

# AFFORDABLE HOUSING

## THIRD ROUND MIDPOINT REVIEW

PREPARED FOR:

**Borough of Tinton Falls**  
Monmouth County, New Jersey

**June 30, 2020**

Prepared By:



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## ***Affordable Housing Midpoint Review Report***

### ***Borough of Tinton Falls, Monmouth County, New Jersey***

CME Associates (“CME”) is pleased to provide this mid-point review report for the Borough of Tinton Falls outlining the progress made by the Borough since the adoption of the Housing Plan Element and Fair Share Plan by the Planning Board in March of 2019. This report should serve to satisfy one of the major items of the Borough’s affordable housing compliance reporting in the Third Round (1999-2025).

#### ***Purpose***

The Borough of Tinton Falls’ Settlement Agreement with Fair Share Housing Center (“FSHC”) requires that the Borough comply with the statutory midpoint review requirements of the Fair Housing Act (“FHA”) and specifically N.J.S.A. 52:27D-313, which provides in relevant part: “[t]he Council shall establish procedures for a realistic opportunity review at the midpoint of the certification period and shall provide for notice to the public.” Pursuant to the FSHC Settlement Agreement, that review requires the Borough to post on its website, with a copy to FSHC, and an opportunity for comment, a status report regarding its compliance mechanisms and whether or not unbuilt sites/unfulfilled non-deferred mechanisms continue to present a realistic opportunity.

#### ***Relevant Background***

The Borough of Tinton Falls’ Settlement Agreement with Fair Share Housing Center was signed by the by the Borough on April 20, 2018. Subsequently, the Borough received a final Judgment of Compliance and Repose from the court on July 17, 2019. A summary of the status and realistic opportunity provided by the various mechanisms included within the Borough’s compliance plan is included below.

#### ***Status and Realistic Opportunity Review***

The status of each project and mechanism included within the Borough’s compliance plan is included within the attached forms (Exhibits A-E), as provided by FSHC. As demonstrated within the Borough’s compliance plan and through the supplementary information include within the attached forms, the mechanisms within the Borough’s plan continue to represent a realistic opportunity for the construction of affordable housing in Tinton Falls.



### **Trust Fund Monitoring:**

Since December 31, 2018, the date of accounting for the court approved spending plan when the Borough had a total of \$1,109,151.00 in its Affordable Housing Trust Fund, Tinton Falls has collected revenues of \$137,855 in affordable housing fees, and \$23,917 in interest to the account. In the same time frame, the Borough has used \$124,232 for administrative costs, and \$116,463 towards affordable housing activity. As of June 30, 2020 the Borough has a balance of \$1,061,057.51 remaining its Affordable Housing Trust Fund to assist in the production of affordable housing for low and moderate income households.

### **Rehabilitation Monitoring:**

The Borough continues its participation in the Monmouth County Home Improvement Program, which rehabilitates owner occupied homes in the County. Since the adoption of the Borough's Housing Plan Element, one additional home in the Borough has been rehabilitated by the Monmouth County program.

The Borough is in the process of initiating its own rehabilitation program for both owner occupied units and renter occupied units.

### **Prior Round and Third Round Monitoring:**

The Borough has satisfied its Prior Round obligation, and is working towards satisfaction of the agreed upon mechanisms to address its Third Round obligation. To this end, the following projects were included in the Housing Plan Element, but have not yet been fully constructed and occupied:

- Carney Site (developers agreement in place)
- Lennar/Ft Monmouth (under construction)
- Hovtown (approved)
- Essex St Veterans Housing (approved)

Although not yet constructed, each of these sites and projects remain realistic opportunities for the development of affordable housing. All other projects included in the Housing Plan have been constructed and occupied.

### **Very Low Income Monitoring:**

Very Low income status monitoring is not due until 30 days after the third anniversary of the signing of the settlement agreement, which will be in May of 2021.



## Comments

Any interested party is invited to submit comments to the Borough of Tinton Falls with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity for the development of affordable housing, and should be replaced. Comments may be directed to the Borough Clerk with a copy to Fair Share Housing Center.

Melissa Hesler, Borough Clerk  
Borough of Tinton Falls  
556 Tinton Avenue  
Tinton Falls, NJ 07724  
[BoroughClerk@tintonfalls.com](mailto:BoroughClerk@tintonfalls.com)

Adam Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
[AdamGordon@fairsharehousing.org](mailto:AdamGordon@fairsharehousing.org)

## Conclusion

The Borough is on track to satisfy its affordable housing obligations as determined by the settlement agreement, the final judgment of compliance and repose, and as outlined in the adopted Housing Plan Element and Fair Share Plan that was approved by the court.

## **EXHIBITS:**

Affordable Housing Trust Fund Monitoring

Rehabilitation Monitoring

Prior Round and Third Round Monitoring

Affordable Housing Questions

**EXHIBIT A:**  
**AFFORDABLE HOUSING TRUST FUND MONITORING**

## 1. GENERAL INFORMATION AND TRUST FUND MONITORING

<b>MUNICIPALITY NAME:</b>	Borough of Tinton Falls
<b>COUNTY:</b>	Monmouth County
<b>Date through which funds reported:</b>	20-Jun-20
<b>Name of person filling out form and affiliation/role:</b>	Christopher Dochney, CME Associates, Borough Planning and Administration Consultant
<b>Date of filling out form:</b>	29-Jun-20
<b>Email:</b>	<a href="mailto:cdochney@cmeusa1.com">cdochney@cmeusa1.com</a>
<b>Municipal Housing Liaison for municipality:</b>	
<b>Email:</b>	
<b>Income Limits Year Being Used by Municipality*:</b>	2019

(Note: Date in Approved Spending Plan = date through which revenues/expenditures are shown in the approved spending plan; if no approved spending plan, show revenues/expenditures through June 30, 2015 in Column B and beginning July 1, 2015 in Column C.)

### TRUST FUND INFORMATION\*\*\*\*

	Inception - December 31, 2018	January 1 2019 to Present	Total
<b>REVENUE SUMMARY</b>			
Barrier Free Escrow			\$0
Development Fees		\$ 137,855	\$137,855
Interest Earned		\$ 23,917	\$23,917
Other Income			\$0
Payments-in-Lieu of Construction			\$0
<b>TOTAL</b>	<b>\$ 1,109,151</b>	<b>\$ 161,772</b>	<b>\$1,270,922</b>
<b>EXPENDITURE SUMMARY</b>			
Administration**		\$ 124,232	\$124,232
Affordability Assistance***		\$ (30,830)	-\$30,830
Very Low-Income Affordability Assistance			\$0
Barrier Free Conversions			\$0
Housing Activity		\$ 116,463	\$116,463
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 209,865</b>	<b>\$209,865</b>

**EXHIBIT B:**  
**REHABILITATION MONITORING**



**2. REHABILITATION**

Total Third Round rehabilitation obligation	<b>89</b>
Rehabilitation program administrator(s) with email, phone number, and address: (if multiple rehab programs list administrator for each)	<b>Monmouth County</b>
Period of time covered (Only completed rehabs since either the adoption of the Housing Element and Fair Share Plan or the previous annual report should be included on this sheet):	<b>March 2019 - June 2020</b>

Please list below all units rehabilitated towards the municipality's Third Round rehabilitation obligation.

2			3					4	5	7	8	9	10	11	12	13				
Street Address	Case Number (if applicable)	Rehab program used (e.g. county program, municipal rental rehab)	Block	Lot	Unit Number	Owner	Renter	Very Low	Low	Moderate	Final Inspection Date (mm/dd/yy)	Funds expended on hard costs (\$)	Funds recaptured	Major system(s) repaired	Was unit below code and raised to code? (Y/N)	Effective date of affordability controls (mm/dd/yy)	Length of affordability controls (years)	Affordability control removed (Y/N)	Creditworthy (Y/N)	
19 Almar Avenue		County	137.02	6		X						\$10,000.00		HVAC			10		Y	

Comments:

**EXHIBIT C:**  
**PRIOR ROUND AND THIRD ROUND MONITORING**

3. PRIOR AND THIRD ROUND MONITORING

Site / Program Name:	ARC of Monmouth	RCA Trenton	The Pines	TF Senior Housing	Meadowbrook (Pines II)	Society Hill	Fox Chase
Project developer:	ARC of Monmouth	N/A	The Pines at Tinton Falls LLC		Meadowbrook Apartments LLC		
Compliance Mechanism:	Support and special needs	RCA (approved pre-2008)	Inclusionary zoning	Inclusionary zoning	100% Affordable	Inclusionary zoning	Inclusionary zoning
Compliance Mechanism #2 (if project has multiple):							
Round:	Prior Round	Prior Round	Prior and Third Round	Prior Round	Prior and Third Round	Prior and Third Round	Prior and Third Round
Block (if multiple separate by commas):	117		123	124	123	26, 26.01	129, 129.01, 129.08, 129.09
Lot (if multiple separate by commas):	42.01		49.03	19.01	49.05	varies	varies
Address:	1150 Wayside Avenue	City of Trenton	Pine Street	Shafto Road	Asbury Avenue	Varies	varies
Construction required to begin by (for mechanisms other than inclusionary development):							
Status:	Built	Built	Built	Built	Built	Built	Built
If project has site plan /or subdivision approval, date building permits received (DD/MM/YYYY):							
If "approved not built" or "under construction," date of site plan and/or subdivision approval:							
If "under construction," expected date of completion:							
Date of issuance of C.O.:							
If "built," date controls began:		1/1/2005	10/20/2004	8/8/1998		1/1/2010	1989 - 2019
Length of Affordability Controls (years):			30	30	30	30	30
Administrative Agent or other entity responsible for affirmative marketing:	ARC of Monmouth		CME Associates, 1460 Route 9 South, Howell, NJ 07731			CME Associates, 1460 Route 9 South, Howell, NJ 07731	CME Associates, 1460 Route 9 South, Howell, NJ 07731
Contribution (for payments in lieu)							
Total Affordable Housing Units Proposed	24	50	95	120	96	80	95
Total Affordable Housing Units Completed to Date	24	50	95	120	96	80	95
Type of Affordable Units:							
Family	0	0	0	0	12	80	95
Family For-Sale	0					80	95
Family Rental					12		
Senior	0	0	95	120	84	0	0
Senior For-Sale	0						
Senior Rental	0		95	120	84		
Supportive/Special needs	0	0	0	0	0	0	0
Supportive For-Sale	0						
Supportive Rental	0						

Bedroom/Income Splits:

1 BR/or Efficiency Affordable Units	0	0	0	0	0	0	0
Very Low-Income:							
Low-Income:							
Moderate-Income:							
2 BR Affordable Units	0	0	0	0	0	0	0
Very Low-Income:							
Low-Income:							
Moderate-Income:							
3+ BR Affordable Units	0	0	0	0	0	0	0
Very Low-Income:							
Low-Income:							
Moderate-Income:							
Supportive/Special Needs Units:	24	0	0	0	0	0	0
Very Low-Income:	24						
Low-Income:							
Moderate-Income:							





**3. PRIOR AND THIRD ROUND MONITORING**

Site / Program Name:	Society Hill	Fox Chase
Project developer:		
Compliance Mechanism:	Extension of expiring controls	Extension of expiring controls
Compliance Mechanism #2 (if project has multiple):		
Round:	Third Round	Third Round
Block (if multiple separate by commas):	Various	Various
Lot (if multiple separate by commas):	Various	Various
Address:		
Construction required to begin by (for mechanisms other than inclusionary development):		
Status:		
If project has site plan /or subdivision approval, date building permits received (DD/MM/YYYY):		
If "approved not built" or "under construction," date of site plan and/or subdivision approval:		
If "under construction," expected date of completion:		
Date of issuance of C.O.:		
If "built," date controls began:		
Length of Affordability Controls (years):		
Administrative Agent or other entity responsible for affirmative marketing:	CME Associates, 1460 Route 9 South, Howell, NJ 07731	CME Associates, 1460 Route 9 South, Howell, NJ 07731
Contribution (for payments in lieu)		
Total Affordable Housing Units Proposed	80	95
Total Affordable Housing Units Completed to Date	80	95
Type of Affordable Units:		
<i>Family</i>		
Family For-Sale		
Family Rental		
<i>Senior</i>		
Senior For-Sale		
Senior Rental		
<i>Supportive/Special needs</i>		
Supportive For-Sale		
Supportive Rental		

**Bedroom/Income Splits:**

<b>1 BR/or Efficiency Affordable Units</b>	0	0
Very Low-Income:		
Low-Income:		
Moderate-Income:		
<b>2 BR Affordable Units</b>	0	0
Very Low-Income:		
Low-Income:		
Moderate-Income:		
<b>3+ BR Affordable Units</b>	0	0
Very Low-Income:		
Low-Income:		
Moderate-Income:		
<b>Supportive/Special Needs Units:</b>	0	0
Very Low-Income:		
Low-Income:		
Moderate-Income:		

**EXHIBIT D:**  
**AFFORDABLE HOUSING QUESTIONS**

***Affordable Housing Compliance  
Midpoint Review Questions***

In addition to updating the attached monitoring spreadsheet with up to date information on each project in your approved settlement/fair share plan, please answer the following questions in narrative form:

**Conditions of Compliance**

1. What conditions from the court's approval of the municipal housing element and fair share plan and judgment of compliance and repose (or whatever standard terms is being used), if any, have not yet been satisfied? Explain the reasons for any delay and the steps the municipality is taking to satisfy the condition(s).

**Response:** *There are no conditions listed in the Judgment of Compliance and Repose, or the Settlement Agreement that have not been satisfied.*

**Developments that Are Not Completed**

2. For each court-approved inclusionary development project that is not yet constructed, please provide a narrative as to its status and any progress towards construction.

**Response:** The following inclusionary development projects were included in the Borough's Housing Plan Element and Fair Share Plan, but have not yet been fully constructed and occupied:

**Carney Site:** *The Borough has entered into an agreement with the developers of this site to permit up to 12 dwelling units per acre of senior housing, with a required 20% set aside for affordable housing that could produce 32 affordable units. Although the zoning is in place, no development application has been submitted. The site remains available, and suitable for development with inclusionary housing.*

**Lennar:** *This site within the former Fort Monmouth area was granted a subdivision and site plan approval by the Borough's Planning Board on February 28, 2018. The project includes 288 total dwellings, with 38 affordable family rentals, and 20 supportive needs units for veterans. The project is currently under construction.*

**Hovtown:** *Hovtown Village has been approved for the construction of 108 units with 18 affordable family for sale units. The project is still pending construction, however it remains available and suitable for development, and still presents a realistic opportunity for the production of affordable housing.*



3. Have any non-inclusionary development projects (including 100% affordable projects, group homes, accessory apartments, market-to-affordable, extensions of affordability controls, etc.) included in the court-approved plan not yet been built/converted to affordable housing/controls extended? If yes, explain how many units, if any, have been built for each non-inclusionary project or mechanism and when construction is expected to be completed on the remaining units.

**Response:** *The following non-inclusionary projects included in the Borough's Housing Plan Element and Fair Share Plan have not yet been completed:*

**Essex Street Veterans Housing Project (Soldier On):** *This project is a 100% affordable project that will provide permanent housing to veterans. The property, Block 128.03, Lot 5, is Borough owned and will be donated to Soldier On, the non-profit developer of the project. The Borough and the developer of the project have signed a developer's agreement to permit 100 affordable units for low and moderate income veterans to be constructed. Site Plan approval was granted by the Borough Planning Board on July 8, 2018. As construction permit documentation was recently submitted to the Borough, construction should commence within the next few months.*

**Lennar Supportive Housing:** *This development is part of the Lennar development noted above within the Fort Monmouth Redevelopment Area of the Borough. The project has been approved for 20 units of affordable veteran housing is currently under construction.*

**Additional Special Needs Facilities:** *The following projects were not included in the Borough's court approved Housing Plan, however several special needs facilities were recently identified to be operating in the Borough, and provide additional affordable housing opportunities for individuals with special needs:*

- *Association for the Multiple Impaired Blind (AMIB) – 4 Almar Avenue*
- *AWS Foundation Home – 31 Stratford Road*
- *AWS Foundation Home – 183 Cloverdale Circle*
- *Sober Living – 1 McMenemy Place*

4. Are there any projects that have missed any construction deadline established in the court-approved Settlement Agreement, or other mechanisms (e.g. market-to-affordable, accessory apartments, extensions of affordability controls) that have not met the completion schedule set forth in the Settlement Agreement or Housing Element and Fair Share Plan? If yes, what steps is the municipality taking to complete construction and what is the current timetable?

**Response:** *The Borough has not missed any construction deadlines established in the Settlement Agreement of the Judgment of Compliance.*

5. Are all unbuilt developments currently in a sewer service area, and if not what has the municipality done to incorporate the site into a sewer service area? Are there any barriers to obtaining water or sewer for any unbuilt site? Are there any other regulatory conditions (e.g. changes to DEP permits or conditions) that make it not possible to complete any site as originally contemplated?

**Response:** *All unbuilt projects in Tinton Falls are located within a sewer service area.*

### **Rehabilitation Obligation**

6. Is the rehabilitation program being administered by a municipality, county, or both? Do the program(s) include rental rehabilitation? If the municipality has not met at least half of its rehabilitation obligation by this midpoint review, what affirmative steps is the municipality taking to meet the obligation and to facilitate participation by homeowners and/or landlords?

**Response:** *As per the settlement agreement with Fair Share Housing Center, the Borough's Rehabilitation obligation is anticipated to be met through continued participation in the Monmouth County Home Rehabilitation Program. Since the adoption of the Housing Plan Element and Fair Share Plan, there has been one additional home rehabilitated by the County.*

*The Borough is also in the process of establishing and marketing their own housing rehabilitation program as envisioned in the Fair Share Plan, which will be funded by the affordable housing trust fund, and will be available to both owner occupied dwellings and rental properties.*

### **For Municipalities with a Prior Round and/or Third Round Vacant Land Adjustment (note please make sure any development referenced in the answers to these questions that includes or will include affordable housing is also in the monitoring spreadsheet):**

**Response:** *Tinton Falls did not have a Vacant Land Adjustment. This question does not apply.*

### **For Municipalities with a Prior Round and/or Third Round Durational Adjustment:**

**Response:** *Tinton Falls did not have a Prior Round or Third Round Durational Adjustment. This question does not apply.*