

Brief in opposition to II's motion to join
additional parties

P 27
—

CH000098B

MORRIS COUNTY FAIR HOUSING
COUNCIL, et. al.

Plaintiff

vs.

BOONTON TOWNSHIP, et. al.

Defendant

RANDOLPH MOUNTAIN INDUSTRIAL
COMPLEX, a New Jersey
Partnership

Plaintiff

vs.

THE BOARD OF ADJUSTMENT OF
THE TOWNSHIP OF RANDOLPH,
et. al.

Defendant

: SUPERIOR COURT OF NEW
JERSEY
: MIDDLESEX/MORRIS COUNTIES
Docket No. L-6001-78 P.W.
: Docket No. L-59128-85 P.W.

FILED

MAY - 1 1986

STEPHEN SKILLMAN, J.S.C.

RECORDED AND INDEXED
APR 30 10 37 AM '86

**BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION
TO JOIN ADDITIONAL PARTIES**

EDWARD J. BUZAK, ESQ.
Attorney for Defendant,
Township of Randolph
Montville Office Park
150 River Road, Suite A-4
Montville, NJ 07045

On the Brief:
Edward J. Buzak, Esq.
Deborah McKenna Zipper, Esq.

STATEMENT OF FACTS

The following brief is submitted in opposition to the motion brought by Plaintiff Morris County Fair Housing Council, et. al. to add the Randolph Township Planning Board, the Randolph Township Board of Adjustment, the Randolph Township Municipal Utilities Authority and the Rockaway Valley Regional Sewerage Authority to the foregoing action.

The brief is also in opposition to the motion brought to add the Randolph Township Municipal Utilities Authority brought by Plaintiff Randolph Mountain Industrial Complex.

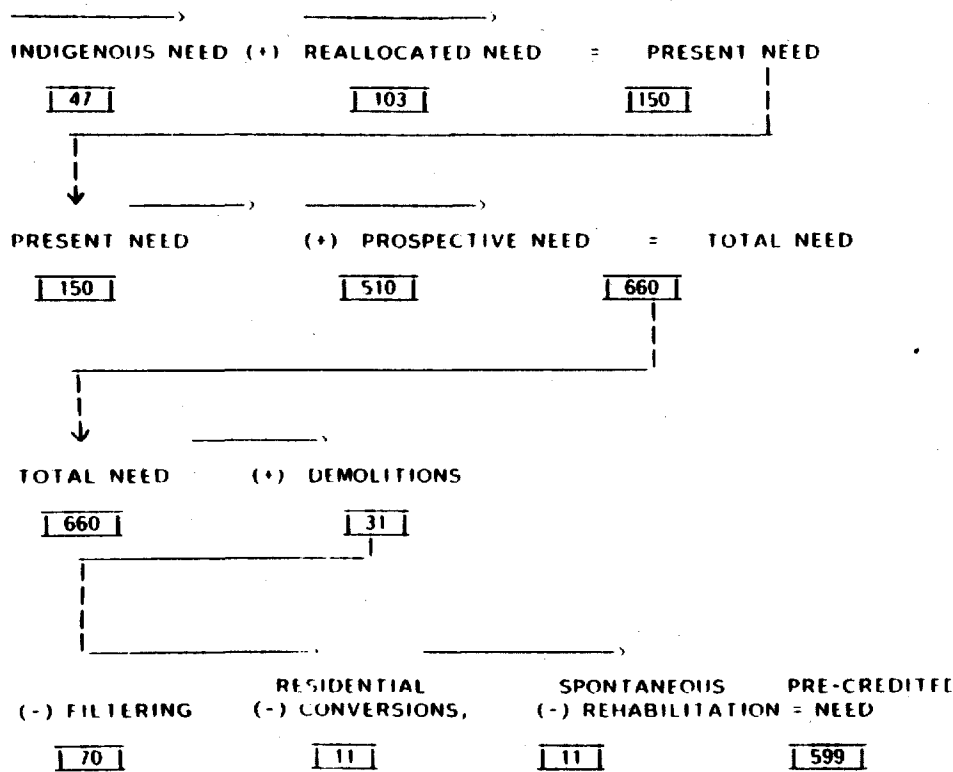
The following response is submitted on behalf of the Township of Randolph, the Randolph Township Planning Board and the Randolph Township Municipal Utilities Authority. The Randolph Township Board of Adjustment as of the date of preparation of this brief has not authorized the undersigned to file a brief on its behalf, although its own counsel, Kenneth Ginsberg, intends to submit a letter to the Court in connection with this matter.

The facts in this matter are well known and it would serve no purpose to reiterate those facts at this time. The trial court and the parties are fully familiar with this action which has been pending for almost eight years, the subject of a trial, a settlement, and an appeal before the Supreme Court.

An example for Johnsonville is provided to illustrate each of the specified calculations. The following flow diagram summarizes the sequence of calculations enroute to the determination of pre-credited need.

**FLOW DIAGRAM FOR THE CALCULATION OF
LOW- AND MODERATE-INCOME HOUSING NEED**

Using The Johnsonville Example



(b) Exhibit 1 in the Technical Appendix, *infra*, provides municipal specific base data that may be employed to determine municipal present and prospective need. Data for a hypothetical municipality, "Johnsonville," precedes the municipal base data for illustrative purposes. Exhibit 2 in the Technical Appendix, *infra*, duplicates the base data for each housing region that is presented in Columns A through I in this subchapter.

(c) The data contained in Exhibit 1 shall be used by parties appearing before the Council unless it can be shown that more appropriate data exist that justify a substitution. The Council shall determine, based on the documentation presented, which data shall be used to determine municipal present and prospective need.

(d) Selected municipalities receiving state aid (urban aid cities) pursuant to P.L. 1978, C.14 (N.J.S.A. 52:27D-178 et. seq.) as defined in N.J.A.C. 5:92-5.3 (b) shall calculate municipal pre-credited need as per the procedures delineated in N.J.A.C. 5:92-5.13.

(e) Filtering, residential conversions and spontaneous rehabilitation estimates by housing region as expressed in this subchapter differ slightly from those presented in the Technical Appendix, *infra*. This is because a municipality's total pre-credited need cannot be reduced below zero. Therefore, if the reduction to pre-credited need due to filtering, residential conversions and/or spontaneous rehabilitation reduces municipal pre-credited need to less than zero, the need for this municipality is maintained at zero.

Households

<u>Region</u>	<u>April 1</u>	<u>July 1</u>	
	<u>1980</u>	<u>1987</u>	<u>1993</u>
1. Northeast	663,080	693,661	704,281
2. Northwest	647,760	679,679	703,785
3. West Central	323,880	366,051	397,744
4. East Central	299,360	356,037	412,151
5. Southwest	454,280	510,636	555,293
6. <u>South-Southwest</u>	<u>172,960</u>	<u>193,974</u>	<u>214,628</u>
New Jersey	2,560,320	2,800,038	2,987,882

Source: The April 1, 1980 population and household estimates have been aggregated from the 1980 New Jersey Public Use Sample, U.S. Census Bureau.

SUBCHAPTER 4. ESTIMATED PRESENT AND PROSPECTIVE NEED

5:92 - 4.1 Need

The Council establishes the following estimation of present and prospective need for low and moderate income housing at the State and regional levels:

1987-1993 Present and Prospective Need

(Statewide and by Region)

<u>Region</u>	<u>Need</u>
1. Northeast	42,534
2. Northwest	28,773
3. West Central	14,720
4. East Central	23,247
5. Southwest	21,884
6. South-Southwest	14,549
<u>New Jersey</u>	145,707

SUBCHAPTER 5. MUNICIPAL DETERMINATION OF PRESENT AND PROSPECTIVE NEED

5:92 - 5.1 General

(a) Municipal present and prospective need shall be calculated by summing municipal indigenous need and the municipal share of the appropriate housing region's reallocated present need and prospective need. The resulting total shall be modified for secondary sources of supply/demand as described in this subchapter (see Technical Appendix, *infra*.) The result of this process is the determination of municipal pre-credited need. This is the figure municipalities shall address in their housing elements.

SUBCHAPTER 3. POPULATION AND HOUSEHOLDS

5:92 - 3.1 Purpose

This subchapter establishes population and household projections for the State and housing regions. These projections are drawn from the historical migration model, New Jersey Department of Labor, Division of Planning and Research, Office of Demographic and Economic Analysis, "Population Projections for New Jersey and Counties: 1990 to 2020, Volume 1, November 1985;" see: Technical Appendix, infra.

5:92 - 3.2 Population and household estimates
and projections

The Council establishes the following population and household estimates and projections for the State and housing regions:

<u>Region</u>	<u>Population</u>		
	<u>April 1</u>	<u>July 1</u>	
	<u>1980</u>	<u>1987</u>	<u>1993</u>
1. Northeast	1,849,900	1,845,841	1,820,525
2. Northwest	1,879,100	1,880,134	1,880,199
3. West Central	971,700	1,021,999	1,057,058
4. East Central	849,400	945,499	1,046,059
5. Southwest	1,342,000	1,418,557	1,484,565
<u>6. South-Southwest</u>	<u>473,900</u>	<u>507,749</u>	<u>542,858</u>
New Jersey	7,366,000	7,619,779	7,831,264

5:92 - 1.5 Substantive certification

Any grant of substantive certification may contain such conditions and terms as the Council considers necessary and which makes the achievement of a municipality's fair share obligation realistically possible.

SUBCHAPTER 2. HOUSING REGIONS

5:92 - 2.1 Regions defined

The housing regions of the State shall be composed of the following counties:

<u>Region</u>	<u>Constituent Counties</u>
1. Northeast	Bergen; Hudson; Passaic
2. Northwest	Essex; Morris; Sussex; Union
3. West Central	Hunterdon; Middlesex; Somerset; Warren
4. East Central	Monmouth; Ocean
5. Southwest	Burlington; Camden; Gloucester; Mercer
6. South Southwest	Atlantic; Cape May; Cumberland; Salem

5:92 - 2.2 Uses of regions

(a) The housing regions as set forth in N.J.A.C. 5:92-2.1 provide a definitive geographic base for the following uses:

1. The regions provide a housing market framework for determining population and household estimates and projections, as set forth in N.J.A.C. 5:92-3, and
2. The regions provide a framework within which estimates of the present and prospective need for low and moderate income housing may be made, as set forth in N.J.A.C. 5:92-4; and
3. The regions provide a structure for the allocation of fair share to the municipal level, as set forth in N.J.A.C. 5:92-5; and
4. The regions provide a basis for the negotiation of RCAs, as set forth in N.J.A.C. 5:92-11; and
5. The regions provide a framework for the appropriation of State funds made available under section 20 of the Act.

(a) A municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing, and shall contain at least:

1. 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;

2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

3. An analysis of the municipality's demographic characteristics, including but not limited to, household size, income level and age;

4. An analysis of the existing and probable future employment characteristics of the municipality;

5. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its

present and prospective housing needs, including its fair share for low and moderate income housing;

6. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

7. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;

8. Copies of necessary applications for sewer service and water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 U.S.C. §1251, et. seq.;

9. A copy of the most recently adopted municipal master plan and the immediately preceding, adopted master plan;

10. A copy of appropriate National Wetlands Inventory maps provided by U.S. Fish and Wildlife Service for designated sites;

11. A copy of appropriate U.S.G.S. Topographic Quadrangles for designated sites; and

12. Any other documentation as may be required by the Council.

"Set-aside" means the percentage of housing units devoted to low and moderate income households within an inclusionary development.

"State Development Guide Plan (SDGP)" means the officially recognized State plan for development, dated 1980, and promulgated by the New Jersey Department of Community Affairs pursuant to P.L. 1961 c.47(C.13:1B-15.52.).

"State Development/Redevelopment Plan (SDRP)" means the State plan for development promulgated by the State Planning Commission pursuant to P.L. 1985 c.398 (C.52:18A-196 et. seq.).

"Statement of intent" means a resolution adopted by a municipal governing body expressing an intent to enter into a RCA.

"Substantive certification" means a determination by the Council approving a municipality's housing element and fair share plan in accordance with the provisions of the Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein.

"Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in Subchapter 8, Municipal Adjustments.

"Surrogate" means a census indicator of deficient housing used in the calculation of present need as defined in Subchapter 5, Municipal Determination of Present and Prospective Need.

"Survey" means that independent determination of need undertaken by a municipality in preparing its housing element, which is developed and produced in a manner and in such form as is acceptable to the Council.

"Vacant land" means: 1. Undeveloped and unused land area; 2. Any non-residential areas with significant amounts of land not covered by impervious surfaces on site, as determined by the Council; 3. Land suitable for redevelopment or infill at higher densities; and 4. Residential areas with lot sizes in excess of two acres where environmental factors permit higher densities.

the tract, including the open-space, roadways, parking areas and common facilities devoted exclusively to that portion of the tract. The result is expressed as dwelling units per acre.

"Open-space" means any parcel or area of water or land essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and offstreet parking and other improvements that are designed to be incidental to the natural openness of the land.

"Petition for substantive certification" means that petition which a municipality files, or is deemed to have filed, which engages the Council's mediation and review process.

"Present need" means the total number of deficient housing units occupied by low or moderate income households as of July 1, 1987. "Present need" is the sum of indigenous need and reallocated present need.

"Prospective need" means a projection of low and moderate housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as determined and further described in Subchapter 4, Estimated Present and Prospective Need and Subchapter 5, Municipal Determination of Present and Prospective Need. In determining prospective need, consideration shall be given to approvals of development applications, real property transfers and economic projections

prepared by the State Planning Commission established by P.L. 1985, c.398 (N.J.S.A.52:18A-196 et. seq.).

"Reallocated present need" means that portion of a housing region's present need that is redistributed to designated growth areas.

"Receiving municipality" means, for purposes of a RCA, a municipality which agrees to assume a portion of another municipality's fair share obligation.

"Rehabilitated unit" means a previously deficient housing unit which has undergone significant renovation to meet municipal or other applicable housing code standards as further described in Subchapter 11, Regional Contribution Agreements (RCAs).

"Resolution of participation" means a resolution adopted by a municipality in which the municipality chooses to prepare a fair share plan and housing element in accordance with the Act.

"Section 8 income limits" means a schedule of income limits that define 50 percent and 80 percent of median income by household size. When used herein, Section 8 income limits shall refer to the "uncapped" schedule as contained in the Technical Appendix, infra.

"Sending municipality" means for purposes of a RCA, a municipality which transfers a portion of its fair share obligation to another willing municipality.

"Housing element" means that portion of a municipality's master plan consisting of reports, statements, proposals, maps, diagrams and text designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low and moderate income housing and which contains at least those items identified in section 10 of the Act.

"Housing region" means a geographic area, determined by the Council, of no less than two nor more than four contiguous, whole counties which exhibit significant social, economic and income similarities and which constitute, to the greatest extent practicable, the Primary Metropolitan Statistical Areas (PMSA) as last defined by the United States Census Bureau prior to July 2, 1985.

"Inclusionary development" means a residential housing development in which a substantial percentage of the housing units is provided for a reasonable income range of low and moderate income households.

"Indigenous need" means deficient housing units occupied by low and moderate income households within a municipality and is a component of present need. Municipal indigenous need, as a percentage of the total 1987 occupied housing stock, shall not exceed the percentage derived from dividing the deficient housing units occupied by low and moderate income households by the total 1987 occupied housing stock for the housing region in which the municipality is located.

"Inventory" means that calculation undertaken by a municipality in developing its housing element which accounts for its 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 in substandard housing capable of being rehabilitated, as provided for in section 10a of the Act.

"Low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located, and is subject to affordability controls.

"Moderate income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to or more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located, and is subject to affordability controls.

"Multifamily unit" means a structure containing two or more dwelling units.

"Municipal present need" means the sum of indigenous need and the municipal share of reallocated present need.

"Net density" means the total number of dwelling units within a designated portion of a tract divided by the total land area of the designated portion of

"Census subregion" means a geographic subdivision of the State by the United States Bureau of the Census.

"Conversion" means the conversion of existing commercial, industrial or residential structures for low and moderate income housing purposes where a substantial percentage of the housing units is provided for a reasonable income range of low and moderate income households.

"Council" means the New Jersey Council on Affordable Housing established under the Act and which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State.

"Covered employment" means those employees covered by the New Jersey Unemployment Compensation Law, P.L. 1936, c.270, as amended, (C.43; 21-1, et. seq.), and as further described in New Jersey Covered Employment Trends, December 1985, New Jersey Department of Labor, Division of Planning and Research, Office of Demographic and Economic Analysis.

"Covered employment change" means the yearly change in covered employment from 1977 through 1984 as measured by a linear regression equation.

"Deficient unit" means a housing unit that is not decent, safe or sanitary as further determined through census surrogates or on-site inspection and does not comply with local codes or other housing standards and is determined pursuant to the method described in N.J.A.C. 5:92-5.2.

"Developable site" means a site that has access to appropriate water and sewer infrastructure, and has received water consistency approvals from the New Jersey Department of Environmental Protection or its designated agent authorized by law to issue such approvals.

"fair share plan" means that plan or proposal, which is in a form that may readily be converted into an ordinance, by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low and moderate income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low and moderate income housing, as provided in sections 9 and 14 of the Act.

"Gross density" means the total number of dwelling units existing or permitted on a housing site divided by the total area of the tract. The result is expressed as dwelling units per acre.

"Growth area" means the lands so designated by the 1980 State Development Guide Plan as updated by the State Development and Redevelopment Plan.

"Growth area" shall also refer to lands designated as Regional Growth Areas and Pinelands Towns by the Pinelands Commission and areas designated as Development Regions and Extension Regions (including Central Corridor Barrier Islands) by the Division of Coastal Resources.

"Household" means the person or persons occupying a housing unit.

CHAPTER 92
SUBSTATIVE RULES OF THE NEW JERSEY
COUNCIL ON AFFORDABLE HOUSING

SUBCHAPTER 1. GENERAL PROVISIONS

5:92 - 1.1 Short title

The provisions of this chapter will be known as "the substantive rules and regulations of the New Jersey Council on Affordable Housing."

5:92 - 1.2 Severability clause

If any part of this chapter shall be held invalid, the holding shall not affect the validity of remaining parts of these rules. If a part of these rules is held invalid in one or more of their applications, the rules shall remain in effect in all valid applications that are severable from the invalid application.

5:92 - 1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise

"Act" means the Fair Housing Act of 1985, L. 1985, c.222 (C.52:27D-301 et seq.)

"Adjustment" means a reduction and/or deferral of the municipal low and moderate income housing obligation

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c.530 (C.55:14K-1 et seq.)

"Affordable" means a sales price or rent within the means of a low or moderate income household as defined in Subchapter 12, Controls on Affordability

"Alternative living arrangement" means a structure in which households maintain private rooms yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes but is not limited to Class C boarding houses as regulated by the New Jersey Department of Community Affairs, residential health care facilities as regulated by the New Jersey Department of Health, and congregate living arrangements.

"Approvable site" means a site that may be developed for low and moderate income housing in a manner consistent with the regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing

"Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing, upon which the owner has expressed a willingness to build low and moderate income housing, or to convey the land for this purpose, at a reasonable price, in keeping with comparable land sales in the area.

TABLE OF CONTENTS

Subchapter 1 - General Provisions

- 5:92-1.1 Short Title
- 5:92-1.2 Severability Clause
- 5:92-1.3 Definitions
- 5:92-1.4 Housing Element
- 5:92-1.5 Substantive Certification

Subchapter 2 - Housing Regions

- 5:92-2.1 Regions Defined
- 5:92-2.2 Use of Regions

Subchapter 3 - Population and Households

- 5:92-3.1 Purpose
- 5:92-3.2 Population and Household Estimates and Projections

Subchapter 4 - Estimated Present and Prospective Need

- 5:92-4.1 Need

Subchapter 5 - Municipal Determination of Present and Prospective Need

- 5:92-5.1 General
- 5:92-5.2 Indigenous Need (as of 1987)
- 5:92-5.3 Distribution of Need
- 5:92-5.4 Reallocated Present Need
- 5:92-5.5 Present Need (as of 1987)
- 5:92-5.6 Prospective Need 1987-1993
- 5:92-5.7 Total Need
- 5:92-5.8 Demolitions
- 5:92-5.9 Filtering
- 5:92-5.10 Residential Conversion
- 5:92-5.11 Spontaneous Rehabilitation
- 5:92-5.12 Pre-Credited Need
- 5:92-5.13 Calculation of Indigenous Need: Selected Urban Aid Cities
- 5:92-5.14 Low and Moderate Income Split

Subchapter 6 - Credits

- 5:92-6.1 Credits

Subchapter 7 - Drastic Alteration of the Established Pattern of Development

- 5:92-7.1 Drastic Alteration

Subchapter 8 - Municipal Adjustments

- 5:92-8.1 General Instructions
- 5:92-8.2 Adjustment Process
- 5:92-8.3 Adequate Recreation, Conservation and Open Space
- 5:92-8.4 Vacant and Developable Sites
- 5:92-8.5 Adequate Public Facilities and Infrastructure Capacities
- 5:92-8.6 Prohibitive Costs of Infrastructure

Subchapter 9 - Prioritizing

- 5:92-9.1 Prioritizing Vacant and Developable Sites

Subchapter 10 - Phasing of Present and Prospective Need

- 5:92-10.1 Phasing Plans
- 5:92-10.2 Phasing Schedules
- 5:92-10.3 Commencement Date of Phasing Schedule
- 5:92-10.4 General Provisions
- 5:92-10.5 Priority of Sites
- 5:92-10.6 Adjustments to Phasing Schedule

Subchapter 11 - Regional Contribution Agreements

- 5:92-11.1 General Provisions
- 5:92-11.2 Terms
- 5:92-11.3 Credits
- 5:92-11.4 Review by County Planning Board Or Other County Designated Agency
- 5:92-11.5 Amount and Duration of Contributions
- 5:92-11.6 Enforcement

Subchapter 12 - Controls on Affordability

- 5:92-12.1 General Provisions
- 5:92-12.2 Length of Controls on Affordability
- 5:92-12.3 Administrative Mechanism
- 5:92-12.4 Initial Pricing
- 5:92-12.5 Annual Indexed Increases
- 5:92-12.6 Subsidy To Insure Affordability
- 5:92-12.7 Procedures of Resale
- 5:92-12.8 Eligible Capital Improvements
- 5:92-12.9 Impact Of Foreclosure On Resale
- 5:92-12.10 Excess Proceeds Upon Foreclosure

Technical Appendix

ECONOMIC IMPACT

Creation of housing units affordable to low and moderate income households will provide them access to sound shelter within their means. Location of such housing at many sites may, with the option to reserve such housing for local employees who are nonresidents, reduce commuting distances. Reduced distances will lower individuals' commuting cost and help conserve the State's costly and scarce highway network including many roads reaching or exceeding design capacity. In-fill housing and rehabilitation may reduce expenditures on sewer and water extensions by utilizing existing systems with excess capacity.

SOCIAL IMPACT

The public will benefit since the rules will be the basis for creation of additional housing affordable to low and moderate income households. The existence of a variety of housing types in all municipalities will increase consumer choice. Hardship conditions due to high housing costs or housing unavailability in some areas will be lessened. Residents in deficient housing will particularly benefit from increased housing choice. This may exacerbate long-term trends of urban out-migration and decline. However, Regional Contribution Agreements (RCAs) are possible. RCAs are intended to provide municipalities that exhibit extensive deficient housing and limited financial resources with additional means to upgrade or otherwise provide sound housing opportunities within their existing neighborhoods and community.

ENVIRONMENTAL IMPACT

The environmental impact of higher density, inclusionary developments affordable to low and moderate income households will be less if located under a comprehensive and consistent local housing element and master plan, and, if located with reference to applicable county, regional and State plans. The regulations provide for consistency with applicable policies, plans and/or programs of the New Jersey Department of Environmental Protection including Green Acres, Coastal Zone Management, the Pinelands Commission and the Hackensack Meadowlands.

Full Text of the proposed new rules follows.

The agency proposal follows

SUMMARY

The Fair Housing Act, N.J.S.A. 52:27D-301 et seq., enacted by the New Jersey Legislature in 1985, establishes a nine member Council on Affordable Housing. The Council is directed to prepare a comprehensive planning and implementation response to the constitutional obligation to provide, through municipal land use regulations, a realistic opportunity for a fair share of regional present and prospective needs for housing for low and moderate income households. The law specifies that the Council will estimate state and regional fair share and establish guidelines and criteria.

Officials at the municipal level shall determine fair share need and prepare a municipal housing element that incorporates that need. The Council is directed to review the local fair share need and housing element and is empowered to certify the housing element.

The proposed new rules implement the intent of the legislature to provide for timely achievement of an appropriate fair share of the regional need for low and moderate income housing.

The Council has assembled various background studies and data that are provided in a Technical Appendix to this rule. These studies and data are illustrative of the rule and are published as a matter of public information.

The Technical Appendix includes the following:

- A. Approach 1987-1993 Low and Moderate Income Housing Need Estimates;
- B. Exhibit 1 - Base Data, Municipal Determination of Pre-Credited Need; Exhibit 2 - Base Data by Housing Region;
- C. Growth Area Allocation Index Totals;
- D. Section 8 Income Limits
- E. Average Cost of Replacing Major Systems for Housing Rehabilitation
- F. County Review Checklists

DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING
SUBSTANTIVE RULES

PROPOSED NEW RULES. N.J.A.C. 5:92

Authorized by: Arthur R. Kondrup, Chairman, Council on Affordable
Housing

Authority: N.J.S.A. 52:27D-301 et. seq. specifically 52:27D-307.

Proposal Number: PRN 1986-220

Public hearings concerning this proposal will be held on:

June 19, 1986 at

1:30 P.M. to 4:30 P.M.
Bergen County Court House
Administration Building
Main Street
Hackensack, New Jersey

June 23, 1986 at

1:30 P.M. to 4:30 P.M.
Somerset County College
Route 28
Welpe Theatre
North Branch, New Jersey

June 26, 1986 at

1:30 P.M. to 4:30 P.M.
Cherry Hill Inn
Route 38 and Haddonfield Road
Cherry Hill, New Jersey

Submit comments by July 2, 1986 to:
Douglas V. Opalski, Executive Director
New Jersey Council on Affordable Housing
375 West State Street
Trenton, New Jersey 08618

FAIR SHARE HOUSING CRITERIA AND GUIDELINES
AS PER N. J. S. A. 52:27D - 301 ET SEQ.

Date: May 5, 1986

EXHIBIT I

FILED

JUL 15 1986

Supplemental Attachments* **STEPHEN SKILLMAN, JSK**Exhibit

Proposed Substantive Regulation of the Council on Affordable Housing, June 2, 1986.	I
Municipal Present, Prospective and Pre-Credited Need as Estimated by the Council on Affordable Housing, May 21, 1986.	J
Procedural Rules, Council on Affordable Housing, June 16, 1986.	K
Brief of the Attorney General, <u>In The Matter of Certain Amendments to the Adopted And Approved Solid Waste Management Plan of The Morris County Solid Waste Management District, Dkt. No. A-1628 (App. Div., Filed June 16, 1986)</u> Pp. 54-55.	L
Proportion of Income Paid Households By Income in Randolph Twp. For Gross Rent, U. S. Census 1980.	LL
Median Contract Rent For Renters in Randolph Township, Median Family Income in New Jersey, U. S. Census 1970, 1980.	M
Transcript of Deposition of Adrian Humbert, January 3, 1984, Pp. 39-44.	N

* Exhibits are lettered consecutively with the exhibits in plaintiffs' attachments in support of their application concerning Randolph Township. All exhibits in this supplemental attachments are submitted in support of plaintiffs' applications concerning both Denville Township and Randolph Township.

