.D. could be utilized for the purpose of establishing current income levels. This approach, in our opinion, has several deficiencies. Firstly, the H.U.D. median income statistics are "estimates" and do not have the same authority or reliability as the Census income statistics. Secondly, the H.U..D. income statistics are not available for municipalities ... data which is needed for the indigenous (local) need. Thirdly, the H.U.D. income figures are not published for individual counties that are situated within MSA's and PMSA's ${ }^{(5)}$. Finally, the H.U.D. income statistics reflect historical, rather than present, income levels and, as such, are not comparable to current

[^0]construction and housing costs. To avoid the numerous problems involved with the use of the published H.U.D. income figures, we have suggested the use of actual 1980 Census ( 1979 income) statistics expressed in current dollars using the Consumer Price Index for this purpose.

The use of the Consumer Price Index (CPI/U; U.S. City Average; All Items Index) would express the 1979 income levels published in the 1980 Census in the context of their present worth. Expressed in current (July 1984) dollars, the median family incomes in each of the three relevant regions are tabulated below:

| Median Family Incomes |
| :---: |
| Warren Township |


|  |  |  |  |
| :--- | :---: | ---: | ---: |
|  | 1979 | Adjustment | Current |
| Region | Median | Factor | Median |
| Indigenous Need | $\$ 36,867$ | 1.43376 | $\$ 52,858$ |
| Present Need | 23,929 | 1.43376 | 34,308 |
| Prospective Need | 24,038 | 1.43376 | 35,325 |

* CPI-7/84 (311.7) divided by CPI-1979 (217.4) equals 1.43376

As may be seen in the preceding tabulation, the current (July 1984) median family incomes applicable to Warren Township range from $\$ 34,308$ to $\$ 52,858$. A weighted median can now be computed to derive a single "median" based upon the proportional inclusion of the numerical housing need generated by each such region. According to Judge Serpente」li's opinion, the 1990 low and moderate income housing needs for Warren Township emanating from each of the three regions were:

Warren Township
1990 Fair Share Allocation

|  |  | Current <br> $(7 / 84)$ <br> Income |
| :--- | ---: | ---: |
| Region | 1990 | Inced |
| Indigenous | 52,858 |  |
| Present | 162 | 34,308 |
| Prospective | 732 | 35,325 |
| Total | $\boxed{52}$ | $\$ 36,115$ |

## Low and Moderate Incomes

Utilizing definitions (6) for "low income" as families with median incomes less than 50 percent of the region's median and for "moderate income" as families with incomes between 50 percent and 80 percent of the region's median, the following income thresholds would be computed:

Warren Township July 1984 Income Thresholds

| Low <br> Income | Moderate <br> Income |
| :--- | :---: |
| $\$ 18,057$ | $\$ 28,892$ |

## Housing Affordability

For owner-occupancy, the Consensus Method adopted by Judge Serpentelli utilizes a 28 percent ratio between gross monthly income and the monthly costs for debt service, taxes, insurance and condo fees, if any. We would suggest that this ratio (28 percent) could be modified to consider other installment debt of the prospective purchaser and that with the monthly costs for other installment debt, the combined ratio should not exceed 35 percent of gross monthly income. Conversely, should a prospective purchaser have no other installment debt, up to 35 percent of gross monthly income would be allowable for the aforedescribed housing costs. Applying these ratios ( 28 percent and 35 percent) to the low-income and moderate-income thresholds computed for Warren Township, the following monthly housing cost limits would be derived:

[^1]
Once the monthly costs for property taxes, insurance costs and condo fees (if any) have been ascertained. the interest rate factor applied to the remaining balance will be the critical factor in determining the amount of the mortgage and purchase price.

The preceding income calculations differ from those most recently suggested by the individuals involved with the Consensus method. In the March, 1983 Fair Share Report prepared by Carla Leman in the matter of the Urban League of Greater New Brunswick v. Carteret et. al., it was suggested (page 22) that, " $T$ ) he median income for the 11 county (prospective need) region will be utilized for both present need determinations and indigenous need determinations". The use of an income level from one of the three housing regions responsible for the generation of such housing need is, in our opinion, inappropriate and statictically inaccurate. Such a single-region median would not realistically represent the median income of those that are intended to be housed. Whereas the median income for families in the Warren's present need region is below that of the "weighted need median" computed herein, in other situations it may well be higher. When the present need median understates the weighted median, it would exclude certain moderate income families from access to moderate income housing provided on the basis of their needs. Conversely when the present need median exceeds the weighted median, it would not encourage the development of housing at costs low enough to satisfy the most economically disadvantaged families in the indigenous and prospective need regions.

Whatever the outcome, there appears to be little justification for the use of a median income that is knowingly not representative of the median income of those that we seek to house. An additional difficulty arises with the suggested use of median for the "present need" region when communities not in the "Growth Area" as defined by the State Development Guide Plan are considered. In these communities, the housing need and obligation is confined and limited to "indigenous need" families. How can the median income of families in a "present need" region be utilized when it bears no direct relationship to those particular local residents that are to be serviced by compliance with Mt. Laurel II. The foregoing issues were raised during a meeting with Mr. Cato on July 20, 1984, and no refutation to these facts or logic have been rendered.

Based upon all the foregoing, we would recommend that the planning for the satisfaction of Warren's Mt. Laurel II housing obligations be addressed in the context of the income levels computed for low and moderate income families vis-a-vis the weighted median family income of the relevant regions that generate such housing needs. This recommendation is made, not because it disagrees with the appraoch suggested by the Consensus Method, but because it is more appropriate, statistically correct and more current as well.

For comparative purposes, the median family income that would be derived for the present need (11-county) region using the most recent $(3 / 1 / 84)$ H.U.D. income levels is tabulated below:

> | H.U.D. Median Family |
| :---: |
| Income Levels |
| $(3 / 1 / 84)$ |

|  | Number | Median |
| :--- | :---: | ---: |
| County | Of Families | Income |
| Bergen | 232,041 | $\$ 27,300$ |
| Essex | 216,773 | 32,750 |
| Hudson | 145,151 | 24,700 |
| Hunterdon | 23,097 | 33,750 |
| Midalesex | 154,631 | 33,750 |
| Morris | 106,491 | 32,200 |


|  | H.U.D. Media Income Levels (3/1/8 |  |
| :---: | :---: | :---: |
| Passaic | 117,676 | \$27,300 |
| Somerset | 54,096 | 33,750 |
| Sussex | 30.587 | 32,200 |
| Union | 136,570 | 32,200 |
| Warren | 22,878 | 28,000 |
| Region | $1,239,991$ | \$30,152 |

As is apparent from the preceding, the median family income estimated by H.U.D. for the ll-counties within Warren's present need region have a computed overall median of $\$ 30,152$. The H.U.D. median ( $\$ 30,152$ ) is substantially ( 16.5 percent) below the current (July, 1984) weighted-region median of $\$ 36,115$ and even below the current (July, 1984) median for the present need region of $\$ 34,308$. The growth of median family income in each of the eleven "present need" counties as estimated by H.U.D. between 1979 and 1984 are tabulated below:

## Comparative Income Levels

|  | $\begin{gathered} 1984 \\ \text { H.U.D. } \end{gathered}$ | $\begin{gathered} 1984 \text { (1) } \\ \text { H.U.D. } \end{gathered}$ | $\begin{gathered} 1979 \\ \text { (Census) } \end{gathered}$ | H.U.D. Change$1979-1984$ |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| County | Income | in 1979 S | Income | Amount | Percent |
| Bergen | \$27,300 | \$19.313 | \$27,517 | \$-8,204 | -29.8 |
| Essex | 32,200 | 22.780 | 19,931 | +2,849 | +14.3 |
| Hudson | 24,700 | 17.474 | 17,659 | - 185 | - 1.0 |
| Hunterdon | 33.750 | 23.877 | 26,618 | -2,741 | -10.3 |
| Middlesex | 33,750 | 23.877 | 25,603 | -1,726 | -6.7 |
| Morris | 32,200 | 22,780 | 29,283 | -6,503 | -22.2 |
| Passaic | 27.300 | 19,313 | 21,011 | -1,698 | -8.1 |
| Somerset | 33,750 | 23,877 | 29.172 | -5,295 | -18.2 |
| Sussex | 32,200 | 22,780 | 23,530 | - 750 | - 3.2 |
| Union | 32.200 | 22.780 | 25,266 | -2,486 | -9.8 |
| Warren | 28,000 | 19,809 | 23,412 | -3,603 | -15.4 |
| Region | $\$ 30.152$ | \$21.337 | \$23,929 | \$-2,592 | $\overline{-10.8}$ |

(1) H.U.D. $3 / 84(\mathrm{CPI}=307.3) / 1979 \mathrm{CPI}(217.4)=1.41315$

The use of the H.U.D. income estimates requires one to assume that the residents of one county (Bergen) had an actual decline in their income between 1979 and 1984, and that the residents of every other county in the elevencounty region, with the exception of Essex, have experienced a decline in their real personal income between 1979 and 1984. The assumptions implied by the use of the H.U.D. median income estimates are contrary, not only to logic, but to all other reports published by government agencies. According to the U.S. Department of Commerce, Bureau of Economics Analysis, Survey of Current Business. August 1983, Volume 8, p. 50, the per capita personal income of New Jersey residents increased from $\$ 9,792$ in 1979 to $\$ 13,089$ in 1982 . Even when adjusted to account for inflation using the Consumer Price Index, a per capita increase (in constant 1979 dollars), representing real income growth is reported, as opposed to the losses indicated by the H.U.D. income estimates for 10 of the 11 counties and for the 11 county-region, overall,

If realistic and meaningful results are sought to be achieved through a "Fair Share Method", equally realistic and meaningful data and procedures must be employed.

Since the current level of income of low- and moderate-income families is critical to the determination of the price of housing that such families can afford and, concomitantly, the magnitude of the internal subsidy that must be provided, this issue must be fully resolved before matter of "builder's remedies" can be addressed. The establishment of the low- and moderate-income levels will directly influence the percentage of the set-aside" and/or the density bonus required due to the contingent nature of the magnitude and depth of the "set-aside" subsidy. Thus it would be impracticable to evaluate any "builder's remedies" absent the resolution of this threshold issue.

Table 180. Income Characteristica ( 979 for Counties: 1980


Toble 180. Income Choracteristici-n 1979 for Counties: 1980-Con.


Section 8 Income Limits
Effective as of $5 / 11 / 84$



[^0]:    (4) 1980 Census of Population General Social and Economic Characteristics, New Jersey, PC80-1-32, T-180, 32-740, 741
    (5) In the situation concerning Warren Township, the Prospective Need Region inclusion of only three of the four Newark PMSA counties statistically distorts the income data which is reflective of a larger (and different) area than that actually included within the relevant region

[^1]:    (6) The 50 percent (low) and 50 to 80 percent (moderate) would be subject to further adjustments in qualifying larger- and smaller-sized families at the time of occupancy and compliance

